

# COUNCIL REQUEST FOR DECISION

**MEETING DATE:** August 22, 2022

**SUBMITTED BY:** D. Melvie, General Manager, Community and Protective Services

**PREPARED BY:** C. Chisholm, Manager, RCMP Administration and Enforcement Services

**REPORT TITLE:** Bylaw No. 1123-2022 - Amendments to Bylaw No. 878-2014 – Traffic Bylaw (1<sup>st</sup> Reading)

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## EXECUTIVE SUMMARY

This report brings forward amendments to Traffic Bylaw No. 878-2014 on the subjects of motorcycle noise, the efficiency of snow clearing and parked vehicles, items on roadway and updating fines.

## RECOMMENDATION

That Council give Bylaw No. 1123-2022 first reading.

That Council approves a transfer of \$100,000 from the Operating Reserve to fund the \$80,000 one-time costs for signs and \$20,000 educational campaign related to the snow clearing program in 2022.

## COUNCIL HISTORY

This item was first presented to Committee-of-the-Whole on January 24, 2022. On that date, the Committee was invited to give initial feedback on possible updates to the Traffic Bylaw. Bylaw 1123-1022 is drafted largely in response to that feedback.

It should be noted that regulation of panhandling activity is not being proposed. Regulations pertaining to catalytic converters will be proposed through amendments to the Business Licence Bylaw (under separate report).

## BACKGROUND / RATIONALE

### *Vehicle (Motorcycle) Noise*

Excessive vehicle noise interferes with the quality of life and continues to be a nuisance and reoccurring problem throughout the city. While some of this excessive noise is related to traffic volume, a portion relates to modified exhaust systems. Provincial legislation has provisions which address excessive noise, but it is subjective.

Clarity by way of introducing standards for maximum decibel levels would assist law enforcement in better enforcing noise violations. While Transport Canada establishes maximum levels for passenger vehicles, there are challenges with applying standards for enforcement of passenger vehicles. Standards for motorcycles can however be utilized. The City of Edmonton has had in place for more than ten years standards for motorcycle noise levels. Edmonton utilizes under their traffic bylaw two noise maximum dB levels, an at idle maximum 92 dB limit and a 96 dB at any speed greater than idle. Edmonton's bylaw provision has withstood numerous court challenges since inception. Introducing such levels for motorcycles in Leduc would support addressing one particular form of noise pollution as part of the overall strategy in reducing vehicle related noise. This

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amendment has been reviewed and supported by the Traffic Advisory Committee. The specified fine is \$250 (same as the City of Edmonton).

### *Items on a Roadway*

Section 52 of the Traffic Bylaw is titled "Items on a Roadway" but the wording of the section references "material" on the roadway. For additional clarity, the wording should be expanded to reflect material or "*items*" on a sidewalk or roadway that could obstruct or create a dangerous condition on the roadway. This would address issues where storage pods or any other object is placed on a roadway such as a chair or bench.

### *Parked Vehicles – Snow Clearing and Road Maintenance, Emergency Towing of Vehicles*

Parked vehicles can significantly impede road clearing operations during the winter season or situations involving emergency road/infrastructure maintenance.

Administration is seeking to move towards a snow clearing model that is facilitated by the imposition of parking restrictions. To support this model, a provision to allow the City Manager to temporarily implement a parking ban with 24 hours notice is required. This ban would apply to arterial and collector roads that are signed "Seasonal - No Parking". With respect to the clearing of residential side streets, bylaw provisions would allow for temporary parking ban signage to be placed at subdivision entrances at least 48 hours in advance.

Compliance by the public is the desired goal under the proposed snow clearing model. Prior to commencement of snow clearing activities, Community Peace Officers would sweep through the area and attempt first to contact the registered owner of a non-compliant vehicle before being tagged and towed. On a discretionary basis, vehicles could be towed to nearby cleared collector roads rather than being impounded. The recipient of a "courtesy tow" would be responsible for a \$250 fine only (similar to Strathcona County) and would not face further impound fees. A bylaw provision has been created to furnish Enforcement Services with the legal authority to proceed in this fashion.

