

New updated noise bylaw clears Council hurdle

A new and updated noise bylaw, one which is intended to address the growth and evolution of the community, has cleared its final hurdle at Council.

Lawmakers signed off on the revised noise bylaw at the last Council meeting after several debates on the subject.

“The former bylaw was outdated and did not address community expectations or changing legislative requirements,” said the Town in a statement following the meeting. “The revisions to the noise bylaw were established based on best practice review, analysis of legislation, and resident feedback provided during public consultation opportunities.

“The changes made to the bylaw aim to strike a balance between respecting property rights and providing flexibility for events like birthday parties, weddings, and religious holidays.”

The new bylaw will go into effect when the appropriate bylaws are formally ratified by Council at a date to be determined.

But the recent approval of the new measures contained in the bylaw wasn't unchallenged.

As the provisions reached the finish line on September 28, Councillor Rachel Gilliland once again outlined her concerns as they relate to the powers of bylaw officers to enter on to private property if they receive a noise complaint.

“A Municipal Law Enforcement Officer, or any individual authorized to enforce this bylaw on behalf of the Town, may,” the new bylaw notes, “at any reasonable time enter upon any land for the purpose of carrying out an inspection to determine whether the following are being complied with: this bylaw; any permit issued pursuant to this bylaw; any direction or order under this bylaw; an order issued under Section 431 of the Municipal Act.

“Where an inspection is conducted pursuant to this section, a Municipal Law Enforcement Officer or any other individual authorised may: require the production for inspection of documents or things relevant to the inspection; inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts; require information from any person concerning a matter related to the inspection; and alone or in conjunction with a person possessing special or expert knowledge, make examinations, or take tests, samples or photographs necessary for the purpose of the inspection.

“No person shall hinder or obstruct or attempt to hinder or obstruct the Town, its employees, officers or agents, from carrying out any powers or duties under this bylaw.”

The concerns raised by Councillor Gilliland were not new, nor was she alone in her line of questioning.

“My concerns were the process and language in which the bylaw was written to where an officer would aimlessly be able to walk into someone's backyard to mitigate a situation that they found was important to investigate,” she said, asking for clarification.

The question was fielded by municipal CAO Doug Nadorozny who said staff would be “compelled” to “use their discretion and to not go in too heavy-handed.”

“The issue with that is this bylaw is also enforceable by Police and the Police would not be obligated to follow our bylaws,” he said. “We're trying to leave language that is consistent with rules and policies that they have. We have been assured by [the Bylaw Manager] that staff will be instructed to obviously use the appropriate amount of discretion before being heavy-handed.”

Councillor Wendy Gaertner also questioned enforcement, but from a different angle.

For residents to be protected by this bylaw from undue noise, bylaw officers need to be available to answer the call, she said.

?We need to have bylaw officers on the ground on weekends after 10 p.m. because I imagine that is when a lot of the noise bylaw complaints happen,? she said. ?That is just a comment to Council and on behalf of residents. I think that makes sense.?

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