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.

<table>
<thead>
<tr>
<th>Original Bylaw</th>
<th>Date of Adoption</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bylaw 7188</td>
<td>August 14, 2000</td>
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<table>
<thead>
<tr>
<th>Amending Bylaw</th>
<th>Date of Adoption</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bylaw 7215</td>
<td>January 15, 2001</td>
</tr>
<tr>
<td>Bylaw 7279</td>
<td>November 26, 2001</td>
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<tr>
<td>Bylaw 7256</td>
<td>June 24, 2002</td>
</tr>
<tr>
<td>Bylaw 7334</td>
<td>October 28, 2002</td>
</tr>
</tbody>
</table>

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 The number of any amending bylaw that has been repealed is not referred to in this consolidation.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 s. 724 of the Municipal Act, R.S.B.C. 1996 c. 323.

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;

"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;

"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;

"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 holiday;

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

"Earth-Moving Equipment" means any Motor Vehicle which is used or designed to be used for the transportation of sand, gravel, rock or other substances of which land is composed and which is operated on that portion of GVWD Property described as all lands that are located within the area bound by the centerline of the BC Hydro rights-of-way as shown on Explanatory Plan 15350 and Explanatory Plan 9219, and a line parallel to and 14 meters west of that BC Hydro centerline as shown shaded on the plan prepared by Parks and Engineering GIS staff and attached as Schedule "A" to this bylaw;

"GVWD Property" means the lands and premises located in the District of North Vancouver and more particularly described in Schedule "B";
“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 holiday;

“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;

“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.

**General Regulation**

3. No person shall make or cause, or permit to be made or caused, any noise or sound which

   a) disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of persons in the vicinity; or

   b) exceeds the Sound Levels prescribed in this bylaw.

4. No owner or occupier of real property shall allow such real property to be used so that noise or sound which emanates therefrom:

   a) disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of persons in the vicinity; or

   b) exceeds the Sounds Levels prescribed by this bylaw.

5. A person may be found in violation of sections 3 or 4 notwithstanding that he meets the standards set out in section 6.

**Objectionable Noises or Sounds**

6. Without limiting the generality of sections 3 and 4, 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:

   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, or inadequate maintenance;

v) a radio, television, tape player or other sound playback devise, or amplification equipment, or a musical instrument, which can easily be heard by a person outside the Motor Vehicle.

b) any of the following noises or sounds during the Night:

i) a Construction Noise, Except that the Council may by resolution relax this provision for the carrying on of any works when:

   a. such activities would be more disruptive to vehicular traffic if carried out during the Day.

   b. such activities would not enable the timely completion of critical public utilities projects if carried out during the Day.

   Such relaxation will apply during the hours Council may specify in such resolution.

ii) a power lawn mower or power garden tool.

iii) noise or sound from mechanical equipment, including heat pumps, ventilation equipment, air conditioning systems, vents or pool or hot tub pumps.

(7215)

(7334)

c) any Construction Noise made on a Construction Project

   (i) on a Sunday or statutory holiday; or

   (ii) before 09:00 or after 17:00 on a Saturday.

(7334)

d) any noises or sounds, the occurrence of which extends continuously or discontinuously for 15 minutes or more, created by the following:

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; record, tape or disc player; television set, or other instrument or apparatus for the production or amplification of such;

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, except that the Council may by resolution relax this provision for special events in the municipality;

f) any noises or sounds continuing for any period of time created by Earth-Moving Equipment exceeding a maximum Sound Level of 80 dBA or any noises or sound continuing for any period of time created by Earth-Moving Equipment which causes the Daytime Average Sound Level to exceed 65 dBA (Leq) at the point of reception.

g) construction noise is prohibited in the block bounded by Fromme, Ross, Sunnyhurst, and East 29th Roads, described as:

Lot 22, Blocks 52 and 53, District Lot 2022, Plan 1410 P.I.D. (014-650-975);
Lot 23, Block 52 & 53, District Lot 2022; Plan 1410 P.I.D. (014-651-009);
Lot B (Explanatory Plan 4275) of Lots 1 and 2, Block 52 and 53, District Lot 2022, Plan 1410 P.I.D. (014-651-106);
Lot A (See 228257L) of Lots 24 and 25, Blocks 52 and 53, District Lot 2022, Plan 1410 P.I.D. (011-435-216);
Lot B of Lots 24 and 25, Blocks 52 and 53, District Lot 2022, Plan 1410 P.I.D. (014-651-131);
Lot C (Explanatory Plan 9441), Blocks 52 and 53, District Lot 2022, Plan 1410 P.I.D. (014-651-033);
Lot 5, Blocks 52 and 53, District Lot 2022, Plan 1410 P.I.D. (014-650-941);
Lot 4, Blocks 52 and 53, District Lot 2022, Plan 1410 P.I.D. (004-498-500);
Lot 3, Blocks 52 and 53, District Lot 2022, Plan 1410 P.I.D. (014-650-932);
Lot 6, Except Part in Reference Plan 19657, Blocks 52, District Lot 2022, Plan 1410 P.I.D. (014-650-959);

between the hours of:

7:00 p.m. and 7:00 a.m. weekdays from March 2 to October 15;
7:00 p.m. and 7:30 a.m. weekdays from October 16 to March 1;
1:00 p.m. and 9:00 a.m. Saturdays, year-round; and
all day Sundays and statutory holidays.

h) construction noise is prohibited in the blocks bounded by Fromme, Harold, Sunnyhurst and Ross Roads, as outlined in Schedule D, between the hours of 5:30 p.m. and 8:00 a.m. Monday through Friday and all day Saturday and Sunday throughout the time it takes to redevelop the block.

