

Department: <b>BYLAW</b>			<b>Reference #</b> 3.07
<b>Policy title:</b> Noise Control Bylaw: Noise Which Disturbs Enforcement Policy			
<b>Authority:</b>	<b>Legislative (Council)</b> <input checked="" type="checkbox"/>	<b>Effective date:</b>	99/04/27
	<b>Administrative</b> <input type="checkbox"/>	<b>Date for review:</b>	01/04/27
<b>Issued by:</b>	G. Beaumont	<b>Issue date:</b>	99/04/27

**Policy Statement:**                      **Enforcement of Noise That Disturbs**

The Bylaw Services Division will enforce, upon neighbourhood complaint, the *Noise Control Bylaw* with respect to noise that disturbs persons in the vicinity.

**Policy Procedure:**

Upon receipt of a neighbourhood complaint, a Bylaw Enforcement Officer shall attend the premises from which the noise has allegedly been heard, and attempt to contact the occupants. The Bylaw Enforcement Officer shall discuss the complaint with the occupant, provide a copy of the bylaw, and advise the occupant that further complaints may lead to legal action. The visit shall be followed up by an advisory letter to the occupants and, where applicable, a copy to the registered property owner. If the occupants cannot be contacted personally, the Bylaw Enforcement Officer shall send an advisory letter to the occupants and, where applicable, a copy to the registered property owner.

Complainants are encouraged to maintain an occurrence log which records the time, type, and duration of the noise disturbance and, if possible, make an audio/video recording of the occurrence.

Upon receipt of a second neighbourhood complaint, a Bylaw Enforcement Officer shall send, by registered mail, a letter of *Final Notice* to the registered property owner and, where applicable, a copy to the occupants. The letter of *Final Notice* shall include a caution that further complaints may lead to legal action, including fines for each incident.

Upon receipt of a third neighbourhood complaint, Bylaw Services may take further legal action against the owner/occupant of the property, including fines by *Municipal Ticket Information*, in accordance with at least one of the following:

- More than two (2) separate neighbourhood complaints are received regarding the premises, and the complainants indicate their willingness to testify as a witness in Provincial Court;
- The Bylaw Enforcement Officer personally observes the noise and, in his/her opinion, regards the noise as a disturbance in accordance with the bylaw;
- Special circumstances, e.g., only one complainant may be physically exposed to a noise disturbance, may result in legal action as described above.

The Bylaw Enforcement Officer may issue a fine by Municipal Ticket Information during first contact with an alleged offender when he or she fails to comply with an officer's request to cease a noise disturbance.

If enforcement by Municipal Ticket Information is not successful in achieving compliance, the City may initiate injunctive action against the owner/occupant of the property.