



**Council Member Motion
Committee Of The Whole Meeting of May 13, 2021**

Date: May 10, 2021

From: Councillor Andrew and Isitt

Subject: Noise Bylaw Amendment to prevent use of bird deterrents

Background:

Electronic bird scaring devices produce a noise similar to a bird in distress.

In the City of Victoria, one device is located near the rooftop of the Regency Hotel and also on top of the Bayview One condominium. One of these devices produces a noise every minute and has been the subject of noise complaints from multiple residents of adjacent buildings.

Under the **BC FARM PRACTICES ACT**, these devices cannot be used within 100 meters of a dwelling due to their considerable annoyance to neighbors. More than 10 years ago a tribunal prohibited a farm in Central Saanich from operating one of these noisemakers.

Victoria Harbour is a federal migratory bird sanctuary.

Under the migratory bird act it is illegal to scare migratory birds. Using these devices to scare birds is contrary to the development of the bird sanctuary.

The Promontory building, immediately adjacent to Bayview One has resident peregrine falcons, which are a species at risk. Having this kind of bird deterrent so close may be disrupting their nesting activities.

A person walking along the shoreline using one of these devices would be fined.

Federal and provincial jurisdictions legislate to prevent the use of these noisemakers.

Devices which are prohibited in semi-rural areas should not be allowed to operate unattended in urban Victoria.

Recommendation

That Council refer the following matter to staff, to report back on implications at the next Triennial Update:

“That Council direct staff to prepare amendments to the Noise Bylaw to introduce regulations to prevent the use of bird deterrents.”

Respectfully Submitted,



Councillor S. Andrew



Councillor B. Isitt