



# THE DISTRICT OF NORTH VANCOUVER

## NOISE REGULATION BYLAW

### BYLAW 7188

Effective Date – August 14, 2000

#### CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of the bylaws below. The amending bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaw on this subject.

<b>Original Bylaw</b>	<b>Date of Adoption</b>
Bylaw 7188	August 14, 2000
<b>Amending Bylaw</b>	<b>Date of Adoption</b>
Bylaw 7215	January 15, 2001
Bylaw 7279	November 26, 2001
Bylaw 7256	June 24, 2002
Bylaw 7334	October 28, 2002
Bylaw 8163	June 20, 2016

The bylaw numbers in the margin of this consolidation refer to the bylaws that amended the principal bylaw (Noise Regulation Bylaw – Bylaw 7188). The number of any amending bylaw that has been repealed is not referred to in this consolidation.

# THE CORPORATION OF THE DISTRICT OF NORTH VANCOUVER

## BYLAW 7188

A bylaw to regulate or prohibit the making of certain noises in the District of North Vancouver pursuant to sections 8(3)(h) and 64 of the *Community Charter*, SBC 2003, c. 26.

(8163)

The Council for The Corporation of the District of North Vancouver enacts the following:

### **Title**

1. This bylaw may be cited as "**NOISE REGULATION BYLAW**".

### **2. Definitions**

In this bylaw:

"Activity Zone" means any part of the District not within the Quiet Zone;

"Bylaw Enforcement Officer" means person(s) designated as bylaw enforcement officers in the Bylaw Notice Enforcement Bylaw 7458, as amended or replaced; (8163)

"Chief Administrative Officer" means the person appointed as the District's Chief Administrative Officer or a designate; (8163)

"Community Charter" means the *Community Charter*, S.B.C. 2003, c.26; (8163)

"Construction Noise" means any noise or sound made by:

(a) the carrying on of works in connection with the construction, demolition, reconstruction, alteration, or repair of any building or structure;

(b) the carrying on of any excavation by machinery or heavy equipment; or

(c) the moving or operating of any kind of machine, engine or construction equipment; (7334)

"Construction Project" means the construction, demolition or reconstruction of a building or structure, or a portion of a building or structure, greater than 500 square feet in area; (7334)

"Continuous Sound" means any noises or sound continuing for a period of, or periods totalling, three minutes or more of any fifteen minute period, but excludes a Construction Noise;

"Day" means the period of time from 07:00 to 20:00 on each week day or Saturday; and from 09:00 to 20:00 on a Sunday or Statutory Holiday; (8163)

"Daytime Average Sound Level" means the average acoustic energy of Sound Levels measured continuously during the Day, expressed as equivalent sound level (Leq);

"District" means the District of North Vancouver; (8163)

"General Manager of Engineering, Parks and Facilities" means the person appointed as the General Manager of Engineering, Parks and Facilities or a designate; (8163)

“Meter” means an instrument which accurately measures levels of sound pressure on an “A” weighted scale in accordance with the American National Standards Institute standard for meters set out in S1.4-1983;

“Motor Vehicle” means a vehicle that is designed to be self-propelled and includes off-road vehicles, parts and equipment;

“Night” means the period of time from 20:00 on the one day to 07:00 on the next, and from 20:00 on one day to 09:00 on the next day when the latter is on Sunday or a Statutory Holiday; **(8163)**

“Non-continuous Sound” means any noises or sounds other than a Continuous Sound and a Construction Noise;

“Point of Reception” means the place where a Meter is located to measure the Sound Level from a source of noises or sounds;

“Premises” means the smallest unit of ownership or occupation of real property, whichever is the lesser;

“Program Manager – Construction Traffic Management” means the person appointed as a Program Manager – Construction Traffic Management or a designate; **(8163)**

“Quiet Zone” means any part of the District in a residential zone as shown in the District of North Vancouver Zoning Bylaw and all highways adjoining such land in such zones; except for a highway activity which also adjoins land in the Activity Zone, in which case the boundary between the Activity Zone and the Quiet Zone is the centreline of the highway;

“Sound Level” means the Meter reading or recording in decibels using “A” weighted network at the slow response setting of the Meter;

“Statutory Holiday” means those days defined as a “holiday” in the *Interpretation Act*, RSBC 1996, c. 238, as amended or replaced. **(8163)**