(7279  7256)

i) in addition to the noises or sounds described in subsections 6 a), b), c), d), e), f), g) and h) above;

(7334)

i) any Continuous Sound that exceeds the following Sound Levels at the Point of Reception:

<table>
<thead>
<tr>
<th>Sound Level</th>
<th>Description</th>
<th>Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>in a Quiet Zone during the Day</td>
<td>55</td>
</tr>
<tr>
<td>b.</td>
<td>in a Quiet Zone during the Night</td>
<td>45</td>
</tr>
<tr>
<td>c.</td>
<td>in an Activity Zone during the Day</td>
<td>60</td>
</tr>
<tr>
<td>d.</td>
<td>in an Activity Zone during the Night</td>
<td>55</td>
</tr>
</tbody>
</table>
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; and

iii) any Construction Noise that exceeds a Sound Level at the Point of Reception:

a. during the Day 80

Location of Point of Reception
7. 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;

b) in the case of noises or sounds created by Earth-Moving Equipment, from a Point of Reception on any of the parcels of real property listed in Schedule “C” to this bylaw; and

c) in all other cases, from a Point of Reception not on the Premises upon which the source of the noises or sounds is located.

Exclusions
8. The provisions of this Bylaw do not apply to:

a) police, fire or other emergency personnel vehicles and equipment proceeding upon an emergency; or

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; or

d) For certainty, this section does not apply to the construction of the water treatment projects including the ozonation plant, and the seepage control blanket project, as proposed by the Greater Vancouver Water District.

Enforcement
9. The Public Health Inspectors of the North Union Board of Health, the District Bylaw Enforcement Officers, members of the North Vancouver detachment of the Royal Canadian Mounted Police, and any other person appointed by the Council to enforce this bylaw 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 observed.

Penalty
10. 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;

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 not exceeding $500.00 for a first offence, $1,000.00 for a second offence and $2,000.00 for a subsequent offence, all exclusive of costs.

**Designation of Bylaw**

11. This bylaw is designated pursuant to section 272 of the *Municipal Act*, R.S.B.C. 1996, c.323 (the "*Municipal Act*”) as a bylaw that may be enforced by means of a ticket in the form prescribed.

12. **Designation of Bylaw Enforcement Officer**

Members of the Royal Canadian Mounted Police and Bylaw Enforcement Officers are designated to enforce this bylaw by means of a ticket pursuant to section 272 of the *Municipal Act*.

**Ticketing**

13. The words or expressions listed below in the Designated Expression column are authorized to be used on a ticket issued pursuant to section 272 of the *Municipal Act* to designate an offence against the respective section of this bylaw appearing opposite in the Section column. The amounts appearing in the Fine column are the fines set pursuant to section 272 of the *Municipal Act* for contravention of the respective section of this bylaw appearing opposite in the Section column.

<table>
<thead>
<tr>
<th>Designated expression</th>
<th>Section</th>
<th>Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>Making disturbing noise</td>
<td>3(a)</td>
<td>$100.00</td>
</tr>
<tr>
<td>Engine or Exhaust</td>
<td>6(a)(i)</td>
<td>$100.00</td>
</tr>
<tr>
<td>Horn or Warning Device</td>
<td>(6)(a)(ii)</td>
<td>$100.00</td>
</tr>
<tr>
<td>Squeal of Tires</td>
<td>6(a)(iii)</td>
<td>$100.00</td>
</tr>
<tr>
<td>Load or Tow Noise</td>
<td>6(a)(iv)</td>
<td>$100.00</td>
</tr>
<tr>
<td>Amplified Sound</td>
<td>6(a)(v)</td>
<td>$100.00</td>
</tr>
<tr>
<td>Construction Noise at Night</td>
<td>6(b)(i)</td>
<td>$100.00</td>
</tr>
<tr>
<td>Garden Tool Noise at Night</td>
<td>6(b)(ii)</td>
<td>$100.00</td>
</tr>
<tr>
<td>Mechanical Noise at Night</td>
<td>6(b)(iii)</td>
<td>$100.00</td>
</tr>
<tr>
<td>Construction Noise on Construction Project on Saturday, Sunday or Statutory Holiday</td>
<td>6(c)</td>
<td>$100.00</td>
</tr>
<tr>
<td>Public Address System Noise</td>
<td>6(e)</td>
<td>$100.00</td>
</tr>
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14. The “Noise Regulation Bylaw” (Bylaw 5986) and amendments thereto are repealed.