

NOISE CONTROL BYLAW

Bylaw No. 2138 and Amendments thereto

CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of the bylaws listed below. The amending bylaws have been consolidated with the original bylaws for convenience only.

Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws on this subject.

<u>BYLAW NO.</u>	<u>ADOPTED</u>
2138	December 21, 2004
2387	September 2, 2008
2541	March 20, 2012

The bylaw numbers in **bold** at the end of the clause refer to the bylaws that amended the principal bylaw.

CITY OF PITT MEADOWS

**CITY OF PITT MEADOWS
NOISE CONTROL BYLAW NO. 2138, 2003**

A Bylaw to provide for the Regulation and Prohibition
of Certain Noises and Sounds

WHEREAS the Council deems it necessary to regulate the making of noises in the municipality;

AND WHEREAS the Council deems it necessary to regulate and prohibit the making of certain noises produced on lands used for agricultural purposes;

NOW THEREFORE, the Council of The Corporation of the District of Pitt Meadows in open meeting assembled, ENACTS AS FOLLOWS:

PART 1 – Citation and Interpretation

1. This Bylaw may be cited for all purposes as the “**District of Pitt Meadows Noise Control Bylaw No. 2138, 2003**”.
2. “**District of Pitt Meadows Noise Control Bylaw No. 1612, 1994**” is hereby repealed.
3. In this Bylaw, unless the context otherwise requires:

“**agricultural land**” means land designated as agricultural land pursuant to the Agricultural Land Commission Act R.S.B.C. 1979, c.9, as that Act may be amended from time to time;

“**activity zone**” includes every area of the municipality, which is not specifically designated as a quiet zone in Schedule “C” which is attached to and forms part of this Bylaw;

“**Bylaw Enforcement Officer**” means the person designated as such by Council;

“**continual sound**” means any uninterrupted or frequent sound occurring for a period or periods totaling in excess of three (3) minutes in any fifteen (15) minute period of time;

“**construction**” includes the erection, reconstruction, alteration, repair, relocation, demolition and removal of a building, structure, or thing, structural maintenance, painting, land clearing, earth moving, grading, excavating, the laying of pipe or conduit whether above or below ground level, street and highway building, concreting, equipment installation and alteration and the structural installation of construction components and materials in any form or for any purpose and includes any work being done in connection therewith;

“**District**” means The Corporation of the District of Pitt Meadows;

“farming equipment” means tractors, combines, mechanical pickers, pesticide spraying machinery, irrigation pumps, fans boilers, trucking or products used on agricultural land;

“holiday” includes:

- (a) Sunday, Christmas Day, Good Friday and Easter Monday;
- (b) Canada Day, Victoria Day, British Columbia Day, Labour Day, Remembrance Day and New Year’s Day;
- (c) December 26th; and
- (d) A day set by the Parliament of Canada or by the Legislature or appointed by proclamation of the Governor General or the Lieutenant Governor, to be observed as a day of general prayer or mourning, a day of public rejoicing and thanksgiving, a day for celebrating the birthday of the reigning Sovereign, or as a public holiday.

“noise scare devices” means for Category “A” - Propane Cannons and Category “B” - fixed Scaring Devices that do not create impulse sounds such as AV-Alarm Systems, Phoenix Wailers, Distress Call Systems or similar devices that use sound as a means of bird or pest control and includes the devices referred to in Sec. 6.6;

“non-continual sound” means any sound, which is not defined as a continual sound;

“person” includes a natural person, company, corporation, owner, partnership, firm, association, society, party or other like entity;

“point of reception” unless otherwise defined or described here in, means any place or parcel where sound originating from any source, other than a source on such parcel, is received;

“quiet zone” means those areas within the municipality, which are so designated from time to time in Schedule “B” which is attached to and forms part of this Bylaw;

“real property” does not include highways but does include all other land and all improvements which have been affixed to land;

“sound” is said to exist if a disturbance is propagated through an elastic medium (particularly air) which causes an alteration in pressure which can be detected aurally by a person or by an appropriate instrument;

“sound level” means the level of sound as measured in decibels with the (A) weighted network and slow response of a sound level meter;

“sound level meter” means a device which meets the “C.S.A. Standard Z107.1 - 1973”; or the International Electro-Technical Commission Standard No. 123 or the British Standard No. 3539 Part 1 or the United States of America Standard A.N.S.I. Sl.4 -1971.

4. GENERAL REGULATIONS

- 4.1 No person shall make or cause, or permit to be made or caused, any noise or sound in or on a public or private place which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity.
- 4.2 No person being the owner or occupier of real property shall allow or permit such real property to be used so that noise or sound which emanates there from, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.
- 4.3 No person shall own, keep or harbour any animal or bird which by its cries unduly disturbs the peace, quiet, rest or tranquility of the surrounding neighbourhood or the public at large.
- 4.4 No hawker, huckster, peddler, news vendor or other person shall by his intermittent or reiterated cries disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.

