
From: Jim McClements <[REDACTED]@net>
Sent: Sunday, May 17, 2020 4:52 PM
To: City Council
Subject: Email - Communication - Jim McClements - Traffic Noise Bylaw - CK 375-2
Attachments: noise_bylaw_letter_to_city_council_may_16.pdf

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Submitted values are:

Date Sunday, May 17, 2020

To His Worship the Mayor and Members of City Council

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Name of the organization or agency you are representing (if applicable)

Subject noise bylaw and flagrant disregard for it

Meeting (if known) City Council

Comments

A friend of mine used to remind me be tough on ideas and easy on people. I hope I have met that standard with this document.

Thanks you for serving our community. A special thanks to all levels go government for the Canadian, Saskatchewan and Saskatoon response to the cover crisis.

However as you will see i the attached document we have to find a way to do better with respect to the violations of the noise bylaw.

The traffic noise related to violations of the noise bylaw is having a negative effect on quality of life of many Saskatoon Citizens

But there is another issue. The response to date gives no reason for optimism. In my opinion it leads to a loss of belief in democracy especially civic government.

I have tried to provide some options that could be used to formulate motions and amendment at this council meeting..

Thank you for providing this opportunity to respond

Attachments

[REDACTED]

[REDACTED]

The whole issue sounds to me like the Harry Belafonte's song: "A hole in the bucket"

*There's a hole in the bucket, dear Liza, dear Liz, There's a hole in the bucket, dear Liza, a hole
So fix it dear Henry, dear Henry, dear Henry, So fix it dear Henry, dear Henry, fix it*

After many verses where the discourse goes around and around and comes back to the start: *There's a hole in the bucket*. There are at least three problems: The illegal noise, the failure and stated inability to enforce the bylaw, a disjointed approach with no plan to move forward in a timely manner. Perhaps even more important than the impact of the illegal noise on quality of life, is the frustration from the breakdown of the civic system. At the May Transportation Committee meeting it was noted that the original motion for to hire a consultant was not to come to this meeting but to the 2021 Council meeting to consider the 2022-2023 budget. This should cause Council to pause and reflect. We need a much better plan and we need new input.

THIS IS A REAL PROBLEM

Purpose *This Bylaw is enacted to protect, preserve and promote the safety, health, welfare, peace and quiet of the citizens of The City of Saskatoon through the reduction, control, and prevention of loud and excessive noise, or any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity.* (From bylaw)

Location, type of noise, time of day, volume and duration, and other factors are considered. But if the sounds coming from your vehicle are loud enough to be disruptive and bothersome to those around you, they're too loud. (From brochure):

We also know—both from messages to our office such as yours and police data in issuing fines—that this is an issue that is growing in our community, and the frustration it is causing is growing as well. (From Mayor's office email)

At the Transportation Committee Meeting most councilors stated they received call essentially everyday all summer and that it has gotten worse with the Covid 19 situation. This is not new: - according to one councillor this has gone on as long as they have been on Council (13 years)

There are two problems:

The noise itself: violates the bylaw and the brochure description

The Frustration: with the failure to manage the noise and It is easy to conclude Council does not care as it kicks the issue down the road for three to five years (two elections from now)

What to do:

- 1. Council and administration need to publically acknowledge the problem: the noise level is unnecessary and unacceptable**

THIS IS AN ISSUE FOR COUNCIL TO FIX NOW:

Rationale it is complex multiagency issue which is being used as an excuse not to fix:

The reason why this can get so messy is because regulating traffic noise isn't an issue that falls neatly to any one government or any one organization. The SPS has a role in enforcement, the City of Saskatoon can help with education and engineering solutions, SGI plays a role in setting ticket fines, and the provincial government sets general laws regulating vehicle usage and modifications. The multi-jurisdictional nature of this issue makes it a bit more complex than other issues to manage in a growing city such as ours. (From Mayor's office email)

This issue is in the City of Saskatoon: the noise effects and affects Saskatoon citizens' and taxpayer, occurs on Saskatoon Streets, aftermarket mufflers are installed by Saskatoon businesses, enforcement is the responsibility of Saskatoon Police

Services and the offenders are from Saskatoon. The common element in all of this is Saskatoon City Council. After at least 13 years and problem increasing. Council has to take ownership not feel sorry.

