

Electronic Bird Deterrents and the COV Noise Bylaw

Darrell Pfeifer, February 25, 2021



Bird Noisemakers

- Typically used on farms to scare birds from crops
- Make the sound of a bird in distress or an attacking raptor
- The Farm Act and Ministry of Agriculture limits these devices
 - Must be more than 100 meters from a dwelling
 - Noise events cannot exceed more than once every 5 minutes
- Farm in semi-rural Blenkinsop valley was required to follow the guidelines
- Ministry requires municipalities to implement for their jurisdiction

Bird Noisemakers in City of Victoria

- Placed on rooftops to keep gulls away
- Not audible to residents of the noisemaking building since they are below their roofline
- Bayview One
 - Once per minute 15 second noise since April 1
 - Audible to residents of Promontory who are facing Bayview and above their roofline
 - Multiple Promontory residents have complained to COV bylaw
- Near the Regency Hotel
 - Clearly audible across the water at the Delta Hotel and the Songhees Totem
 - Well known to kayakers and harbour ferry captains on the water but unheard on Wharf Street
 - Random every five or so minutes

Effect on people

- A once per minute noise in itself is disturbing
- The distress call from an animal is extremely upsetting to most humans
 - One new resident of Promontory was prepared to contact the SPCA to help rescue the animal on the Bayview rooftop
- In the past few years, the World Health Organization has established new guidelines for effects of urban noise

● Effect on birds

- Gulls habituate quickly to noises which are not threats
- Active bird scaring devices are contrary to the neighborhood ecology
 - Victoria harbour is a federally protected migratory bird sanctuary
 - People would not be allowed to use bird scaring devices standing at the shoreline, so should not be allowed to use them on building rooftops
 - Promontory building has peregrine falcons on the rooftop
 - These are a species of special interest due to their small numbers
 - Most cities welcome these birds to help control the bird population

Noise bylaw is ineffective

- Noise Disturbing Neighborhood (Section 11) applies at night, but does not apply during daytime hours, which are only governed by decibels
- (b) a person who is the owner or occupier of, or is in possession or control of, real property must not make, suffer, or permit any other person to make, a noise or sound, on that real property, which can be easily heard by a person not on the same premises and which disturbs or tends to disturb the quiet, peace rest, enjoyment, comfort or convenience of persons in the neighbourhood or vicinity.

Another example of ineffective noise bylaw

- A barking dog is covered under the animal control bylaw
 - There are specific metrics
 - also a “disturbance” clause
- However, it is possible to play the sound of dog barking all day (so not a real dog) but not violate the current daytime noise bylaw
 - As long as the barking sound doesn’t exceed a “conversational level” is it will not meet the decibel requirements
 - There is no “disturbance” clause during the daytime

Please consider changes to noise bylaw

- For the specific case of bird scaring devices
 - Implement the Ministry of Agriculture guidelines, particularly the 100 meter rule in urban Victoria
- For the general case of daytime noise
 - Allow the “disturbance” clause during the daytime
- For the longer term
 - Consider a review that simplifies and modernizes the noise bylaw in accordance with newer health standards
- More information and video/sound examples at **stopthesquawk.ca**