

NEW NOISE BYLAW, DEFICIENCIES

The reason we're here today discussing this proposed new noise bylaw, is because of 2 groups. The concerned Richmond Residents, and the Caithcart Residents Association. Because of noise problems in their residential areas, both of these groups are well know to city staff and the council.

As a member of the Caithcart Residents Association, I can attest to the literally hundreds of emails, and telephone calls that have been sent by this group to, the Manager of City Bylaws, The Mayor and Councilors, the City legal department, the local MLA, B.C. liquor inspectors, RCMP, B.C. liquor branch in Victoria, Vancouver Coastal Health, and city building inspectors. All of this is a result of our new noisy neighbour a Night Club.

The proposed bylaw outlines 3 different noise zones in the city. The Caithcart Residents live in a quiet zone. The Night Club which is our noise source, is in an intermediate zone. Now I ask the authors of the new bylaw, why is the Night Club allowed to make more noise than any of my neighbours??? Neighbours - 45 dBA, 65 dBC outside, and 55 dBC inside. Where the Night Club in the Intermediate zone can produce 50 dBA, and 65 dBC. Obviously the authors have not taken into account summer season with open bedroom windows.

Lets talk Noise levels:

When our noise problem started 13 ½ months ago we quickly realized we needed a noise meter. Thus the Caithcart Residents purchased the same model the B,C, liquor inspectors use. **Our meter picks up the night club bass noise at 57 dBC. According to the new bylaw, the night club is allowed to produce 65 DBc. Obviously 65 DBc is 8 units too high.**

Here is another interesting section of the new bylaw.

On page 7 continuing to page 8 section 3.2 e I quote the statement:

Prohibited Types of Noise: The sound made by amplified music, whether pre-recorded or live after 2:00 AM and before 8:00 AM, on any day.

So what happens before 2:00 AM? From the statement it's apparent the city wants the Caithcart residents to hear noise, otherwise why is it only quiet from 2AM til 8 AM? I'm sorry, but we go to bed before 2 AM, and we have the right to quiet!

It should also be noted that our noise source, the Night Club still has some single pane windows, swinging glass doors, and fire doors with no sound traps, all of these face the Caithcart residents. **Why aren't there revisions to the city building codes to cover these items?**

The new bylaw is very vague as to who will measure noise at night time, and which city department will pay the overtime for an inspector to come out and measure noise. Our Association had a difficult time getting the city to send a qualified individual in the evening. It should be ascertained at this time who will attend evening call outs.

When a multitude of residents complain about noise from a night club they are using a highly sophisticated sound measuring system – the human ear. Last summer our Association provided Vancouver Coastal Health, and the city Bylaw Manager with a random sample of noise bylaws in cities across Canada. Of the 9 sample cities on the list - not one used expensive sound meters. By eliminating meters and keeping it simple it allows any on duty official to handle noise complaints. By keeping their bylaw wording simple and to the point, noise issues are easily handled.

I would like to talk about public input into the new bylaw. Documents that came out Friday show that numerous city departments, the RCMP, Richmond Health, and the prosecutor were all consulted on the new bylaw.

However the most important people in this whole affair are the residential tax payers who live in the noise affected zones, the very people who requested a new noise bylaw in the first place. For whatever reason the city chose not to ask for our input, and that's simply not acceptable!

In December of last year I was personally promised by the City bylaw manager that our group would have input into the formation of the new noise bylaw – and that has not happened.

The family homes on Caithcart road go back to the 1950's. The Night Club came on the scene just over a year ago. Why at this juncture should the quality of our family homes be downgraded by noise from a nightclub. When in reality it's just a young person cranking a volume control knob! Proper noise containment at the source would prevent noise from drifting over their property lines. We the Caithcart residents have experienced 65 DBc and find that level to be quite audible and annoying and demand lower levels be implemented.

I ask Richmond City Council to return the draft to the originators, and have the affected residents provide direct input into the report and the bylaw, as promised by the city Bylaw Manager.

Cities with noise Bylaws that incorporate amplified sound.

It should be noted that none of these cities use noise meters, in fact approximately 80% of the cities searched did not use meters!

Coquitlam, B.C. Population, 121,425

<http://e-civic.coquitlam.ca/cybercedms/getdoc.asp?doc=129425>

see B 3c

3. No person shall play or operate any radio, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound either in or on private premises or in any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.

London, Ontario Population 489,274

http://www.london.ca/By-laws/PDFs/noise_new.pdf

see 2.4 b

Amplified Sound – television – stereo – speakers – amplifiers – any time

(b) the sound created by any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers intended for the production, reproduction or amplification of sound, including but not limited to a radio, television, amplifier, loud speaker, public address system, sound equipment, that is clearly audible at a Point of Reception in a Residential Area at any time;

Prohibited

Saskatoon, Saskatchewan Population 265, 259

<http://www.saskatoon.ca/DEPARTMENTS/City%20Clerks%20Office/Documents/bylaws/8244.pdf>

see 6 b

(b) Radios, Televisions, Stereos, Compact Disc Players, Musical Instruments and Similar Devices: The use or operation of a radio, television, compact disc player, stereo, "boombox", "ghetto blaster", musical instrument or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player or operator of the device, and those who are voluntarily listening to the sound, and unreasonably disturbs the peace, quiet and comfort of persons residing in the vicinity, including persons residing in separate dwelling units within the building from which the sound emanates.

Surrey, B.C. Population 395,000

<http://a100.gov.bc.ca/appsdata/epic/documents/p196/d15012/105007910249467d1f7d51789472399a4cb32e00f167a.pdf>

See b 3

3. No person shall play or operate any radio, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound either in or on private premises or in any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.