### **Noise Regulation**

3. No person, including an owner or occupier of real property, shall make or cause, or permit to be made or caused, any noise or sound which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of persons in the vicinity or which exceeds the Sound Levels prescribed in this bylaw. **(8163)**
4. A person may be found in violation of section 3 notwithstanding that he meets the standards set out in section 5. **(8163)**

### **Objectionable Noises or Sounds**

5. Without limiting the generality of section 3, the following noises or sounds are believed by the Council to be objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public and are prohibited: **(8163)**
  - (a) any noises or sounds produced within or outside a Motor Vehicle and created by the following:
    - (i) a Motor Vehicle’s engine or exhaust system when such noises or sounds are loud, roaring or explosive;
    - (ii) a Motor Vehicle horn or other warning device except when authorized by law;
    - (iii) a Motor Vehicle operated in such a manner that the tires squeal;

- (iv) a load or tow of a Motor Vehicle which causes a banging, clanking, squealing, or other like noise or sound due to improperly secured load or equipment, inadequate maintenance; or
  - (v) a radio, music/audio player, television, sound playback device, musical instrument or any other instrument or apparatus for the production or amplification of sound which can be easily heard by a person outside the Motor Vehicle; **(8163)**
- (b) any of the following noises or sounds during the Night, where such noise or sound is audible from Premises other than the Premises from which the noise or sound originates: **(8163)**
- (i) a Construction Noise, except where an exemption has been issued pursuant to section 8 of this bylaw; **(8163)**
  - (ii) a power lawn mower, power garden tool, or other power tools; or **(7215, 8163)**
  - (iii) noise or sound from mechanical equipment, including heat pumps, ventilation equipment, air conditioning systems, vents or pool or hot tub pumps, compactors or other ancillary equipment or vehicles; **(7334, 8163)**
- (c) any Construction Noise made on a Construction Project, where such noise or sound is audible from Premises other than the Premises from which the noise or sound originates:
- (i) on a Sunday or Statutory Holiday; or
  - (ii) before 09:00 or after 17:00 on a Saturday
- except where an exemption has been issued pursuant to section 8 of this bylaw; **(7334, 8163)**
- (d) any noises or sounds, where audible from a Premise other than the Premises from which such noise or sound originates, the occurrence of which extends continuously or discontinuously for 15 minutes or more, created by the following: **(8163)**
- (i) gathering of two or more persons, where at least one human voice is raised beyond the level of ordinary conversation;
  - (ii) a dog or any other animal or bird;
  - (iii) a radio, music/audio player, television, sound playback device, musical instrument or any other instrument or apparatus for the production or amplification of sound; or **(8163)**
  - (iv) a burglar alarm or security system;
- (e) any noises or sounds resulting from the operation of a public address system outside of a building structure, where such noise or sound is audible from Premises other than the Premises from which the noise or sound originates, except that the Council may by resolution, relax this provision for special events in the municipality; **(8163)**
- (f) any noise that exceeds the Sound Levels set out below: **(7334, 8163)**
- (i) any Continuous Sound that exceeds the following Sound Levels at the Point of Reception:

	<b>Sound Level</b>
a. in a Quiet Zone during the Day	55
b. in a Quiet Zone during the Night	45
c. in an Activity Zone during the Day	60
d. in an Activity Zone during the Night	55;
(ii) any Non-Continuous Sound that exceeds the following Sound Levels at the Point of Reception:	
a. during the Day	80
b. during the Night	75; or
(iii) any Construction Noise that exceeds a Sound Level at the Point of Reception:	
a. during the Day	80

**Location of Point of Reception**

6. Measurement of Sound Levels shall be made:

- (a) in the case of noises or sounds in a highway, public park or other public place, from a Point of Reception not less than 5 meters from the noises or sounds; and
- (b) in all other cases, from a Point of Reception not on the Premises upon which the source of the noises or sounds is located.

**(8163)**

**Exclusions**

7. The provisions of this Bylaw do not apply to:

- (a) police, fire or other emergency personnel vehicles and equipment proceeding upon an emergency;
- (b) vehicles and equipment used to make emergency repairs to public utilities and services; or
- (c) any construction, maintenance or repair by the District of North Vancouver of any road or of any water, sewer or other utility works.

