

THE CORPORATION OF THE
CITY OF WHITE ROCK
CORPORATE REPORT



DATE: February 22, 2021

TO: Mayor and Council

FROM: Carl Isaak, Director, Planning and Development Services

SUBJECT: Amendment to White Rock Noise Control Bylaw (Bylaw No. 2378) –
Delegation to Consider Approval of Utility Work on Sundays

RECOMMENDATION

THAT Council receive the February 22, 2021 corporate report from the Director of Planning and Development Services, “Amendment to White Rock Noise Control Bylaw (Bylaw No. 2378) – Delegation to Consider Approval of Utility Work on Sundays” and advise staff if there are any requested changes prior to the potential readings of the bylaw.

EXECUTIVE SUMMARY

The White Rock Noise Control Bylaw, 2013, No. 2018, currently does not permit construction or utility work to occur on Sundays or holidays. When this is not practical, Council has the authority, upon application, to authorize a noise extension that permits work to occur on a Sunday or holiday. Currently, staff are only authorized to issue a noise extension between Monday and Saturday inclusive.

Some scheduled work for public utilities are carried out by external organizations, (e.g. BC Hydro, Fortis, Greater Vancouver Sewerage and Drainage District, etc.) and at times require road closures or power outages for safety reasons to carry out work. Local businesses prefer closures/outages not interrupt their regular business hours and in addition, City staff note that a Sunday closure may affect fewer transit users.

Given that Council approval is currently required for Sunday utility work, typically necessitating an application several weeks in advance for placement on a Regular Council agenda, most utility operators opt to do their work within regular construction hours or overnight on a weekday (through staff-delegated Noise Extension approval), which disrupts businesses and a higher number of transit users.

At the February 1, 2021 Governance and Legislation Committee meeting, staff were requested to prepare an amendment to the Noise Control Bylaw permitting staff to grant exemptions to allow utility only work on Sunday. The purpose of this corporate report is to introduce the draft amendment bylaw which appears in the Bylaws section of the Regular Council agenda.

PREVIOUS COUNCIL DIRECTION

Motion # & Meeting Date	Motion Details
2021-G/L-007 February 1, 2021	THAT the Governance and Legislation Committee directs staff to bring forward an amendment to the <i>White Rock Noise Control Bylaw, 2013, No. 2018</i> that would allow staff the ability to grant an exemption under section 7.4 to allow utilities only to perform work on Sunday, for scheduled maintenance purposes (construction work does not apply).

INTRODUCTION/BACKGROUND

At the February 1, 2021 Governance and Legislation Committee meeting, staff were requested to prepare an amendment to the Noise Control Bylaw permitting staff to consider exemptions to allow utilities or their contractors to perform work on Sunday, for specifically scheduled maintenance work. The City and its agents (contractors) are exempt from this prohibition. Due to time constraints, utility companies or their contractors perform work on a Saturday during business hours and higher transit use, thereby creating greater disruption from work associated road closures and power outages.

To reduce community disruption and improve internal efficiencies, the proposed amendment to the Noise Control Bylaw would enable utility companies to apply to staff for a Sunday noise exemption. The amendment bylaw is included later in the Regular Council agenda in the Bylaws section for consideration of first, second and third reading. The specific addition to the bylaw is as follows:

- a) In cases where the maintenance, installation or alteration of a public utility not operated by the City would require the partial or full closure of a road and impact access to a business, the public utility may apply to the Director of Planning and Development, who may then give approval, in writing, to carry on such work on a Sunday.

The bylaw is written in a way that would allow this type of request to be made when the work would involve interruption of access or services to a business. While the Committee’s resolution identified that this would be for scheduled maintenance purposes, the draft bylaw amendment also includes “installation or alteration” of a utility to enable staff the flexibility to consider a Sunday exemption in those scenarios as well.

FINANCIAL IMPLICATIONS

Not applicable.

LEGAL IMPLICATIONS

Not applicable.

COMMUNICATION AND COMMUNITY ENGAGEMENT IMPLICATIONS

Applicants who receive a noise extension approval are required to notify adjacent property owners 24 hours in advance.

The White Rock BIA has previously indicated its support for allowing work involving road closures or power outages to occur on Sundays as this reduces the impact to the affected businesses and fewer transit users.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

Highway Use Permit applications are used when closing the roadway is necessary for construction projects or utility work. These applications are reviewed and issued by the Engineering and Municipal Operations Department. As traffic (commuters and transit) is generally higher during the week, full road closures are usually preferred to occur on weekends to reduce disruption. Where the road closure would affect businesses and/or major bus routes, Sundays are the preferred date. This bylaw amendment to the Noise Control Bylaw would enable greater efficiency and flexibility for Engineering and Municipal Operations staff to direct utility operators and their contractors to undertake their work on Sundays.

CLIMATE CHANGE IMPLICATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES

This bylaw amendment will create internal efficiencies and assist to reduce community and business disruption associated with the general goal in the Our Economy theme that “we will support the prosperity and diversification of the City’s economic base.”

OPTIONS / RISKS / ALTERNATIVES

The following options are available for Council’s consideration:

1. Direct staff to revise the draft bylaw to remove the reference to “installation and alteration” of public utilities with associated road closures that impact businesses as a circumstance when the operator could apply to staff for an extension to do the work on a Sunday. While these requests are not anticipated to occur with any frequency, the reference to installation or alteration of services offers additional flexibility in case the type of work by the utility does not strictly fall under scheduled maintenance; or
2. Direct staff not to proceed with the bylaw amendment with continued need for Council approval for Sunday work.

CONCLUSION

At the February 1, 2021 Governance and Legislation Committee meeting, staff were requested to prepare an amendment to the Noise Control Bylaw that would allow staff to consider exemptions to allow utilities organizations or their contractors to perform specifically scheduled maintenance work on Sunday. This report introduces the related amendment bylaw which is included later in the Regular Council agenda for consideration of first, second and third readings.

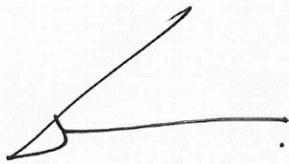
Respectfully submitted,

A handwritten signature in black ink that reads "Carl Isaak". The signature is written in a cursive style with a large initial "C".

Carl Isaak, MCIP, RPP
Director, Planning and Development Services

Comments from the Chief Administrative Officer

This corporate report is provided for information purposes and to seek Council's potential feedback prior to the readings of the bylaw.

A handwritten signature in black ink that reads "Guillermo Ferrero". The signature is written in a cursive style with a large initial "G".

Guillermo Ferrero
Chief Administrative Officer