

**COMMUNITY AND PROTECTIVE
SERVICES COMMITTEE
REPORT 23
24 MAY 2017**

140

**COMITÉ DES SERVICES
COMMUNAUTAIRES ET DE
PROTECTION
RAPPORT 23
LE 24 MAI 2017**

**EXTRACT OF MINUTES 23
COMMUNITY AND PROTECTIVE
SERVICES COMMITTEE
18 MAY 2017**

**EXTRAIT DU PROCÈS-VERBAL 23
COMITÉ DES SERVICES
COMMUNAUTAIRES ET DE
PROTECTION
LE 18 MAI 2017**

NOISE BY-LAW REVIEW

ACS2017-EPS-GEN-0010

CITY WIDE

REPORT RECOMMENDATIONS

That the Community and Protective Services Committee recommend that Council:

- 1. Approve the repeal of the Noise By-law (2004-253, as amended) and the re-enactment of the by-law as described in Document 1 and in this report to:**
 - a) define and specify bass noise in the general provision of the by-law that addresses noise likely to disturb;**
 - b) reduce the maximum noise threshold for construction exemptions from 90 dB(A) to 85 dB(A), in accordance with provincial standards;**
 - c) exempt municipal waste collection;**
 - d) enable charging of companies for after-hours waste collection and deliveries; and**
 - e) reduce permitted car alarm time to 5 minutes from 20.**
- 2. Authorize the Manager, By-law & Regulatory Services Branch, to finalize and make minor adjustments to the amended and re-enacted by-law to give effect to the intent of Council.**

Anthony Di Monte, General Manager, Emergency and Protective Services introduced Roger Chapman, Manager, By-law and Regulatory Services who gave a brief PowerPoint presentation assisted by Jerrod Riley, Specialist, By-law Review and Christine Hartig, Coordinator, By-law Issues Management. A copy of the presentation is held on file with the City Clerk's office.

Following the presentation, the Committee heard from the following public delegations:

1. *John DeVries, President, Ottawa Construction Association and Tim Vezina, Tomlinson Construction – They were in support of the report but not in favour of any motion that would change the hours of construction on Saturday mornings. Especially important if rain delays or on hot days where mornings are cooler. A decrease of 2 hours on a Saturday may not make it worthwhile for workers to come in.

Committee members had a number of questions for the delegation with regards to the number of workers this would impact, the number of complaints (63 in 2016) and ensuring compliance to 7 AM start.

2. Christine Leadman, Bank Street BIA – Is in support of the recommendations and thanked staff for their work. She stated however that the consultation and notification could have been better.
3. *Carole Anne Piccinin and Andrew Vincent, Ottawa Festival Network, Ottawa Music Industry Coalition and Music Canada Live - They were not consulted during the most recent review and as a result they have not had an opportunity to look at the potential impacts. They will work together with staff and the festivals, including education; by-law shares what it has learned with the industry.
4. Dale Harley, National Capital Heavy Construction Association – In support of the report as long as the 7 AM start on Saturdays is not changed. He noted that only 8% of complaints are construction related and the Saturday morning start is only an extremely small part of those complaints. When you only have 8-10 months a year to do this work you impact the work by reducing the time you're allowed to work.
5. William Hopkins – He is representing the people who work from home and he is

asking the City to curtail noise. It is a health issue. They are asking the City to ban boom boxes in residential areas of the city.

6. William Wood, Greater Ottawa Home Builders Association - They are in support of staff recommendations and the report.

[* All individuals marked with an asterisk either provided their comments in writing or by email; all such comments are held on file with the City Clerk.]

Committee's questions to staff and discussions touched upon many of the delegations' concerns, and also upon the following:

- The infill regulations have a start time of 9 AM on Saturdays. Would it not be better to have it unified and have 9 AM for all construction on Saturday?
- Is there a way to work with the festival group over the 2017 season and come up with a standard operating procedure so all of them know that when a by-law officer arrives there is some objectivity to the process that everyone understands? Standard practice is to work directly with event organizers.
- Residential garbage pick-up is not a problem with only 1 complaint but commercial pick-ups that start at 4 AM generates a number of complaints.
- Most residents understand the need for snow clearing at almost any hour but Chair Deans has a motion with regards to the back-up alarm.

Councillor Nussbaum introduced his motion. Committee members discussed their support or support for the motion.

Motion N^o. 23/3

Moved by Councillor T. Nussbaum

**WHEREAS staff is recommending no changes to permitted construction times;
and**

WHEREAS the current by-law provides for general construction to occur between 7 a.m. and 10 p.m., daily Monday to Saturday, and 9 a.m. to 10 p.m. on Sundays and statutory holidays; and

WHEREAS additional provisions for infill construction, demolition and construction on small lots in residential communities, limit construction to the period from 7 a.m. to 8 p.m. on weekdays, and from 9 a.m. to 7 p.m. on weekends and statutory holidays recognizing the adverse impact of early morning Saturday construction noise in residential communities;

WHEREAS a majority of respondents to the City's on-line survey indicated a preference that construction hours be curtailed;

WHEREAS should any construction project require for operational reasons additional construction hours beyond what is permitted by the noise by-laws, including an earlier start time on Saturday mornings, an exemption can be sought;

WHEREAS the exemption process provides an opportunity to address mitigation measures or approaches specific to the individual project;

THEREFORE BE IT RESOLVED that staff Recommendation 1 be amended to add an (f) to read as follows:

- (f) That the by-law provides for general construction to occur between 7 a.m. and 10 p.m., daily Monday to Friday, and 9 a.m. to 10 p.m. on Saturday, Sundays and statutory holidays.**

LOST on a division of 3 yeas and 4 nays, as follows

YEAS (3) Councillors: M. Fleury, T. Nussbaum, S. Qadri,

NAYS (4) Councillors: R. Chiarelli, G. Darouze, K. Egli, D. Deans

Chair Deans introduced her motion

MOTION N^o. 23/4

Moved by: Councillor Deans

WHEREAS currently the City of Ottawa Noise By-law provides a complete exemption for snow clearing and removal and;

WHEREAS the Noise By-law review identified that 59% of residents indicated that snow clearing and removal are too important to restrict and that any changes to the by-law would have adverse effects on their lives and;

WHEREAS even with understanding the importance of snow clearing and removal, many residents find that these operations can be disruptive to nearby homes and difficult to mitigate and;

WHEREAS staff has stated that they will continue to look at ways to limit the noise impact of snow clearing and removal operations through discussions with the industry, reviewing best practices, and researching the use of broadband back-up alarms;

THEREFORE BE IT RESOLVED that Fleet Services review the feasibility of installing broadband back-up alarms on appropriate City vehicles and report back to Council with options and the associated costs for consideration in 2018 Budget Deliberations;

AND BE IT FURTHER RESOLVED that Road Services and Facilities staff or others as identified, in consultation with Supply, review the feasibility of incorporating requirements for broadband back-up alarms into purchasing documents for external snow-clearing service providers using vehicles where such alarms are appropriate;

AND BE IT FURTHER RESOLVED that By-law & Regulatory Services staff review the feasibility of adding to the licensing regulations related to snow plow contractors the requirement for broadband back-up alarms on private snow plow vehicles, as appropriate, and report back to Council in the next Term of Council.

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CARRIED

The recommendations were CARRIED as amended by Motion 23/4 with Councillors Qadri and Nussbaum dissenting.