Public awareness through various communications techniques would be required on an ongoing basis to assist in gaining compliance. This would include yearly letters to those living on collector roads.

Costs for this model will be further discussed through the budgetary process.

### *Updating Fines*

The fines structure within the Traffic Bylaw is outdated and needs to be modernized. Other municipalities in the region incorporate higher fines in their Traffic Bylaws. Under the City's Traffic Bylaw, the current specified fine is \$50 unless otherwise specified for an offence.

The following sections of the Traffic Bylaw have a \$150 fine: Section 6 (park in disabled stall), Section 7 (park in fire lane), Section 36 (crossing permit), Section 37 (track material on highway), Section 40 (transport construction material in residential area) and Section 42 (operate tracked vehicle on highway).

The following sections of the Traffic Bylaw have a \$500 fine: Section 43 (operate off truck route), Section 44 (operate over-dimensional vehicle), Section 45 (overweight vehicle) and Section 53 (place markings on highway).

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Should a municipal tag be paid within 30 days, the fine amount is reduced by 10% under the Bylaw. For all municipal tags, the City received 100% of the fine proceeds. If a municipal tag is not paid, a provincial violation ticket is then issued, for which the City receives only 50% of the fine proceeds.

The amendments to the Traffic Bylaw change the specified fine amount for most offences to \$80 (with a reduction to \$72 if paid within 30 days). In addition, the fine amounts pertaining to sections 11 (park in front of fire hydrant), 17 (park on highway in a manner that blocks movement of highway) and 74 (permits) are changed to \$150. These adjusted fine amounts would be consistent with other municipalities in the region.

The last revision of Traffic Bylaw 878-2014 that addressed fines was in 2015. In that revision, offences were grouped into three levels of fines (\$50, \$150 and \$500). A new category of \$250 is added to the Traffic Bylaw.

### **STRATEGIC / RELEVANT PLANS ALIGNMENT**

Amendments to the Traffic Bylaw relate to Goal One - a City where people want to live, work and play and promotes a safe and healthy community.

### **ORGANIZATIONAL IMPLICATIONS**

#### **ADMINISTRATION:**

Leduc Enforcement Services would be responsible for enforcement of the proposed amendments.

Public Services would work in partnership with Enforcement Services in the implementation of the proposed snow clearing model and ongoing operations.

#### **RISK ANALYSIS: FINANCIAL / LEGAL:**

To enforce motorcycle noise levels, Enforcement Services will require ongoing costs of \$500 for yearly certification of the sound metering equipment. Sound metering equipment has already been acquired by Enforcement Services. Two Community Peace Officers have taken training on use of the equipment for motorcycle noise enforcement from the Edmonton Police Services.

Costs related to improving snow clearing operations would include \$80,000 in one-time costs for permanent and temporary signage. These one-time costs for signs are estimated at \$80,000. In addition, there would be a requirement of \$20,000 in one-time funding for communication costs (digital advertising, mail outs to residents living on collector roads) to educate residents on the changes to the program and to support the snow model. The improved snow clearing operations will be more efficient and effective for the City.

As with all Bylaws, there is always the risk of an individual requesting a trial and the City bearing the cost relating to prosecution of the bylaw.

#### **IMPLEMENTATION / COMMUNICATIONS:**

Should the proposed amendments related to parked vehicles and the City's snow removal operations be approved, a strategic communications plan will be required to inform the public and influence a significant behaviour change in our community. Communications will be made through various channels (print, digital, social) over a sustained period of time and will focus on raising awareness, creating understanding and



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supporting the overall goal of compliance. Our approach will include frequent, timely communications to the whole city, targeted communications to affected residents and internal communications to the organization.

### ALTERNATIVES:

1. Make changes to the proposed amendments.
2. Adjust the recommended funds for communications to increase or decrease.

### ATTACHMENTS

Updates to Traffic Bylaw 878-2014 (from Committee of the Whole January 24, 2022)

Bylaw No. 1123-2022 - Amendments to Bylaw No. 878-2014 - Traffic Bylaw