

THE SECOND MEETING OF THE NOISE BY-LAW AD HOC COMMITTEE OF THE CITY OF GREATER SUDBURY

Committee Room C-11
Tom Davies Square

Thursday, August 6, 2009
Commencement: 7:00 p.m.

Chair

COUNCILLOR CALDARELLI, IN THE CHAIR

Present

Councillors Rivest; Callaghan

City Officials

R. Swiddle, City Solicitor; D. Brouse, By-law Enforcement Officer;
A. Haché, City Clerk; Julian Cosentino, Law Student; F. Bortolussi,
Council Secretary

Media

EastLink News, MCTV

Declarations of
Pecuniary Interest

None declared.

PRESENTATIONS

Brief Overview

The City Solicitor indicated that there is much interest from the public regarding the noise by-law and it is taken to Court regularly. He advised there are currently 26 by-laws as they were not harmonized in the past when towns amalgamated. Also the unorganized townships that were added to the City of Greater Sudbury had no by-law. There are no regulations in place at the present time that is City wide. The City will develop one set of provisions to apply throughout the whole City.

The City Solicitor advised that the process for a new harmonized Noise By-law is beginning with this meeting to receive public input. The Committee will hear the public's views, suggestions, problems, concerns with enforcement, past experiences, etc. He also advised that the public may continue to send emails to the City Clerk as the process will continue for a few months.

CORRESPONDENCE

Letter dated July 19, 2009 was received from Elizabeth Johnson.

Email dated July 20, 2009 was received from Linda Makela.

Email dated July 21, 2009 was received from Sylvio Vachon.

Email dated July 22, 2009 was received from Fred Lammi.

Email dated July 26, 2009 was received from Len Rivet.

CORRESPONDENCE
(continued)

Letter dated July 26, 2009 was received from Lionel W. F. Rudd, C.E.T.

Email dated July 28, 2009 was received from Romaine Chappell.

Email dated July 29, 2009 was received from Theresa Sevigny and Max Sevigny.

Email dated July 29, 2009 was received from Colleen Carty.

Email dated July 29, 2009 was received from Deborah Sheehan and Donna Stanley.

Letter dated July 29, 2009 was received from Patricia Tobin and Patricia Christopher.

Letter dated July 29, 2009 from John C. Gereghy was distributed to Committee Members.

Lionel Rudd, C.E.T.

Lionel Rudd advised he is a Certified Engineering Technologist in Ontario. He taught engineering for 27 years at Laurentian University including occupational health and safety issues such as noise. He stated that noise is any unwanted sound and can create incredible stress to individuals. He also stated that a noise value cannot be placed on what people can be subjected to as it is different for everyone – to some, noise is acceptable; to others, it is torturous. He indicated that, under the former City of Sudbury Noise By-law, a person is in violation if the noise distracts from the enjoyment of one's property which is simple and covers everything. He indicated that nuisance noise can cause heart disease and stress and can be disturbing to people with hearing problems, the sick and the elderly.

With respect to noise level meters, Lionel Rudd stated that it takes a number of years to understand as there is a lot of physics in noise. The City will get into legal battles requiring the hiring of engineers. Also, cheaper models do not measure low frequency noise that can be felt more than heard. Frequencies can create damage to one's hearing and low frequencies can cause a lot of problems. He feels it is not an issue of noise or sound level but how much a person is disturbed by noise. He indicated that the Noise By-law of the former City of Sudbury is excellent and he personally has never had a problem with it being enforced. He suggested the former City of Sudbury Noise By-law be used as the new harmonized Noise By-law.

PUBLIC INPUT (continued)

John Lindsay

John Lindsay advised he is representing Friendly to Seniors – Sudbury and the Minnow Lake Community Action Network (CAN). He stated that Greater Sudbury has an aging population and seniors are sensitive to noise. He indicated, in particular, noise from motor bikes and traffic have been raised numerous times by the CAN. He stated there is stress in too much noise.

