



## REPORT

Report Date: February 2, 2021  
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Meeting Date: February 24, 2021  
[Submit comments to Council](#)

TO: Standing Committee on City Finance and Services

FROM: Chief Licence Inspector, the General Manager of Engineering Services and the Vancouver Police Department

SUBJECT: Enhanced Enforcement of Amplification Devices

### **RECOMMENDATION**

- A. THAT Council approve, in principle, changes to the Noise Control By-law No. 6555 to prohibit use of sound amplification devices in public spaces without permission as detailed in this report and Appendix A;

FURTHER THAT Council authorize the Director of Legal Services to bring forward for enactment amendments to the Noise Control By-law No. 6555 as generally outlined in Appendix A.

- B. THAT, subject to Council's approval of recommendation A above, Council approve, in principle, changes to the Ticket Offences By-law No. 9360 to create a ticket offence for use of an amplification device on a street with a fine of \$250.00;

FURTHER THAT Council authorize the Director of Legal Services to bring forward for enactment amendments to the Ticket Offences By-law No. 9360 as generally outlined in Appendix B.

- C. THAT Council approve, in principle, changes to the Street and Traffic By-law No. 2849 to prohibit the placement of a sound amplification device on a street without permission as detailed in this report and Appendix C;

FURTHER THAT Council authorize the Director of Legal Services to bring forward for enactment amendments to the Street and Traffic By-law No. 2849 as generally outlined in Appendix C.

## **REPORT SUMMARY**

In summer of 2020, the City of Vancouver received numerous complaints about an individual on the streets of downtown Vancouver using a microphone and amplifier to speak to the public. Both the volume and duration of his speech were reported to be a public disturbance.

This incident occurred over several weeks and it prompted staff to review the City's by-laws on the use of devices that can amplify voices or musical instruments in public spaces; and to assess its tools for enforcing against public disturbance from their use.

The staff review found that there are no regulations in the Noise Control By-law specific to sound from amplification of voice or musical instruments in public spaces, although the sound must comply with by-law conditions that set maximum daytime and night-time sound levels from any source in a public space, in all areas of the city.

The Street and Traffic By-law regulates activities like celebrations, street entertainment, community and regional events can take place within public spaces under City issued permits or in designated entertainment locations. Street program activities must comply with all provisions of the Noise Control By-law.

Staff propose that the Noise Control By-law be amended to specifically regulate amplification of voice and sound from musical instruments in public spaces, and that two additional enforcement options be enabled by amending the Ticket Offences By-law and the Street and Traffic By-law. The proposals are to:

1. Amend the Noise Control By-law to prohibit the unauthorized use in public spaces, of devices that can amplify voice or musical instruments;
2. Create a related \$250 ticket offence in the Ticket Offences By-law for such unauthorized use; and,
3. Enable the seizure of such devices through an amendment to the Street and Traffic By-law making it unlawful to place devices that can amplify voice or musical instruments on public spaces including streets, sidewalks and any public property or right of way.

## **COUNCIL AUTHORITY/PREVIOUS DECISIONS**

On January 20, 2011, Council approved the creation of MTI Ticket Offences for contraventions of the Noise Control By-law concerning power equipment, leaf blowers and construction noise. The purpose was to increase enforcement options for by-law officers and police officers by enabling them to issue MTIs for these offences.

## **CITY MANAGER'S/GENERAL MANAGER'S COMMENTS**

The City Manager recommends approval of the foregoing.

## **REPORT**

### ***Background/Context***

In July and August of 2020, the City of Vancouver received numerous complaints about an individual on the streets of downtown Vancouver using a microphone and amplifier to speak to the public. Both the volume and duration of his speech were reported to be a public disturbance.

While the use of sound amplification devices in public spaces is an occasional source of complaints, for example when used by street entertainers, this specific incident occurred over several weeks before being brought to an end.<sup>1</sup> The incident prompted staff to review the City's by-laws on use of devices that amplify human voice or musical instruments in public, and to consider opportunities for enhancing enforcement against their unauthorized use.

Staff have reviewed regulation of sound amplification devices in other municipalities and determined that many municipalities either prohibit the use of amplified sound equipment without permission or prohibit amplification above certain sound level. These municipalities include Surrey, Richmond, Coquitlam, Victoria, White Rock, Toronto and Regina.

### ***Strategic Analysis***

#### **By-laws that Regulate Sound on Public Property**

##### ***Noise Control By-law***

The City regulates sounds and noise through the Noise Control By-law, which aims to maintain a general level of quiet and comfort for residents and the public. It sets maximum levels of daytime and nighttime sound for areas of the city depending on whether they are largely residential, commercial, or event areas. It also regulates sound from specific activities that take place on public and private property. For example, it sets conditions on the time, duration and volume of sound from construction; operation of landfill, recycling and carpet cleaning trucks; and sounds from animals and business operations.

