

NOISE BY-LAW REVIEW REQUEST

Presented by Ed and Kim Wrzosek

April 11th, 2023.

- Thank you Chairperson Reilly, Councillors and Mayor Ganann of West Lincoln for allowing us to speak to you this evening
- There is a noise issue we have been experiencing here in beautiful West Lincoln
- We feel that our current noise by-law is not supportive of any kind of resolution with regard to a situation such as ours

Our perception of noise is, "... a sound, especially one that is loud or unpleasant or that causes disturbance."

<https://www.bing.com/search?q=definition+of+noise&form=ANNT11&refig=41107647381d46f683d271fe9546e6fc&sp=1&lq=0&q=HS&pq=definition+&sc=10-11&cvid=41107647381d46f683d271fe9546e6fc>

West Lincoln's definition of sound according to By-Law no. 2013-50 is:

" Sound means an activity , matter, thing, or tangible personal property or real property, from which sound or vibration is emitted." <https://www.westlincoln.ca/en/resourcesGeneral/By-law->

WHAT IS THE NOISE/SOUND THAT IS DISRUPTIVE TO US?



*This sound byte was recorded from
inside
our home

OVERVIEW OF THE DISRUPTIVE NOISE ISSUE

- Who? Ed, Kim and family
- What? The noise you have just heard
- Where? In our community of Smithville, West Lincoln, 150 feet away from 'Point of Reception', our home
- When? The noise began in early January 2023 and occurs between 6:15 and 6:45am and heard from inside our home
- Why? The noise is a result of a person starting their vehicle with initial revving, while parked in their drive, on private property
- How? It is a noise that is so explosive, it awakens us early in the morning while we are still sleeping

OVERVIEW OF BY-LAW NO. 2013 - 50

3. General Prohibition

No person shall make, cause or permit the emission of sound or vibration at any time, which is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the Inhabitants of the Township.

4. Limitations by Time and Place

No person shall emit or cause or permit the emission of sound resulting from any act listed in Schedule "A" to this by-law if clearly audible at a point of reception located in an area of the municipality within a prohibited time shown for such an area as per Schedule "A".

OVERVIEW OF SCHEDULE 'A' OF BY-LAW 2013 - 50

6.	Emitting or causing or permitting the emission of sound resulting from motor vehicle racing.	Urban Area At all times	Rural Area At all times
7.	Emitting or causing or permitting the emission of sound resulting from the revving of a motor vehicle engine.	Urban Area At all times	Rural Area At all times

<https://www.westlincoln.ca/en/resourcesGeneral/By-law-2013-50-Noise-By-law-Final-Draft-011513-Sullivan-Mahoney-version-With-Crown-Attorney-Changes.pdf>

- #7 of Schedule 'A' comes close to matching our situation
- When starting a vehicle, the engine does rev
- The by-law does not have 'revving' in its interpretation
- We feel that #7 of Schedule 'A' should include starting of a vehicle

OUR ATTEMPT TO RESOLVE THE NOISE ISSUE

- Politely approached our neighbour with respect to the noise emission to our home, with no resolution
- Communicated with Niagara Regional Police two times; no resolution as this occurrence is on private property and Highway Traffic Act cannot be enforced
- Communicated with West Lincoln By-Law Department several times; with an end result of no enforcement

OUR ANALYSIS

NRP Enforcement

- Cannot enforce HTA on private property
- Cannot enforce a noise by-law that does not exist

Enforcement Gap

- Neither agency is empowered to help us enforce and resolve this unacceptable noise issue

West Lincoln By- Law Enforcement

- Will not/cannot enforce noise by-law in this situation

IN CLOSING

- In all our decades in residential living, we have never encountered a situation like this
- There have been no other vehicles in our community that have awakened us by merely starting their engines in the morning
- It has been 10 years since by-law 2013-50 has been looked at
- There is no interpretation or definition for 'revving' in By-Law 2013-50
- We are asking that you and staff investigate this matter so that we and other citizens can continue to love and enjoy our unique setting of West Lincoln

THANK YOU FOR YOUR TIME!

Ed and Kim Wrzosek