City Clerk's Division

TO: Chair Whitehead and Members of the Economic Development and Planning Committee

DATE: January 3, 2008

FROM: Alexandra Rawlings, Co-ordinator,
City Clerk's Division

RE: Hamilton Police Services response respecting “thumper cars”

When Committee discussed the problem of the excessive noise from “thumper cars” on October 2, 2007, staff was directed to obtain input from Police Services. Please find attached an excerpt from the Public Minutes of the Board, from their meeting of December 17, 2007.

Alexandra Rawlings, Co-ordinator
Economic Development and Planning Committee/Advisory Committees
DATE: 20 December, 2007

TO: Chief Brian Mullan

FROM: Lois Morin, Administrator

SUBJECT: Excessive Vehicle Noise
PSB 07-124

Subjoined for your information and appropriate action is an excerpt from the Public Minutes of the Police Services Board meeting held on Monday, December 17, 2007.

:lem.

After discussion the Board approved the following:

Moved by: Vice Chairman Nimigan
Seconded by: Member Cimba

That the Board receive the report as printed and a copy be forwarded to City of Hamilton Council for their information.

Carried.
HAMILTON POLICE SERVICES BOARD
- INFORMATION -

DATE: 2007 December 10
REPORT TO: Chairman and Members
Hamilton Police Services Board
FROM: Brian J. Mullan
Chief of Police

SUBJECT: Excessive Vehicle Noise
(PSB 07-124)

BACKGROUND:

At the request of a PSB member, we conducted research into the prevalence of excessive vehicle noise complaints and offences. This report outlines the research findings and the intervention strategies to enhance the quality of life in our neighbourhoods.

Relevant legislation for offences, as it relates to Excessive Vehicle Noise, is found in the Highway Traffic Act and the City of Hamilton Noise By-law.

1. Highway Traffic Act of Ontario, Section 75(4)

"A person having the control or charge of a motor vehicle shall not sound any bell, horn or other signaling device so to make an unreasonable noise, and a driver of any motor vehicle shall not permit any unreasonable amount of smoke to escape from the motor vehicle, nor shall the driver at any time cause the motor vehicle to make any unnecessary noise, but this subsection does not apply to a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call."

(This section is intended to apply to bells, horns, or spinning of tires)

2. Hamilton Noise By-Law, No. 03-020, Sections 2 - 11 provide set fines from $100.00 - $300.00 for various types of noise offences. The offences are classified by type of noise, item creating the noise, time of the noise and/or level of noise measured in decibels. Section 3(1) is most applicable to vehicles with loud stereos and has a short form wording of; "Emit (or cause or permit the emission of) sound which is clearly audible at a point of reception from an electronic device." The set fine is $100.00 and can be issued by way of a Part I Provincial Offences Notice (PON).
RESEARCH FINDINGS:

Currently, neither the City of Hamilton nor the Hamilton Police Service offence-based tracking system (NICHE) captures data with respect to vehicle noise offences. These offences are gathered in an "other" classification which includes many other non-hazardous violations.

During the first week of December, the Traffic Sergeant conducted interviews with Divisional Safety Officers who were able to offer pertinent anecdotal information. Throughout 2007, Section 75(4) of the HTA was used occasionally in response to excessively loud stereo systems in vehicles. The only specific complaint of note was in the area of Van Wagner's Beach where Crime Managers, Divisional Safety Officers and City By-Law Enforcement successfully collaborated to eliminate noise and street racing through active enforcement.

In addition to these interviews, the CAD Administrator and Communications Staff Sergeant conducted a search of the Computer Aided Dispatch (CAD) system for complaints of excessive vehicle noise (vehicles with loud stereos). The search of 2007 data to date revealed 19 complaints. Of this total, four (4) were cancelled, 14 were designated false and one (1) was concluded as true with comments indicating the noise was not terribly loud. In 2006, there were 24 complaints of excessive vehicle noise. Of this, eight (8) were cancelled, 15 were designated false and one (1) was concluded as true with comments indicating the vehicle was gone on arrival.

Also, discussions with the Traffic Court Prosecutors revealed that the Justices of the Peace (JPs) are of the opinion that complaints of excessive vehicle noise usually do not result convictions in court. This is due to the subjectivity and difficulty in determining what is excessive noise and as a result, the JPs are erring on the side of the accused.

The reality is that our likelihood of effecting a timely response to vehicle noise complaints is extremely low. Offences most frequently occur in the warmer months when calls-for-service are at peak levels. Given that this is not a criminal offence, nor an issue of public safety, noise complaints are assigned as a Priority 4 event which permits three (3) hours for dispatch.

INTERVENTION STRATEGIES:

Despite the low number of complaints, excessive noise is a quality of life issue that must be addressed. Therefore, commencing in 2008, Communications Operators accepting complaints of excessively noisy vehicle stereos will always endeavor to obtain license plate information and responding officers will be encouraged to follow-up by contacting the registered owner whenever vehicles are gone from the scene upon our arrival.
In addition, Patrol Officers will be reminded of their authorities with respect to excessively noisy vehicles and will be encouraged to take enforcement action whenever appropriate.

Also, we will educate the public to use the Traffic phone-in line for aggressive drivers to report vehicles with excessive noise or loud stereos.

Lastly, Crime Managers will continue to monitor these complaints and issues as they emerge, for example, noisy cars on mall lots adjacent to residential areas.

CONCLUSION:
Although excessive noise complaints relating to vehicles are not a frequent event, these incidents affect the quality of life of our citizens. As a result, intervention strategies will be implemented in 2008 to combat these nuisance types of calls-for-service.

Brian J. Mullan
Chief of Police

BJM/Supt. P. Morrison