What to do:

- 2. Council and administration need to publically acknowledge they will address the issue today problem (No more talk. No referring to committee - get it done.).**

TIME FRAME IS NOT ACCEPTABLE:

That the report of the General Manager, Transportation and Construction dated May 4, 2020, and any other supporting information be sent to the 2022/2023 budget deliberations to consider contracting a vehicle noise mitigation specialist.

(Motion from May Transportation Committee May 4, minutes)

Note at the transportation Committee meeting it was stated this motion does not even have to come to Council until 2021. What if Council decides in 2021 not to utilize a consultant? The creditability of a consultant is likely useful but the time frame is discouraging and could be interpreted as simply putting off the problem. What if this does not make the cut in what is likely to be the most challenging Budget process ever. IF APPROVED for the 2022-2023 budget then as stated at the May Transportation Meeting the earliest Council would see the recommendations is fall 2022 or three summers of what is agreed as unacceptable noise. The timeline gets even worse if money is required if remediation requires asking for funds in the 2024-2025 budget

What to do:

- 3. Amend the motion for 2022-23 budget cycle to “immediately”. Literally Find the money today.**

Please note a similar problem exists for the following motion: *That the Standing Policy Committee recommend to City Council that City Council advocate to the Provincial Government regarding the implementation of new legislation or regulations related to aftermarket noise modification on vehicles and fines for noise non-compliant vehicles.* (From May 4 Transportation Committee Minutes)

Administration stated at the May Transportation meeting they would prefer this to be delayed until after the consultant report. Lobbying is a good idea and should happen but the problem here is provincial acts are not revised yearly, but on 3 - 5 year cycles. This is good to do but unfortunately as appointing a consultant, is not likely to solve problem for years.

AFTER MARKET MUFFLERS HARD TO IDENTIFY

There has been a focus on after-market mufflers but the issue is the noise from the vehicle not the muffler. In some ways this is a red herring as it is the noise that is the issue.

I would be pleased to stand on the berm behind my house any Friday or Saturday night with counsellors who think this is normal traffic noise, with Administration describing the noise as occasional noise.

It has also been alleged that Saskatoon Companies are selling and installing of noise enhancing after-market mufflers AND are SGI inspectors. If true this is at best a conflict of interest and by licencing these (City Business Licences) means the City of Saskatoon and SGI are part of the problem.

What to do:

- 4. This is simple: aggressively enforce bylaw even if cases are based on subjective and lost in court.**
- 5. Ask City solicitor for advice on the legality of businesses selling and installing illegal mufflers**
- 6. Ask for a formal investigation of the possible SGI inspection conflict of interest**

COUNCILLORS AT THE MAY TRANSPORTATION COMMITTEE MEETING EXPRESS EMPATHY BUT . . .

Learned helplessness is a state that occurs after a person has experienced a stressful situation repeatedly. They come to believe that they are unable to control or change the situation, so they do not try — even when opportunities for change become available. (From <https://www.medicalnewstoday.com/articles/325355>)

Enabling: offering help that perpetuates rather than solves a problem. (From <https://www.psychologytoday.com/us/blog/the-anatomy-addiction/201207/are-you-empowering-or-enabling>)

The following are quotes from the May Transportation Meeting:

“Nothing is going to change”

“I feel so bad there is nothing we can do”

Asked of administration: “Is there anything we can do in the interim?”

Response: “Tough question we would love to have an answer”

“This is one of those issues that it is hard to tell people we don’t have an answer”

“We deal with the quality of life of people. Sad we have to wait so long”

“Looking into the future years down the road”

Do these quotes reflect learned helplessness and do these quotes enable the perpetrators? I believe with all my heart these people mean well and believe what they say. But this is a problem much more serious than the noise. It makes people powerless victims. It destroys one’s belief in democracy. Edward Snowden said *“If you are not acting on your beliefs then they are not likely to be real”*. This is not a time for sorry it is a time for action.