The Noise Control By-law sets no specific conditions on use of amplification devices on public property; rather, sound from such devices is subject to the following sections of the Noise Control By-law that apply to any type of sound or noise:

- Section 3 requires that, "No person shall make or cause, or permit to be made or caused, any noise or sound in a street, park or similar public place which disturbs or tends to disturb unreasonably the quiet, peace, rest, enjoyment, comfort or convenience of persons in the neighbourhood or vicinity."
- Sections 5, 6, 6A and 7 set maximum daytime and nighttime sound levels measured in decibels, for any continuous sound and non-continuous sound<sup>2</sup>, in all areas of the city by

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<sup>1</sup> In 2020 the City's 311 Contact Centre recorded 77 complaints about amplified sound from a public space.

<sup>2</sup> *Noise Control By-law*: "continuous sound" means any sound occurring for a duration of more than three minutes, or occurring continually, sporadically or erratically but totalling more than three minutes in any 15-minute period of time; and "non-continuous sound" means any sound other than continuous sound.

zone designation: event, intermediate, activity and quiet zones. The geographic boundaries of the zones are set out in Schedules A, B and C of the by-law. Section 9 clarifies that sound emanating from any source on a street will be considered to be in an activity zone for the purposes of measuring its level. Section 14B makes exceptions to the maximum sound levels for sound from BC Place and Rogers Arena, and from festivals, parades and races approved by Council.

### *Street and Traffic By-law*

Celebrations, street entertainment, neighbourhood block parties, community and regional events are a few types of activities that can take place within public spaces within the street right of way and that are regulated through the Street and Traffic By-law. The by-law allows these activities under City program guidelines by issuing permits or in designated entertainment locations. All program activities are required to comply with all provisions of the Noise Control By-law. Examples of some program activities include:

- Events - both small and large events bring people together to have fun, to mark important events, or to work towards a higher purpose. The focus of event approvals and permit is to make sure that events are safe, and do not negatively affect the community. The City wants to encourage fun, safe, and memorable events.
- Street Entertainment - Buskers and street performers sing, dance, juggle, mime, do magic, and draw caricatures to entertain crowds and receive donations on streets. Through the Street Entertainment, Share the Square and Event guidelines, the City encourages a wide variety of street entertainment and provide permits according to performance type and content.
- Religious expression - The City recognizes the freedom of speech and the right to assembly for all groups, without prejudice. Religious groups that wish to pass on their message on City streets are provided a free permit. The permit gives groups a designated area and time to inform and interact with the public.

### Proposed Amendment to the Noise Control By-Law

While the Noise Control By-law establishes the public right to peaceful and quiet enjoyment of public spaces, and sets maximum sound levels for any type of noise, staff recommend adding conditions specific to amplification devices. Staff propose that the Noise Control By-law be amended to declare the use of devices to amplify the human voice or musical instruments in public spaces liable to disturb the peace, and to prohibit the use of such devices in public spaces without permission (Appendix A).

A prohibition on the use of a device to amplify one's voice or a musical instrument in a public space without holding a valid, City-issued permit to do so will be easier to enforce than the decibel levels set out in Sections 5, 6, 6A and 7 of the Noise Control By-law.

### **Enforcement Mechanisms**

Contraventions of the Noise Control By-law with regard to noise levels emanating from public spaces, and violations of the Street and Traffic By-law are generally addressed by Property Use Inspectors and Street Use Inspectors, respectively. In cases where public safety may be at risk,

or noise complaints occur after business hours, the Vancouver Police Department are called to respond.

Property Use Inspectors and Street Use Inspectors address by-law contraventions using a range of progressive enforcement measures, starting with education to gain voluntary compliance with by-law conditions. Subsequent measures can include education letters, and issuance of Municipal Ticket Informations (MTIs). In the case of street entertainment permits, failure to comply with permit conditions can result in revocation. Should staff be unsuccessful in obtaining compliance, by-law contraventions are enforced through long form prosecution commenced by the City Prosecutor's office.

Noise from sound amplification devices used on public property, is not currently enforceable by Municipal Ticket Information. Staff propose that enforcement options be expanded with two additional mechanisms: 1) the ability to issue Municipal Ticket Informations (MTIs) for unauthorized use of devices that can amplify voice and sound on public property, and 2) the ability to seize amplification equipment.