5. CONSTRUCTION HOURS

- 5.1 No person in the District shall on any day before 07:00 hours or after 21:00 hours, construct, erect, reconstruct, alter, repair or demolish any building, structure or thing or excavate or fill in land in any manner which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.
- 5.2 No person in the District shall carry out construction in any manner for profit or gain on a Sunday or statutory holiday which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of the persons in the vicinity. Notwithstanding the aforementioned a person may carry out construction on their residence on a Sunday or statutory holiday between the hours of 09:00 hours and 18:00 hours, provided that such construction is not being carried out for profit or gain.

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- 5.3 Where it is impossible or impractical to comply with this section, the Director of Operations and Development Services may give written approval to carry on the work that is found to be necessary at designated hours.
- 5.4 Responsibility for obtaining written approval lies with the person carrying on the work of the owner of the land on which such work is carried on.

6. USE OF NOISE SCARE DEVICES ON AGRICULTURAL LANDS

- 6.1 A person may employ propane powered exploders, "AV-Alarm" systems, Phoenix Wailers, Distress Call Systems, or similar noise scare devices to create noise or sound as a method of bird or pest control between the hours of 06:00 hours and 20:00 hours of any day.
- 6.2 A person may employ a starting pistol, orchard pistol, or similar noise scare device to create noise as a method of bird or pest control except that such use shall not create noise that disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or people in the vicinity.

To increase the distance from 150m from neighbouring residences to 200m.

- 6.3 No person shall operate a Category "A" Propane Cannon Noise Scare Device to create noise as a method of bird or pest control within 200m of neighbouring residences and not within 300m of the Urban-Residential/ALR edge.
(Bylaw No. 2387)
- 6.4 No person shall operate a Category "B" Fixed Scaring Device to create noise as a method of bird or pest control within 100m of neighbouring residences and not within 200m of Urban-Residential/ALR edge.
- 6.5 No more than one firing per 5 minutes for Single Shot Cannons and no more than 11 activations or 33 shots in an hour for a Multiple Shot Cannon. Multiple shots from a cannon are regarded as one activation if they occur in less than a 30 second period.
- 6.6 On a parcel that is two hectares or more in area, no more than one propane powered exploder AV-Alarms, Phoenix Wailers, distress call systems may be used to produce noise for each two hectares of the area of the parcel at one time.
- 6.7 No person shall operate a bear banger device to create noise as a method of bird or pest control. **(Bylaw No. 2387)**
- 6.8 No person shall operate propane cannons to create noise as a method of bird or pest control between noon and 1500 hours. **(Bylaw No. 2387)**

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7. OTHER

- 7.1 No person shall operate any outdoor public address system in the District without first having obtained a permit therefore.
- 7.2 Notwithstanding any provisions of this Bylaw, a person may perform work of an emergency nature for the preservation or protection of life, health or property but the onus shall be on the person performing the work to show cause that the work was of an emergency nature.
- 7.3 Notwithstanding any other provision of this Bylaw, between the hours of 07:00 hours and 21:00 hours from Monday to Saturday and between the hours of 09:00 hours and 21:00 hours on Sunday and statutory holidays a person may operate a power lawn mower or power gardening tool provided that such equipment does not make or cause to be made noise or sound the level of which exceeds 87 dBAs.
- 8. No person shall cause any sound to be made anywhere in the District that has a sound level in excess of that authorized by this Bylaw and no owner or occupier of real property in the District shall allow the making of any sound that exceeds the sound level authorized by this Bylaw to emanate from real property so owned or occupied.
- 9. Except as provided herein, sound levels emanating from or impinging upon real property shall not exceed values prescribed by the following tables:

Quiet Zone

	Continual Sound	Non-Continual Sound
Daytime	55 dBA	80 dBA
Nighttime	45 dBA	75 dBA

Activity Zone

	Continual Sound	Non-Continual Sound
Daytime	65 dBA	80 dBA
Nighttime	60 dBA	75 dBA

- 10. No person owning a motor vehicle or operating a motor vehicle on a highway shall allow a sound level to emanate from that motor vehicle in excess of the following:
 - (a) up to a speed of fifty (50) kilometers per hours (km/h):
 - with a licenced gross vehicle weight of 2,700 kg or more **88 dBA**
 - all other motor vehicles **80 dBA**

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- (b) Vehicles exceeding fifty (50) kilometers per hour (km/h):
 - with a licenced gross vehicle weight of 2,700 kg or more **92 dBA**
 - all other motor vehicles **85 dBA**

- 11. A person may perform work of a temporary nature where sound levels are expected to exceed the values provided for in this Bylaw only when permission is granted by the Director of Operations and Development Service or his designate. Requests to do so must include name, address of applicant, location of source of sound, description of the nature of the sound, expected maximum sound levels, the duration of the excessive sound levels and the times during the day when the sound will be produced.

- 12. The Bylaw Enforcement Officer or any designated person of the District is hereby authorized to measure sound levels with sound level meter in accordance with the provisions of this Bylaw and the sound levels thereby measured shall be deemed to be conclusive statements of whether the sound emanating from real property or a motor vehicle does so at a sound level higher than that allowed by this Bylaw.

