

District of West Vancouver



## **Noise Control Bylaw No. 4404, 2005**

Effective Date – May 09, 2005

### **Consolidated for Convenience Only**

This is a consolidation of the bylaws below. The amendment 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>Amendment Bylaw</b>	<b>Effective Date</b>
Bylaw No. 5042, 2019	December 16, 2019
Bylaw No. 4981, 2018	May 28, 2018
Bylaw No. 4521, 2007	October 22, 2007
Bylaw No. 4500, 2007	May 28, 2007
Bylaw No. 5042, 2019	December 16, 2019

The bylaw numbers in the margin of this consolidation refer to the bylaws that amended the principal bylaw: Noise Control Bylaw No. 4404, 2005. The number of any amending bylaw that has been repealed is not referred to in this consolidation.

District of West Vancouver

# Noise Control Bylaw No. 4404, 2005

## Table of Contents

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	Page #
Part 1 Citation .....	1
Part 2 Severability .....	1
Part 3 Previous Bylaw Repeal.....	1
Part 4 Definitions.....	2
Part 5 General Regulations.....	3
Part 6 Objectionable Noises or Sounds .....	4
Part 7 Location of Point of Reception.....	6
Part 8 Exclusions .....	6
Part 9 Enforcement .....	7
Part 10 Penalty.....	8
Schedule A.....	9
Schedule B.....	11

District of West Vancouver

# **Noise Control Bylaw No. 4404, 2005**

A bylaw to regulate or prohibit the making of certain noises or sounds in the District of West Vancouver under the *Community Charter*.

Previous amendments: *Amendment Bylaws 4500, 4521, 4981 and 5042.*

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for regulations and prohibitions regarding the making of noise;

AND WHEREAS Council may by bylaw regulate, prohibit and impose requirements in relation to the protection and enhancement of the well-being of its community in relation to nuisances, disturbances and other objectionable situations, including noise that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;

NOW THEREFORE, the Council of the District of West Vancouver enacts as follows:

## **Part 1 Citation**

1.1 This Bylaw may be cited as Noise Control Bylaw No. 4404, 2005.

## **Part 2 Severability**

2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

## **Part 3 Previous Bylaw Repeal**

3.1 Noise Control Bylaw No. 3908, 1994 (adopted on May 01, 1995) and the following amendment bylaws are hereby repealed:

<b>Amendment Bylaw</b>	<b>Effective Date</b>
Bylaw No. 3995, 1996	April 22, 1996
Bylaw No. 4250, 2001	July 16, 2001

## Part 4 Definitions

4.1 In this bylaw:

**“Bylaw Enforcement Officer”** means every person designated by Council as a Bylaw Enforcement Officer, and includes every peace officer;

**“Construction Noise”** means any noises or sounds made on or associated with a construction site:

- a) in carrying on work in connection with the construction, demolition, reconstruction, alteration, or repair of any building or structure,
- b) in carrying on any excavation or other operation, or
- c) in moving or operating any machine, engine, or construction equipment;

**“Continuous Sound”** means any noise or noises, other than Construction Noise, continuing for a period, or periods, totalling 3 minutes or more in any 15 minute period;

**“Day”** means the period of time from 0700 hours (7:00 a.m.) to 1800 hours (6:00 p.m.) on each week day or Saturday and from 0900 hours (9:00 a.m.) to 1800 hours (6:00 p.m.) on a Sunday or holiday;

Bylaw 4981

**“Extended Concrete Pour”** means a concrete pour that requires an extended period of time for placement or finishing due to any of the following characteristics, which must be confirmed by a Structural Engineer to be engaged by the District at the expense of the applicant:

- a) a single concrete slab pour in excess of 7,000 square feet;
- b) a concrete slab with added complexity due to below grade location, shape, or level of flatness required; or
- c) a concrete slab that requires post tension reinforcing;

**“Highway”** includes a street, road, land, bridge, viaduct and any other way open to the public use, but does not include a private right of way on private property;

**“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 as amended from time to time;

**“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 1800 hours (6:00 p.m.) on one day to 0700 hours (7:00 a.m.) on the next and from 1800 hours (6:00 p.m.) on one day to 0900 hours (9:00 a.m.) on the next day when the latter is a Sunday or a holiday;

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

**“Power Equipment”** means any tool, equipment or machinery powered by an internal combustion engine or electric motor that is used for construction, lawn, garden, building and property maintenance, and includes edge trimmers, line trimmers, rototillers, pressure washers, carpet cleaning equipment, and hand operated power tools including but not limited to chain saws, chippers and leaf blowers;

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

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

## **Part 5 General Regulations**

- 5.1 No person shall make or cause, or permit to be made or caused, any noise or sound which:
  - 5.1.1 disturbs or is liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public; or
  - 5.1.2 exceeds the Sound Levels prescribed in this Bylaw.
- 5.2 No owner or occupier of real property shall allow the real property to be used so that noise or sound which emanates from the real property:
  - 5.2.1 disturbs or is liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public; or
  - 5.2.2 exceeds the Sound Levels prescribed in this Bylaw.

