



Royal Canadian
Mounted Police

Gendarmerie Royale
du Canada

Security Classification/Designation
Classification/désignation sécuritaire

Unclassified

NCO i/c Salmon Arm Detachment
1980 11th Avenue N.E. Salmon Arm, BC
V1E 2V5

CRCC File # - CCETP no de reference

Our File - Notre référence

Salmon Arm City Council

Date:

February, 4, 2020

RE: Variance / re-zoning application for the property located at 1910 11th Avenue NE, Salmon Arm.

Dear Salmon Arm Council,

I am writing this letter to provide council information on issues that I foresee arising from the proposal of development of a property adjacent to the current RCMP Detachment located at the civic address of 1980 11th Avenue NE here in Salmon Arm.

As I understand it, the land usage of the lot under discussion for re zoning at 1910 – 11th Avenue NE is listed under the OCP as being designated Highway Service /Tourist Commercial. The proposal before council is to re zone that property to a multi-family residential complex of some description. The scale that has been discussed is 12 to 28 units as I understand it.

I have been lead to believe that historically the residential structure next to our office has contained 2 tenants. I do know there has been occasions for our detachment members to interact with the tenants who were displeased with the noise and lights that our operations create. Specifically the noise that our operation creates on a 24 / 7 schedule has created angst with tenants on the adjacent property and lead to complaints to the Detachment Commander as it echo's on the building.

At times Our 24 hour operation requires:

- Police vehicles to run constantly in our back lot to facilitate emergency response.

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RCMP GRC 2823 (2002-11) WPT

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Late Submission Item 24.1/24.2

- Police vehicles to use the western entrance and egress point 24/7 which borders 1910 11th Ave, NE. The sound then can echo off of our own building toward the west.
- In conducting vehicle checks at the beginning of shift sirens are sounded to ensure they work.
- Emergency operations require the use of sirens and emergency lighting when the risk dictates it which results in their use when leaving and sometimes on return to the Detachment depending on the risk assessment.
- Attendance of ambulances is required at the West entrance where our cells are located and they may be required to utilize emergency response equipment depending on the risk analysis.
- When our police vehicles enter a roadway and are engaging in an emergency response they are required by the provincial Emergency Vehicle Operation's regulations contained in the Motor Vehicle Act to engage lights and sirens. Only under exceptions would an officer choose not to use them.
- All prisoners are released from cells on the west side of our building and our office has received complaints as a result of this activity.

While other areas of the community do hear our "Code 3" response the adjacent property at 1910 11th Avenue NE would potentially be subject to the lights and sirens as we confirm their operation at the beginning of shift and as we leave to emergency calls on the city street and upon entering the highway. I mention the highway because a large portion of our policing area is to the west of our office. Any residents to the west may be subject to direct noise and flashing strobe lights at all hours of the day and night not once but potentially twice in the case of 1910 11th Ave NE.

While all officers are aware of the impact of their Code 3 responses on our neighbours it is completely unavoidable. It is required by the Provincial Motor Vehicle Act and not following these well-defined policies may constitute some form of negligence resulting in criminal investigations and civil liability.

Asking our officers not to engage emergency equipment to its full extent when they are of the opinion it is necessary is not an option. The risks to the public, civil litigation and criminal prosecution in this day and age are too high.

It is this office's opinion that a multifamily residential would lead to continuing issues for the Department as well as the City of Salmon Arm and complaints may become more frequent as the property is more densely occupied with limited sound barriers. If it was to remain within

the community land usage plan as it is now the mix of commercial and residential usage could be engineered in such a way as to reduce the impact of police operations.

I have attached the excerpt from the Provincial Motor Vehicle Act for reference.

A rectangular box containing a handwritten signature in blue ink. The signature is cursive and appears to read 'S. West'.

S/Sgt. Scott West
NCO i/c Salmon Arm RCMP Detachment

Motor Vehicle Act Emergency Driving Regulation B.C. Reg. 133 Section 4.