- 13. (a) The sound level emanating from a motor vehicle must be measured at a distance no closer than six (6) meters to the motor vehicle;

- (b) The sound level emanating from real property must be measured at a distance no greater than six (6) meters from the property line;

- (c) The sound level impinging upon real property must be measured inside the property line of the affected property no further than six (6) meters from the property line.

- 14. The provisions of this Bylaw do not apply to :
 - (a) police, fire or other emergency vehicles proceeding upon an emergency;
 - (b) excavation, construction or repair of bridges, streets, highways or lands by the District;
 - (c) snow removal or highway cleaning operations by the District;
 - (d) operation of a public transportation system;
 - (e) operation of a public address system required under a building or fire code; and
 - (f) farming equipment and farm vehicles operating legitimately on agricultural land.

- 15. A Bylaw Enforcement Officer may enter on any property at anytime for the purpose of ascertaining whether the regulations and requirements of this Bylaw are being observed.

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16. If any division, section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision shall no way affect the validity of the remaining portions of this Bylaw.

17. Every person who violates any provision of this Bylaw shall be guilty of an offence under this Bylaw punishable on summary conviction and shall be liable to a fine not exceeding Two Thousand dollars (\$2,000.00) and not less than One Hundred dollars (\$100.00) for each day during which the offence continues and, in default of payment thereof, to imprisonment for a term not exceeding Thirty (30) days for each day the offence continues.

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CERTIFIED to be a true and correct copy of
"District of Pitt Meadows Noise Control Bylaw
No. 2138, 2003", Finally Considered and
Adopted on the 21st day of December, 2004.

Corporate Officer

Schedule "A"

Operating Procedures

1. All sound levels shall be determined with a sound level meter with (A) weighting and "slow" response setting.
2. Sound level meters shall be used and operated in accordance with manufacturer's instructions. The sound level meter shall be calibrated with or found to be correct by reference to a calibrator not more than three (3) days before taking a measurement under this Bylaw and found to be correct by reference to a calibrator not more than three (3) days after taking that measurement.
3. When determining the sound level from a source, the ambient or background noise or sound level shall be established at the appropriate position and during the relevant period of time wherever possible before taking sound measurements from the source. No measurement should be attempted if the difference is 3 db or less.
4. Sound level measurements should, in general, be made at a height of approximately one (1) meter and a distance of greater than three (3) meters from any wall, buildings or other reflecting structures with the microphone appropriately oriented.
5. Precautions shall be taken to ensure that the values recorded correspond to the noise or sound being investigated and are not due to wind or extraneous sources.
6. When the wind velocity is above eight (8) kilometers per hour, a windscreen must be used. No test shall be attempted when the when velocity is above forty (40) kilometers per hour. Testing of motor vehicles in motion should not be done when pavements are wet.
7. In accordance with the prescribed measurement techniques so far described, various locations about the source should be tested to determine the minimum sound level emanating from the source for purposes of the application of the Bylaw.

Schedule "B"

For the purpose of this bylaw, all real property which is classified by the City of Pitt Meadows Zoning Bylaw No. 2505, 2011 as:

- A 1 General Agricultural
- A 2 Large Lot Agricultural -
- A 3 Agricultural and Farm Industrial
- A 4 Agricultural and Golf Course
- A 5 Agricultural and Wildlife Management
- RR-1 Estate Lot Rural Residential
- RR-2 Large Lot Rural Residential
- RR3 Medium Lot Rural Residential
- RR-4 Small Lot Rural Residential
- RR-5 Rural Residential Cluster Housing
- RS Large Lot Residential
- R-1 Medium Lot Residential
- R-2 Small Lot Residential
- RD Duplex Residential
- RM 1 Multi Family Residential 1
- RM 2 Multi Family Residential 2
- RM 3 Multi Family Residential 3
- RM 4 Multi Family Residential 4
- RM 5 Multi Family Residential 5
- CD A Comprehensive Development A
- CD B Comprehensive Development B
- CD C Comprehensive Development C
- CD D Comprehensive Development D
- CD E Comprehensive Development E
- CD F Comprehensive Development F
- CD G Comprehensive Development G
- CD H Comprehensive Development H
- CD I Comprehensive Development I
- CD J Comprehensive Development J

And any other residential or comprehensive development residential zones which might be added to the Zoning Bylaw No. 2505, 2011 as amended from time to time shall be QUIET ZONES.

Schedule "C"

For the purpose of this bylaw, all real property which is classified by the City of Pitt Meadows Zoning Bylaw No. 2505, 2011 as:

- C-1 Highway Commercial
- C-2 Neighbourhood Centre Commercial
- C-3 Community Commercial
- C-4 Local Commercial
- C-5 Gas Station Commercial
- C 6 Neighbourhood Pub Commercial
- MC Main Street Commercial
- TC Towncentre Commercial
- I 1 General Industrial
- I 2 Light Industrial Warehouses
- I 3 Light Industrial Business Park
- I 4 Industrial Storage
- I 5 Airport

And any mining activity undertaken in accordance with permits issued under the Mines Act and other commercial and industrial zones, which may be added to the City of Pitt Meadows Zoning Bylaw No. 2505, 2011 as amended from time to time, shall be ACTIVITY ZONES