



**LEGISLATIVE AND COURT SERVICES  
MEMORANDUM**

Page: 1  
File: P00  
Pending  
#: P34/19  
& P46/19

---

**TO: MAYOR J. LEHMAN AND MEMBERS OF COUNCIL**

**FROM: J. FORGRAVE, SUPERVISOR OF ENFORCEMENT SERVICES**

**NOTED: W. COOKE, DIRECTOR OF LEGISLATIVE AND COURT SERVICES / CITY CLERK**  
**D. MCALPINE, GENERAL MANAGER OF COMMUNITY AND CORPORATE SERVICES**  
**M. PROWSE, CHIEF ADMINISTRATIVE OFFICER**

**RE: RESPONSE TO MOTIONS 19-G-218 AND 19-G-255 – NOISE BY-LAW ENFORCEMENT**

**DATE: MARCH 9, 2020**

---

The purpose of this Memorandum is to provide members of Council with an update concerning two motions brought forward in 2019 requesting staff to review various provisions under the Noise By-law. Motion 19-G-218 and Motion 19-G-255 were brought forward due to concerns raised by members of the community to the Members of Council.

*“19-G-218 – NOISE BY-LAW - That staff be directed to work with the Barrie Police Service to explore options for enforcing the City’s Noise By-law in connection with motor vehicles and motorcycles and report back to General Committee before Spring, 2020.”*

*“19-G-255 – NOISE BY-LAW - RESTRICTIONS OF CONSISTENT NOISE OF ALL SOURCES - That staff in the Legislative and Court Services Department investigate the feasibility of implementing provisions within the Noise By-law to restrict consistent noise of all sources in residential areas and report back to General Committee.”*

Staff began a review of the current provisions set out in the Noise By-law along with information provided by the Barrie Police Service which included the current enforcement practices regarding noise complaints received, both by the Enforcement Services Branch and Barrie Police Service. In addition, staff included organizational procedures and the rationale associated with why the enforcement of the Noise By-law is divided between the two agencies.

Current Enforcement Practice:

**Quantitative or Measurable Noise – Enforcement Services**

Enforcement Services is responsible for enforcing the quantitative or measurable noise as provided for in the Noise by-law. These types of noises generally stem from stationary sources such as air conditioners and pool pumps. Staff have received training and certification in the use of sound level meters and how to calculate noise measurements while taking environmental and ambient factors into consideration.

Enforcement Services receives complaints regarding quantitative noise (measurable sound) and will set up an inspection to take noise measurements with the use of a sound level meter from the point of reception (where the noise is being heard), when the source can be controlled by the owner and when environmental factors such as wind, rain and humidity and ambient factors such as traffic are favourable. Often numerous visits are required to get the optimum conditions to determine whether a violation is present. Should a violation be present, Enforcement Services will work with the owner to remedy the situation for both parties or if necessary proceed with legal action.



## LEGISLATIVE AND COURT SERVICES MEMORANDUM

Page: 2  
File: P00  
Pending  
#: P34/19  
& P46/19

Enforcement Services received 107 noise complaints in 2018 for qualitative noise from stationary sources however most did not result in a violation.

### **Qualitative Noise Matters – Barrie Police Service**

The Barrie Police Service is responsible for the qualitative noise, or noise that is disruptive to others enjoyment of their property, such as loud stereos (amplified sound), parties, construction and motor vehicle noise.

Historically it was found that the qualitative noise complaints, due to their specific nature, generally involve numerous individuals (amplified sound / parties etc.) requiring numerous Officers to attend and occur during overnight hours or ultimately require provincially legislated authorities that Municipal Law Enforcement Officers are not provided such as stopping motorized vehicles. Therefore, it has remained with the Police Service for enforcement of those types of complaints. That is still found to be true today.

Barrie Police Service receive complaints regarding noise sources that are disruptive to others enjoyment of their property or "quality of life". All calls received by Barrie Police Service are assigned a priority level, general noise is of a lesser priority response than many of their calls for service however should the information from the caller warrant a higher priority, such as alcohol involvement, vehicle involved, damage occurring then a more responsive priority is assigned due to the potential of criminal offences being committed.

Barrie Police received 1,464 noise complaints in 2018 for noise from all other sources as described above.

### Assessment:

Staff reviewed the General Provisions of the By-law regarding noise from all sources and the viability of keeping the restricted hours which noise is permitted or amending those hours and the capability of enforcing the General Provisions under these scenarios. Under the current General Provisions of the Noise By-law any noise that is likely to disturb an individual after 9:00 pm is prohibited and enforceable. This is in addition to the normal 11:00 pm of one day to 7:00 am of the next day prohibition which generally covers most qualitative noise throughout the by-law.

As enforcement of those provisions falls to the Barrie Police Service, staff discussed different hour restrictions or removing the hour restrictions meaning it can be enforceable 24 hours a day as the General Provision relates to those qualitative noise sources. Barrie Police explained that increasing or removing the time restrictions for permitted noise is not likely to increase compliance but rather provide them with increased calls for service during already peak service times. Since these complaints are of a lesser priority, their level of response would remain the same unless criminal offences were being committed (as previously stated).

Staff also reviewed and discussed with the Barrie Police Service, the Noise By-law regarding their enforcement of complaints for motorized vehicle noise including methods of enforcement, priority and other authorities to address such complaints in addition to the Noise By-law. As previously noted, noise including that from motor vehicles, is of a lesser priority to many calls for service that the Barrie Police Service receive. Generally these complaints involve moving vehicles most are gone upon the Officer's arrival. If the complaint is repetitive in nature at a specific location or a public safety concern, and the calls for service allow time, then Barrie Police can set up continuous patrols or blitzes in an attempt to mitigate or cease the activity causing the noise. In addition to the Noise By-law, Barrie Police utilize the Ontario *Highway Traffic Act* as an enhanced tool to enforce excessive noise from motorized vehicles. As noted above the police have the authority to stop a moving vehicle for any violation, including noise, whereas Municipal Law Enforcement Officers do not.



## LEGISLATIVE AND COURT SERVICES MEMORANDUM

Page: 3  
File: P00  
Pending  
#: P34/19  
& P46/19

---

### Conclusion:

It was also noted that noise in an urban setting at various levels is to be expected and while removing the 9:00 pm restriction, basically prohibiting qualitative type noise 24 hours a day may be an option, it is not feasible to expect that all types of noise can be controlled in that manner. In urban settings where people are in close proximity to each other and where persons are expecting to be permitted to have "enjoyment of their property" during reasonable times, occasional conflicts will arise. While enforcement is a measure to control such things, pleasant communication between neighbours which expresses potential concerns from either party moves the community towards building stronger neighbourhoods without the need to implement harsher restrictions.

Although more restrictive regulations are an option, both staff and Barrie Police Service believe that the current provisions set out in the Noise By-law, that being 9:00 p.m. or 11:00 p.m. depending on the noise source, is reasonable to allow all parties open yet regulated enjoyment of their property.

As a result, Council may wish to consider a motion requesting the Barrie Police Services Board to:

- a) Review opportunities to enhance the Service's response to qualitative noise, or noise that is disruptive to others enjoyment of their property, such as loud stereos (amplified sound), parties, construction and motor vehicle noise, and
- b) Advise City Council of the results of the review.