Bylaw 4981

- 5.3 Despite compliance with Part 6, a person may be found in violation of sections 5.1 or 5.2.

## **Part 6 Objectionable Noises or Sounds**

- 6.1 Without limiting sections 5.1 to 5.3 the following noises or sounds are deemed to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public and are prohibited:
- 6.1.1 any noises or sounds produced within or outside a Motor Vehicle and created by the following:
- (a) a Motor Vehicle engine or exhaust system when such noises or sounds are loud, roaring or explosive;
  - (b) a Motor Vehicle horn or other warning device except when authorized by law;
  - (c) a Motor Vehicle operated in such a manner that the tires squeal;
  - (d) 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;
  - (e) a radio, television, tape player or other sound playback device, amplification equipment, or a musical instrument, which can easily be heard by a person outside the Motor Vehicle.
- 6.1.2 any of the following noises or sounds:
- (a) Construction Noise:
    - (i) on a Sunday or a holiday;
    - (ii) before 0800 hours (8:00 a.m.) or after 1700 hours (5:00 p.m.) on a Saturday that is not a holiday;
    - (iii) before 0730 hours (7:30 a.m.) or after 1730 hours (5:30 p.m.) on any other day that is not a Saturday, Sunday or a holiday;

Amendment  
Bylaw 5042

(iv) despite subsections (i) – (iii), in the area shown outlined in heavy black line on Schedule B, before 0630 hours (6:30 a.m.) or after 1930 hours (7:30 p.m.) on any day.

(b) Power equipment:

(i) on a Sunday or holiday;

(ii) during the Night;

(c) Noises or sounds from operation of a lawnmower;

(i) before 1100 hours (11:00 a.m.) or after 1600 hours (4:00 p.m.) on a Sunday or holiday;

(ii) before 0800 hours (8:00 a.m.) or after 2000 hours (8:00 p.m.) on any other day;

Bylaw 4500

(d) Noises or sounds from the loading or unloading of goods, materials, machines, equipment, waste or garbage by any means:

(i) on a Sunday or holiday;

(ii) before 0730 hours (7:30 a.m.) or after 1800 hours (6:00 p.m.) on any other day that is not a Sunday or holiday.

6.1.3 any noises or sounds, the occurrence of which extends continuously or non-continuously for 15 minutes or more which can be heard from a contiguous parcel, created by the following:

(a) a dog or any other animal or bird;

(b) a radio, record, tape, or disc player, television set, or other instrument or apparatus for the production or amplification of such;

(c) a burglar alarm or security system;

6.1.4 any noises or sounds resulting from the operation of a public address system outside of a building or structure;

6.1.5 in addition to the noises or sounds described in sections 6.1.1, 6.1.2, 6.1.3, or 6.1.4:

Bylaw 4500

- (a) any Continuous Sound that exceeds the following Sound Levels at the Point of Reception:

	<b>Sound Level</b>
(i) during the Day	55 dBA
(ii) during the Night	45 dBA

- (b) any Non-Continuous sound that exceeds the following Sound Levels at the Point of Reception:

	<b>Sound Level</b>
(i) during the Day	80 dBA
(ii) during the Night	65 dBA

- (c) any Construction Noise that exceeds a Sound Level at the Point of Reception:

	<b>Sound Level</b>
(i) during the Day	80 dBA

## **Part 7 Location of Point of Reception**

- 7.1 For the purpose of enforcing this bylaw, measurement of Sound Levels shall be made:

- 7.1.1 in the case of noises or sounds in or on a Highway, in a public park or in another public place, from a Point of Reception not less than 5 metres from the noises or sounds;
- 7.1.2 in the case of noises or sounds created by Construction, from a Point of Reception on any Premises, not including the Premises on which the Construction is taking place; and
- 7.1.3 in all other cases, from a Point of Reception not on the Premises upon which the source of the noise or sound is located.