Guelph, Ontario Population 115,000

<http://guelph.ca/uploads/PDF/By-laws/noise.pdf>

See Schedule A

"NOISE" CREATED FROM THE FOLLOWING ACTIVITIES IS PROHIBITED

The operation of a radio, television, stereo or other electronic device including any amplification device, or any musical or other sound producing instrument

PROHIBITED TIME OF DAY

At all times

PROHIBITED AREA - Residential

Kingston, Ontario Population 152,358

http://www.cityofkingston.ca/pdf/bylaws/bl_2004-52.pdf

See page 7 #4

NOISE PROHIBITIONS BY TIME AND PLACE

4. Operation of any device or group of connected devices intended for the production, reproduction, or amplification of voices or sound.	A	E
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Prohibited

A = residential area – any time

E = other areas

2300 hours (11:00pm) of one day to 0700 hours of next day (0900 Sundays)

PRINCE GEORGE, B.C. Population 83,225

<http://www.city.pg.bc.ca/cityhall/bylaws/bylaw3848.pdf>

see page 3 iii

No **Person** shall play or operate or allow or **Permit** or cause to be played or operated any radio, tape recorder, audio playback machine, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound in or on private premises, or in or on any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any **Person** or **Persons** on the same piece of **Property** or in the neighbourhood or vicinity.

Barrie, Ontario Population 177,061

<http://www.barrie.ca/docs/By-law2006-140.pdf>

See Schedule 1

The operation of any electronic device or group of connected electronic devices incorporating one or more loud speakers, or other electro mechanical transducers, and intended for the production and reproduction or amplification of sound except with the geographic boundaries of the Downtown Business Improvement Area.

Prohibited in quiet zones and residential areas

Kelowna, B.C. Population 184,411

<http://www.kelowna.ca/CityPage/Docs/PDFs/%5CBylaws/Kelowna%20Noise%20and%20Disturbances%20Control%20Bylaw%20No.%206647.pdf>

See 3.3

No person shall play or operate any radio, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound either in or on private premises or in any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, or any person in the vicinity.

Hello Evelina, Mayor and Council:

I am not able to attend this meeting today, as I am doing my duty to our community and volunteering my time to the youth of our community. I am a leader in Scouts Canada and my "beaver" section are doing Pizza in Dutch ovens and start our meeting at 5:30pm today.

Not meaning to insult and with all due respect to our Mayor and Council who are already aware and know that I am not one to mince words - this new bylaw in reference to neighbourhoods bordering business establishments, is quit simply put, ridiculous and ludicrous! This is completely not acceptable. We have an unusual situation here, we border all three proposed zones.

What is most upsetting to me is that this neighbourhood has been here and lived very well with the commercial space and the old "Delta" hotel for many, many years. The Shark Club has been here just a year, and this one business establishment has done nothing but cause havoc and disturb not only the residents of Caithcart Road, but has also effected all citizens of Richmond, as it's our tax dollars at work that are being drained additionally by the utilization of city resources - police, gang task force, etc with this establishment to resolve issues within this establishment. This establishment themselves refuse to work with their neighbours and know they can, and will disregard whatever happens to better serve their interests, which is big business making money. They feel the City supports them and simply is and has blown off this issue.

I cannot fathom how they can continue to operate and disturb residents whose homes are also being devalued. We are entitled to not only a quality of life, but enjoyment of the homes that we have worked so hard to have. I was astounded when I read on page 8 I believe, "The sound made by amplified music whether pre-recorded or live after 2:00 AM and before 8:00 AM any day"

- so does this mean we sleep only 6 hours a night, according to Shark Club hours of operation ? This is absolutely ludicrous. What about hot Summer nights with open windows and a lovely little breeze to cool us - we have to listen to their patio, and as a result cannot enjoy our own backyards, let alone sleep in our homes ? When we purchased our properties, we did not sign up for this. Had this hotel even consulted or cared about its neighbours, they would have built this patio on the parking lot side of the building which in turn would bounce some of the noise and sound of to their

own parking lot and commercial business. This chain has already proven how they operate when we successfully took them on with their request for zoning and their liquor license and subsequently they did not get either. For that do we the residents continue to have "payback" with the City enabling the Shark Club to do as they please, when they please at our expense ?

My biggest question, why were the people who are affected by this the most not even consulted ? Perhaps these experts would like to purchase our homes and then perhaps when they "live" the experience, they would perhaps visit this issue differently ? My home is approximately 6 or 7 houses down the street and on the opposite side of the street and yet if I happen to go outside for a cigarette for example at midnight or later on a weekend, I can hear their music clearly - in fact, I can hum along to the song and dance. I cannot even fathom how I would live with my young son, adult children that work shifts, and my husband and I working daytime hours and get by on less than 6 hours of sleep a night. The boom boom and noise would have me over the edge!

I therefore implore the Mayor and Council in this particular case to end this nightmare once and for all and am requesting that we stop wasting time and money and simply issue a new bylaw that states:

"noise from a commercial sound system shall not be audible in adjacent residential areas" - PERIOD !

Perhaps then the Shark Club would take seriously this issue and revisit it to benefit not only themselves, but their neighbours. Perhaps they should have left the best Japanese restaurant in Richmond the way it was - Suehiro's was a wonderful restaurant, quiet and non-disturbing to anyone. Placement of this nightclub has been and is a huge mistake.

With this precedent, when businesses wish to open these type of establishments, perhaps they would revisit the drawing board on their choice of location.

This issue has gone on long enough ! Thank you for your assistance.

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