**(7334, 8163)**

**Exemption for Construction Noise**

- 8. (a) A person may apply to the District for a temporary exemption from the date and time restrictions related to Construction Noise contained in subsections 5(b) and (c) of this bylaw.
- (b) The Chief Administrative Officer and the General Manager of Engineering, Parks and Facilities are authorized to issue exemptions from the time restrictions applicable to Construction Noise in subsections 5(b) and (c) of this bylaw where satisfied, in their sole discretion, that:
  - (i) carrying out the proposed construction activity within the time restrictions in this bylaw would pose a danger to worker or public safety or cause undue traffic congestion; or
  - (ii) it is impossible, impractical or unsafe to carry out the proposed construction within the time restrictions in this bylaw;

and

- (iii) issuing such an exemption would not impose an undue inconvenience or disruption to members of the public.
- (c) An exemption granted pursuant to subsection 8(b) of this bylaw may be granted for the period and on such terms and conditions as the Chief Administrative Officer or the General Manager of Engineering, Parks and Facilities considers appropriate or necessary.
- (d) An application for an exemption pursuant to subsection 8(a) of this bylaw must be submitted to the District at least 10 business days before the proposed construction work.

**(8163)**

**Obstruction**

9. A person must not interfere with, delay, obstruct or impede a Bylaw Enforcement Officer or designate or other person lawfully authorized to enforce this Bylaw in the performance of duties under this Bylaw.

**(8163)**

**Enforcement**

10. Bylaw Enforcement Officers, Property Use Inspectors/Business Licence Coordinators, Animal Welfare Officers, the General Manager of Engineering, Parks and Facilities, Park Rangers, Program Managers – Construction Traffic Management, Traffic Technologists, Traffic Technicians, members of Royal Canadian Mounted Police, and public health inspectors for Vancouver Coastal Health are authorized to enforce this Bylaw and for that purpose may enter at all reasonable times any real property to ascertain whether the provisions of this Bylaw are being complied with.

**(8163)**

**Penalty**

11. A person who:

- (a) violates or fails to comply with this bylaw;
- (b) owns, operates, possesses, harbours, or is in control of any animal, bird or thing which emits noises or sounds in contravention of this bylaw; or
- (c) is the owner or occupier of Premises from which noises or sounds are emitted in contravention of this bylaw

is guilty of an offence and upon conviction is liable to a fine of at least \$2,000 and up to \$10,000.

**(8163)**

**Designation of Bylaw**

12. This bylaw is designated pursuant to section 264 of the *Community Charter* as a bylaw that may be enforced by means of a ticket in the form prescribed and may be enforced by any person listed in section 10 of this bylaw.

**(8163)**

**Municipal Ticket Enforcement (“MTI”)**

13. The words or expressions listed below in the Designated Expression column are authorized to be used on a ticket issued pursuant to 264 of the *Community Charter* to designate an offence against the respective section of this bylaw appearing opposite in the Section column. The amounts appearing in the Fine column and Late Penalty Fine column are the fines set pursuant to section 265 of the *Community Charter* for contravention of the respective section of this bylaw appearing opposite in the Section column.

Section number	Designated Expression (Short-Form Description)	MTI Fine	Late Penalty Fine (if Fine unpaid after 30 days)
3	Making disturbing noise	\$200.00	\$300.00
5(a)(i)	Engine or exhaust noise	\$200.00	\$300.00
5(a)(ii)	Horn or warning device noise	\$200.00	\$300.00
5(a)(iii)	Squeal of tires noise	\$200.00	\$300.00
5(a)(iv)	Load or tow noise	\$200.00	\$300.00
5(a)(v)	Amplified sound from a Motor Vehicle	\$200.00	\$300.00
5(b)(i)	Construction Noise at Night	\$500 for each hour or portion thereof that violation continues, for up to 12 hours; after 12 hours, the fine increases to \$1,000 for each one-hour period in violation	\$750.00
5(b)(ii)	Garden tool noise at Night	\$200.00	\$300.00
5(b)(iii)	Mechanical noise at Night	\$200.00	\$300.00
5(c)	Construction Noise on Construction Project on Saturday, Sunday or Statutory Holiday	\$500 for each hour or portion thereof that violation continues, for up to 12 hours; after 12 hours, the fine increases to \$1,000 for each one-hour period in violation	\$750.00 for late payment of \$500 fine
5(d)(i)	Raised voices noise	\$200.00	\$300.00
5(d)(ii)	Dog/animal noise	\$200.00	\$300.00
5(d)(iii)	Amplified sound	\$200.00	\$300.00
5(d)(iv)	Alarm noise	\$200.00	\$300.00
5(e)	Public address system noise	\$200.00	\$300.00
9	Obstruction	\$300.00	\$450.00

**(7334, 8163)**

14. The "Noise Regulation Bylaw" (Bylaw 5986) and amendments thereto are repealed.