The simplest is to find the money for the consultant right now. This would do two things shorten the time frame and it would give citizens and counsellors a chance to feel better. Delaying it does not address in a fair time frame and leads to the loss of belief in City council and the civic process. Saskatoon is losing over this.

The definition of insanity is doing the same thing over and over again and expecting a different result (Attributed to Albert Einstein). For at least a decade council has been well aware of this issue and it has become worse not better. Both City Council and the Administration have no action plan to fix this other than to ask someone else how to fix it. If you have taken the time to actually go and observe everyone agrees there is a problem. Citizens are upset. We need a new approach and a new set of eyes and ears (pun intended). We need a collaborative model. We need to do everything we can to stop the problem, give residents hope and most of all this process needs credibility.

What to do:

7. **Direct the administration to get on with public education, signage, etc. immediately**
8. **Have a meeting with SGI outside on a Friday or Saturday night between 9:30 and 10:30 on the 3100 block of 8th Street.**
9. **Lobby Saskatchewan Government Administrators/Politicians to do whatever necessary reduce noise.**

GENERAL STATEMENT

There is *a time to break down and a time to build* (From Ecclesiastes 3). Somehow we have to get from we can’t do anything or we have tried this and it didn’t work, to doing something to provide relief to those whose quality of life is being destroyed (*to break down*). At least give some hope that Council is responsible for this problem and is willing and able to do something (*to build*), We need to change administration’s attitude, Council’s attitude, the offending drivers attitude to restore citizens’ faith in Council and democracy. I think we need new people involved.

What to do:

10. **Appoint an ad hoc advisory committee with the majority of the committee being citizens affected by the problem and Council agree to work with them.**

OTHER JURISDICTIONS

I include this as an appendix to provide illustrations of options being done as well as the public image of accepting ownership of the problem. It was a simple Google search muffler noise <city name>.

There is a challenge for every reader at the end to write the next press release related to this challenge

Winnipeg - *The City of Winnipeg is looking at options to crack down on noise spikes from specialty car owners "showing off" during Sunday cruise nights. A report commissioned by the city is suggesting automated 24-hour "noise cameras" as a potential tool to combat the high decibels caused, in part, by cruise night. The cameras, which operate similar to a red-light camera, would take a picture of a license plate when the volume reaches a certain point. "Modifications are common, and can be outfitted to powerful or less-powerful vehicles; they are a way for an owner to 'show off' and draw attention to their vehicle," the report reads, adding the noise spikes may come from spinning tires, rapid engine acceleration, and revving. The report said noise cameras have been used in other cities including London, Paris, and Edmonton. CTV News (January 2020): <https://winnipeg.ctvnews.ca/city-looks-at-noise-cameras-to-crack-down-on-rowdy-sunday-cruise-nights-1.4750957>*

Edmonton - *The law is abundantly clear. Installing a loud muffler and roaring past a Whyte Avenue patio is an offence, punishable with a ticket of \$135. It's a provincial offence to cause "excessive" noise, or to drive a vehicle with a muffler that has been widened in any way, and Edmonton now has the ability to take photos of the licence plate every time a souped-up car, truck or motorbike passes. Edmonton Journal (May 2019): <https://edmontonjournal.com/opinion/columnists/elise-stolte-time-to-muzzle-edmontons-noisy-mufflers-all-the-tools-in-place-for-a-crackdown/>*