## **Part 8 Exclusions**

- 8.1 This Bylaw does not apply to:

- 8.1.1 police, fire or other emergency personnel vehicles and equipment in relation to an emergency;



8.1.2 vehicles and equipment used to make emergency repairs to public utilities and services;

8.1.3 transit buses operated by a public authority;

8.1.4 work carried out by officers, employees or agents of the District;

Bylaw 4981

8.1.5 Extended Concrete Pours which have been temporarily exempted from the Construction Noise requirements contained in subsection 6.1.2 (a) of this Bylaw by the Director of Planning and Development Services, in accordance with Schedule A.

Bylaw 4981

8.2 Delegation of Authority:

8.2.1 The Director of Planning and Development Services is authorized to consider applications for exemptions from the restrictions related to Construction Noise contained in subsection 6.1.2 (a) of this Bylaw for Extended Concrete Pours, in accordance with Schedule A of this Bylaw.

8.2.2 The Director of Planning and Development Services shall approve applications for exemptions that meet the definition of Extended Concrete Pour and the requirements in Schedule A of this Bylaw.

## **Part 9 Enforcement**

9.1 Every Bylaw Enforcement Officer is 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.

## Part 10 Penalty

Amended by  
Regulatory  
Bylaw  
Enforcement  
and Penalty  
Bylaw No.  
4521, 2007

- 10.1 Every person who violates a provision of this bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this bylaw, or who neglects or refrains from doing anything required by a provision of this bylaw, is guilty of an offence and is liable, upon summary conviction, to a fine not exceeding \$10,000 and not less than \$2,500.
- 10.2 Each day that a violation continues or exists under this bylaw is a separate offence.
- 10.3 No person may interfere with an Enforcement Officer in issuing a ticket or bylaw notice or otherwise carrying out his or her duties in accordance with this bylaw, and it is an offence for any person to interfere with an Enforcement Officer in the enforcement of this bylaw.
- 10.4 No person shall interfere with or obstruct the entry of the Enforcement Officer onto any land, into any building, or any vehicle to which entry is made or attempted pursuant to the provisions of this bylaw.

## Schedules

Amendment  
Bylaw 5042

- Schedule A – Exemptions for Extended Concrete Pours
- Schedule B – Rodgers Creek Construction Noise Area

READ A FIRST TIME on April 11, 2005

READ A SECOND TIME on April 11, 2005

READ A THIRD TIME on April 11, 2005

ADOPTED by the Council on May 9, 2005

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Municipal Clerk

## Schedule A – Exemptions for Extended Concrete Pours

1. A person may apply to the Director of Planning and Development Services for a temporary exemption from the restrictions related to Construction Noise contained in subsection 6.1.2 (a) of this Bylaw for Extended Concrete Pours.
2. An application for an exemption from section 6.1.2 (a) of this Bylaw must be submitted for each building to which it applies to the Director of Planning and Development Services:
  - 2.1 at least 45 days before the start of the proposed exempted period;
  - 2.2 in a format and with content satisfactory to the Director of Planning and Development Services, including but not limited to the following information:
    - a) name, address, and telephone number of the applicant;
    - b) the address and building permit number of the construction site;
    - c) the reason(s) the exemption is sought including supporting documentation as applicable;
    - d) a description of the proposed works to be undertaken;
    - e) the period of time for which the exemption is desired;
    - f) a statement of the measures planned or presently being taken to minimize the sound or noise for which the exemption is being sought; and
    - g) proof of payment of the non-refundable application fee pursuant to the *Fees and Charges Bylaw*, as amended or replaced.
  - 2.3 in addition to the requirements of section 2.2, the Director of Planning and Development Services may request further details regarding the proposed exempted works, including a review by an independent industry expert at the cost of the applicant.
3. Any exemption granted by the Director of Planning and Development Services shall specify the time period during which it is effective and may

- contain such terms and conditions as the Director of Planning and Development Services sees fit.
4. The decision of the Director of Planning and Development Services is final.
  5. When an exemption is granted by the Director of Planning and Development Services the applicant may be required to, at least seven (7) days before the commencement of the exemption period, distribute a notice to all parcels within a 100 m radius of the site. The notice shall be in a form and with content satisfactory to the Director of Planning and Development, such as to advise of the nature of the exemption. The applicant shall also post a sign at the construction site advising of the nature of the exemption.

Amendment  
Bylaw 5042

## Schedule B – Rodgers Creek Construction Noise Area