### **1) Ticketing**

Many conditions of the Noise Control By-law are currently enforceable by issuing Municipal Ticket Informations (MTIs). For example, noise from loud voices at parties or gatherings; use of equipment outside of permitted times or beyond permitted levels; construction outside of permitted times, and refuse pickup outside of permitted times. MTIs are served on the alleged offender at the time of the offence, have an associated fine, and alleged offenders are deemed to be convicted if they do not dispute the ticket. Offences enforceable by MTI are identified in the Ticket Offences By-law. The unauthorized use of devices to amplify voice or musical instruments in public spaces is not currently an offence enforceable by MTI in the Ticket Offence by-law.

Staff recommend that if Council approves the recommendation to amend the Noise Control By-law to prohibit the use of devices that can amplify voice and musical instruments in public places without permission, it also amend the Ticket Offences By-law to establish an MTI for contravention of this by-law condition, and an associated fine of \$250 (Appendix B). The fine of \$250, would be consistent with the existing fine amounts for loud voices, equipment and construction noise. If the proposed amendments are approved, MTIs could be issued by delegates of the Chief Licence Inspector and City Engineer, and by Police Officers.

### **2) Seizure of Amplification Equipment**

Section 12 (1) of the City's Impounding By-law authorizes the seizure of any items unlawfully placed or left on the street, sidewalk or other public spaces. Experience from City staff is that the need to impound items is rare, and is a last resort after other enforcement efforts have failed. Staff recommend this enforcement tool be enabled for amplification devices used in public spaces without permission.

To enable seizure of amplification devices staff propose to amend the Street and Traffic By-law to prohibit placement of devices that can amplify voice and musical instruments on a street, sidewalk or other public space without permission (Appendix C). The City Engineer and the Chief Constable and their delegates will have authority to seize devices.

In summary, Staff propose three by-laws be amended to strengthen regulation and enhance enforcement options.

1. Amendment of the Noise Control By-law to prohibit use of devices to amplify voice and musical instruments on public property without permission and,
2. Amendment of the Ticket Offences By-law to establish an offence enforceable by MTI with an associated fine of \$250, for violation of the Noise Control By-law prohibition against use of devices to amplify voice and musical instruments on public property without permission and,
3. Amendment of the Street & Traffic By-law to prohibit placement of sound amplification devices on public property without permission, thereby enabling seizure of such devices under the existing authority of the Impounding By-law.

### ***Public/Civic Agency Input***

Staff consulted the Vancouver Police Department who expressed support for enhancement of enforcement options, including the ability to seize amplification equipment. VPD notes that it will be important for the Park Board to amend its by-laws to align with changes made to City by-laws.

If Council approves the recommendations in this report, Vancouver Park Board staff will recommend that the Vancouver Park Board amend their regulations regarding sound amplification in public parks to align with the recommendations in this report.

### ***CONCLUSION***

In response to a repeated disturbance of the peace, staff reviewed City by-laws and enforcement options regarding use of sound amplification devices in public spaces. Staff recommend strengthening regulation by prohibiting the unauthorized use of device that can amplify voice and musical instruments in public spaces, and enhancing enforcement options with two additional tools: a \$250 ticket offence for unauthorized use of sound amplification devices on public property, and authorization to seize such devices from public spaces. If approved, these recommendations will create new enforcement tools to strengthen enforcement against public disturbance caused by individuals using devices to amplify speech or music in public spaces.

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**DRAFT By-law to Amend Noise Control By-law No. 6555  
Regarding Amplification Equipment**

*Note: A By-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.*

1. This By-law amends the indicated provisions of Noise Control By-law No. 6555.
2. Council adds a new section 4C in the correct numerical order as follows:

“4C. Notwithstanding any other provision of this By-law, the noise or sound from a device capable of amplifying the sound of the human voice or a musical instrument used in a street, park or similar public place is declared by Council to be a noise or sound which is, in its opinion, objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public, and is hereby prohibited, and no person shall make, cause, allow, or permit such noise or sound to be made without permission.”

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**DRAFT By-law to Amend Ticket Offences By-law No. 9360  
Regarding Amplification Equipment**

*Note: A By-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.*

1. This By-law amends the indicated provisions and schedules of Ticket Offences By-law No. 9360.
2. In Table 4, Noise Control By-law, Council adds a new row to the end of the table, as follows:

“

Chief License Inspector	Use of amplification device on street	Section 4C	\$250.00
Police Officer			
City Engineer			

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**DRAFT By-law to Amend Street and Traffic By-law No. 2849**  
**Regarding Amplification Devices**

*Note: A By-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.*

1. This By-law amends the indicated provisions of the Street and Traffic By-law.
2. Council adds a new section 67B in the correct numerical order, as follows:

**“AMPLIFYING DEVICES**

67B. A person must not place a device capable of amplifying the sound of the human voice or a musical instrument on a street without permission.”

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