

**MEETING DATE:** January 24, 2022

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

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

**REPORT TITLE:** Updates to Traffic Bylaw 878-2014 (from Committee of the Whole January 24, 2022).docx

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## EXECUTIVE SUMMARY

Administration is seeking input from Council on proposed amendments to Traffic Bylaw 878-2014. These amendments would address motorcycle exhaust noise levels, panhandling activity on roads and sidewalks, placement of items on roads, failure to comply with road permits and abandoned vehicles. It would also address fine amounts which are outdated and need to be adjusted as a deterrence.

## BACKGROUND

### Vehicle Noise

Excessive vehicle noise interferes with the quality of life and continues to be a nuisance 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 2000 RPM maximum limit. Edmonton's bylaw provision has withstood numerous court challenges since inception. Introducing such levels in Leduc would support addressing one particular form of noise pollution as part of the overall strategy in reducing vehicle related noise. This amendment has been reviewed and supported by the Traffic Advisory Committee.

### Items on Roadway

Clarity is required with respect to placement of items on roadways. Section 52 refers to placement of items on the roadway but the wording of the section references "material" on the roadway and should be expanded to reflect material or items on a sidewalk or roadway. This would address issues where storage pods or any other object is placed on a roadway.

### Permits

Permits are issued for road closure and placement of items on roadways but there is no provision in place should an individual not adhere to the conditions of the permits. A section referencing to failure to comply with conditions of a permit is required.

### Panhandling

The City of Leduc and RCMP have received complaints regarding panhandling particularly at the locations where there are higher volumes of vehicle traffic. Panhandling activity on streets can distract a driver from the operation of their motor vehicle. The City of Calgary has bylaw provisions which prohibit certain panhandling activity such as soliciting occupants of motor vehicles for money, obstructing passage of pedestrians on sidewalks or roadways and panhandling on sidewalks within 10 metres of an entrance to a bank, automated teller machine or transit stop. While the primary request from Administration is to address panhandling with respect to occupants of motor vehicles, other panhandling activities could be added as amendments if requested by Council for sidewalks and transit stops.

### Parking Bans

A provision to allow the City to implement a parking ban by the City Manager would be appropriate to allow for more efficient snow removal/street cleaning or any other event requiring parking restrictions. While there are no plans in place to utilize this provision at this time unless there is a significant snowfall event, including such a provision would allow for implementation without amendments being required to the Traffic Bylaw at a later date.

### Traffic Safety Act Offences

A provision to cover abandoned vehicles for Bylaw Officers would assist Enforcement Services in their duties as there are times when Bylaw Officers are awaiting appointment and do not have Traffic Safety Act (Provincial) appointment. This amendment would mirror the section for Abandoned Vehicles in the Traffic Safety Act. It is also proposed that other select sections from the Traffic Safety Act be mirrored in the Traffic Bylaw to allow a bylaw offence to be issued rather than a Provincial offence being issued. Sections that could be considered would be for speeding and failure to stop at red lights/stop sign. The City of Spruce Grove has this type of duplication within their Traffic Bylaw which allows their Enforcement Services discretion over the type of sanction to be applied for an offence. Should a Municipal bylaw offence be issued, there would be no sharing of the fine with the Province.

### Updating Fines

The fines structure within the Traffic Bylaw is outdated and need to be adjusted to reflect the landscape of 2021. Other municipalities in the region incorporate higher fines in their Traffic Bylaws. Current fines are \$50 unless specified for municipal tag (ticket).

Specified sections with \$150 fines - 6 (park in disabled stall), 7 (park in fire lane), 36 (crossing permit), 37 (track material on highway), 40 (transport construction material in residential area), 42 (operate tracked vehicle on highway).

Specified sections with \$500 fines - 43 (operate off truck route), 44 (operate over-dimensional vehicle), 45 (overweight vehicle) and 53 (place markings on highway).

Should a municipal tag be paid within 30 days, the fine amount is reduced by 10%. 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. The City only receives 41% of the fine proceeds.

Administration is recommending that the specified fine amount be raised to \$80 (with a reduction to \$72 if paid within 30 days). In addition, sections 11 (park in front of fire hydrant) and 17 (park on highway in a manner that blocks movement of highway) should be added to the \$150 fine amount. These adjusted fine amounts would be consistent with other municipalities in the region. The last revision of Traffic Bylaw 878-2014 which addressed fines was in 2015.

### Catalytic Converter Theft

Catalytic converter thefts have increased significantly in Leduc and other municipalities in Alberta. While the Province introduced scrap metal legislation in November 2020 requiring sellers provide identification when selling catalytic converters, the rate of thefts of catalytic converters has not slowed down in Leduc. In 2019, there were 17 theft of catalytic converter occurrences in Leduc. In 2020, the number of occurrences rose significantly to 73 thefts. To date for 2021 (as of November), there have been 65 reported thefts. Note that these are reported occurrences and it is not uncommon to have multiple offences at a commercial location. The lack of an identifiable victim significantly impacts the police in solving thefts of catalytic converters and typically, a thief gets \$200 to \$400 for each stolen scrap catalytic converter.

There is very little reason why somebody would have in their possession a catalytic converter unless they are in the business of automotive repair. The RCMP have come across individuals with catalytic converters in their possession and have been unable to deal with what appears to be an obvious theft.

To deter thefts of catalytic converters, it is proposed that a provision prohibiting possession of catalytic converter that is not attached to a vehicle unless the possessor has valid documentation or proof that they are in lawful possession of the catalytic converter. Businesses with valid licenses for automotive repair would be exempt. A significant fine of \$1000 per catalytic converter is suggested as a deterrent. While there are a few cities in the US that have recently introduced such legislation, this does not appear to have been done in Canada before but there is interest in surrounding municipalities.

The RCMP in Leduc are very supportive of this proposal.

### **NEXT STEPS**

Following Council discussion on proposed amendments, the matter will be brought back to Council for a decision.

### **ATTACHMENTS**

None.