Philip May

Philip May indicated there is a difference between noise and sound. He stated he is interested in this issue because of the experiences he has had as a music teacher and musician. He advised he organized the World Literacy Concert of international jazz and Latin music. He is concerned because someone lodged a noise complaint regarding a rehearsal between 7:00 p.m. and 9:00 p.m. in the evening. He stated that he has been playing the drums since 1974 and has never had a complaint. He feels the current by-law is vague, has no measurement and no appeal process. He suggested that the new by-law be more precise and that it balance a reasonable level of quiet and a reasonable sound for music. If a zero tolerance is instituted, it would not be a very pleasant community.

Colleen Carty

Colleen Carty indicated that the subdivision in which she resides in the McFarlane Lake area was built in the 1950s. She lived there for thirty years and came back two years ago and was stunned by the change. She stated that Highway 69 South is a major artery which generates much traffic including transports going across the country. She advised that the traffic noise bounces from the mountains to the valley into her subdivision. It is a combination of noise of transports at high speeds and the use of engine brakes. She further advised there are skid marks on the road from transports because of the 90 km/h speed limit and their heavy loads having to stop at the traffic light at the bottom of the hill. She feels the City should do something about the use of engine brakes within City limits and stated that Winchester has a by-law which prohibits the use of engine brakes in the community. She also feels that signs regarding the use of engine brakes are not enough. She stated that the by-pass from Highway 69 to Highway 17 from south of the City in an unpopulated area would prevent truck traffic in the McFarlane Lake area. She asked that the City do something about the traffic patterns.

The Chair advised that Ms. Carly's comments will be provided to Traffic and Transportation Division.

Val Hainsworth

Val Hainsworth advised she lives in the business section of the City near the Paris Street overpass and the railway tracks. She stated she takes offense to unnecessary traffic going through her

PUBLIC INPUT (continued)

Val Hainsworth
(continued)

neighbourhood. She advised that she is not in favour of decibel readings and getting into technicalities. She stated that other people's noise is not welcome.

John Martin

John Martin, representing a number of his neighbours, advised of a problem on Stull Street in Capreol. A sandblasting operation is being carried out in open air. He has complained about the noise, dust and fumes to no avail. He stated that the property is industrial and the company, from USA, started its business five years ago and the residents had no input. He stated that the MOE is monitoring the air quality but the sandblasting is continuing. He indicated that fifty residents have signed a petition to complain about this operation. It is causing many problems including increased stress levels. Their quality of life has been disrupted in the last four to five years. He would like a strict by-law which would include the prohibition of sandblasting in open air and would provide for enforcement.

Photographs of the sandblasting operation were circulated to Committee Members at the meeting.

Irene Larocque

She advised of two 16-year olds skateboarding on steel rails, which the police removed, two 14-year olds skateboarders doing flips and a 5-year old and 7-year old skateboarding on the street. This results in drivers honking their horns, yelling at the skateboarders and squealing their tires. All she is told to do is call the police. She also advised of three basketball hoops on the street are also a concern. She stated that all these are dangerous and very noisy and something needs to be done.

DISCUSSION

The Chair stated that the Committee will take into account the concerns of the public.

When asked if the public will have an opportunity to comment on the draft by-law, the City Solicitor advised it will be a decision of the Committee. It was noted that if the draft by-law was presented to City Council, it will be in a public agenda.

The Chair advised members of the audience to provide their names and addresses to the Clerk if they wished to receive a copy of the draft by-law.

The Committee agreed that a copy of the draft by-law would be provided to City Council and the Community Action Networks.

A handout provided by Councillor Callaghan regarding White Noise Machine was distributed to Committee Members.

DISCUSSION
(continued)

Councillor Callaghan requested that staff work on the protocol for laying charges so that the process could be fully understood.

Adjournment

2009-04 Rivest-Callaghan: THAT this meeting does now adjourn.
Time: 8:06 p.m.

Councillor Caldarelli, Chair

Angie Haché, City Clerk