Edmonton - *City will use noise monitoring equipment for enforcement: Noise monitoring equipment was set up in eight locations around Edmonton last year, including this one on Jasper Avenue at 121st Street. Edmonton peace officers will be cracking down on motorcyclists and drivers making excessive noise this summer. On Wednesday, council's urban planning committee directed city operations to pilot a "noise enforcement program," which will pair peace officers with noise monitoring equipment to help them determine who should get a ticket for being too loud. Coun. Ben Henderson, whose ward includes Whyte Avenue, Saskatchewan Drive and areas around the University of Alberta, demanded the city start enforcing bylaws around extreme vehicle noise. "This is costing the city in terms of health, in terms of economics," Henderson said. "It's just something we gotta stop." The pilot is an extension from last year when the city tested noise monitoring equipment in eight locations between September and November. In that pilot, the equipment picked up a high number of incidents where vehicles registered 85 decibels or above. In thousands of cases, vehicles were going 90 decibels or above CBC News (May 2019): <https://www.cbc.ca/news/canada/edmonton/edmonton-noise-monitoring-1.5145584>*

Vancouver *Summer has arrived in Vancouver, and that means it's the season for loud cars and motorcycles roaring through city. Vancouver police will be issuing tickets to excessively loud drivers without using a decibel meter to measure the noise from the exhaust system. Vancouver police say that they're allowing officers to use subjective observation to issue tickets to for unnecessary noise. They're citing a 2012 B.C. Supreme Court decision as justification. The penalty for unnecessary noise is a \$109 fine and three demerit points. - CTV News (2017): <https://bc.ctvnews.ca/vancouver-police-using-their-ears-not-decibel-meters-to-target-loud-vehicles-1.3431708>*

Toronto: *John Tory describes excessive noise as 'inconsiderate conduct,' which has no place in the city and is 'indefensible.' The country's largest and arguably one of its noisiest cities could become just a little quieter if a new enforcement campaign aimed at muffling some of the worst offenders proves successful. Toronto police have begun tackling noise pollution from those cars and motorcycles whose deafening roars are not only annoying, but, according to science, potentially harmful. "My wife has explained this many times to me as being simply an outcropping of the inadequacies that certain people feel — mostly men — who drive these cars around," Mayor John Tory quipped in announcing the campaign. "I will go no further than that." CBC News: (July 2019) <https://www.cbc.ca/news/canada/toronto/toronto-crackdown-noisy-vehicles-1.5213389>*

Calgary: Global News (July 2014): <https://globalnews.ca/news/1485453/police-test-noise-measuring-device-to-crackdown-on-loud-vehicles/> *Starting in August, the traffic unit will be testing a noise measuring device that will help them enforce a bylaw concerning excessive vehicle noise. They will then head to areas like 17 Avenue S.W. where a number of complaints have been made, to determine what would qualify as 'excessive' noise. The devices will help police catch violators, though there is not a specific decibel limit that will get them pulled over.*

Global News (July 2014): <https://globalnews.ca/news/1485453/police-test-noise-measuring-device-to-crackdown-on-loud-vehicles/>

Saskatoon: *The Saskatoon Board of Police Commissioners is looking to work with SGI to change the decibel limit for mufflers. Loud, modified cars have been cruising up and down Eighth street for years, according to residents there, and police say the number of tickets is up for another year. The number of tickets rose from around 100 in 2016 to 150 in 2017 and 175 last year, Staff Sgt. Patrick Barbar said. "We've already exceeded the numbers from last year here, and its early September." Forty-one per cent of tickets relating to noisy vehicles were written on Eighth Street and the surrounding areas, he said. "It's sort of part of the Saskatchewan culture, the Saskatoon culture that you go to Eighth street to show off your car." Brian Stephenson, owner of Performance Plus, says he has seen a lot more cars come his way for noise tests than in past years. Most people in the Saskatoon car community obey the rules and respect safety requirements, though the odd one doesn't, he said. Stephenson and the police both say education is a big step in the process to eliminating the excessive noise. Stephenson wants to encourage drivers and car enthusiasts to attend legal racing events and meet-ups instead of testing out their vehicles on city streets. Tickets for noise violations in a vehicle could cost the driver \$100 for the first offence.* :CTV News (September 2019): <https://saskatoon.ctvnews.ca/changes-may-be-coming-to-noise-limits-for-mufflers-in-saskatoon-1.4592991>

Readers task: The reader should add a paragraph describing where Saskatoon City Council is at and compare it to the above statements.