Emergency response by peace officer

4 (1) A peace officer operating an emergency vehicle for purposes other than pursuit may exercise the privileges granted by section 122 (1) of the [Motor Vehicle Act](#) if

(a) the peace officer has reasonable grounds to believe that the risk of harm to members of the public from the exercise of those privileges is less than the risk of harm to members of the public should those privileges not be exercised, and

(b) the peace officer operates the following emergency equipment, as applicable:

(i) in the exercise of privileges described in section 122 (1) (a) to (c) of the [Motor Vehicle Act](#), an emergency light and siren;

(ii) in the exercise of privileges described in section 122 (1) (d) of the [Motor Vehicle Act](#), an emergency light or an emergency light and siren.

(2) Having determined that there are reasonable grounds referred to in subsection (1) (a), the peace officer referred to in subsection (1) may, in the following circumstances, exercise any of the privileges granted by section 122 (1) of the [Motor Vehicle Act](#) without operating an emergency light and siren or by operating an emergency light alone:

(a) the peace officer is responding to an incident and has reasonable grounds to believe that an offence has been, is being or is about to be committed and that the risk of harm to members of the public entailed in operating an emergency siren or an emergency light and siren, as the case may be, outweighs the risk of harm to members of the public entailed in not operating them;

(b) the peace officer is engaged in the lawful execution of his or her duty other than as described in paragraph (a) or section 3 and has reasonable grounds to believe that it is safe to operate the emergency vehicle without operating an emergency siren or an emergency light and siren, as the case may be.

(3) In considering whether there are reasonable grounds under subsection (1), (2) or (5) a peace officer must

(a) consider the factors described in section 3 (2), and

(b) weigh the degree of risk of harm to members of the public against the seriousness of the nature and circumstances of the suspected offence or incident.

(4) Subsection (2) does not apply if the peace officer must disregard a stop sign or approach or pass signs described in section 147 of the [Motor Vehicle Act](#) relating to schools and playgrounds.

(5) A peace officer operating an emergency vehicle in the circumstances set out in subsection (2) must stop at a red light and may then disregard the red light and proceed through the intersection if the peace officer has reasonable grounds to believe it is safe to do so without operating relevant emergency equipment.

(6) Factors which will increase the risk of harm to members of the public for purposes of subsections (1), (2) and (5) include

(a) attempting to close the distance between a peace officer's vehicle and another vehicle,

(b) if there is poor visibility,

- (c) if there is pedestrian or other vehicular traffic on the highway, and
 - (d) if the peace officer must disregard a yield sign or pass through a crosswalk or uncontrolled intersection.
- (7) For the purposes of subsection (2), the greater the distance, speed or length of time required or likely to be required in exercising the privileges granted by section 122 (1) of the [Motor Vehicle Act](#), the greater the risk to the safety of members of the public.
- (8) For the purposes of subsection (2), the risk of harm to members of the public must be considered to be substantially increased when a peace officer is attempting to close the distance if the other vehicle is not in the sight of the peace officer.

Motor Vehicle Act, Part 3, Section 122.

Exemption for emergency vehicles

122 (1) Despite anything in this Part, but subject to subsections (2) and (4), a driver of an emergency vehicle may do the following:

- (a) exceed the speed limit;
- (b) proceed past a red traffic control signal or stop sign without stopping;
- (c) disregard rules and traffic control devices governing direction of movement or turning in specified directions;
- (d) stop or stand.

(2) The driver of an emergency vehicle must not exercise the privileges granted by subsection (1) except in accordance with the regulations.

(3) [Repealed 1997-30-2.]

(4) The driver of an emergency vehicle exercising a privilege granted by subsection (1) must drive with due regard for safety, having regard to all the circumstances of the case, including the following:

- (a) the nature, condition and use of the highway;
- (b) the amount of traffic that is on, or might reasonably be expected to be on, the highway;
- (c) the nature of the use being made of the emergency vehicle at the time.