

## Bowen Island Municipality

### *"Bowen Island Municipality Noise Control Bylaw No. 108, 2004"*

CONSOLIDATED FOR CONVENIENCE – OCTOBER 2008

<b>Amendment Bylaw</b>	<b>Date of Adoption</b>
Bylaw No. 214, 2008	January 28, 2008

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.

# BOWEN ISLAND MUNICIPALITY

## BYLAW No. 108, 2004

### A BYLAW TO PROVIDE FOR THE CONTROL AND REGULATION OF NOISE WITHIN BOWEN ISLAND MUNICIPALITY.

**WHEREAS** Council is empowered by Section 64 of the *Community Charter* to enact a bylaw to regulate or prohibit the making or causing of noise in the Municipality which the Council believes to be objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;

**AND WHEREAS** Council believes that the noises or sounds regulated or prohibited by this bylaw are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;

**NOW THEREFORE** the Council of Bowen Island Municipality, in open meeting assembled, enacts the following:

#### 1. DEFINITIONS

In this bylaw, unless the context otherwise requires:

**Bylaw Enforcement Officer** shall mean any person appointed by Council, including the RCMP, or otherwise authorized to administer and enforce this bylaw;

**commercial filming** shall mean permitted filming activity that is conducted within the Municipality in a manner set out within the *Commercial Filming Policy*;

**construction** shall mean the erection, alteration, repair, painting, maintenance, relocation, demolition or removal of a building or other structure, and includes all land clearing, landscaping, earth moving, grading, excavating, erection and laying of lines, cables, pipes and conduit (whether above or below ground level), street building, paving, concreting and similar activities; and the installation, alteration or removal of construction equipment, components and materials in any form or for any purpose, and any work being done in connection therewith;

**continuous noise** shall mean any noise occurring continuously for a duration of more than three minutes, or occurring sporadically or erratically for a cumulative duration of three minutes or longer in any fifteen minute period;

**Council** shall mean the Municipal Council of Bowen Island Municipality;

**designated staff person(s)** shall mean a municipal staff member(s) appointed by Council to approve exemptions to the Bylaw on their behalf;

**emergency vehicle** shall mean any emergency vehicle as defined by the *Motor Vehicle Act*, R.S.B.C. 1979, c;

**event** shall mean any event, activity, transaction or gathering producing or capable of producing noise;

**holiday** shall mean any holiday as defined by the *Interpretation Act*;

**Municipality** shall mean the geographic area governed by the Bowen Island Municipality;

**neighbouring properties** shall mean all properties that are adjacent or abutting the property, or the area as prescribed by the municipality, where the exemption from the bylaw is to occur;

**noise** includes, but is not exclusively limited to, the noises and sounds described in Schedule "A" of this bylaw;

**private premises** shall mean the area contained within the boundaries of any privately owned or leased lot, parcel of land, or foreshore lot within the Municipality and any building or structure situated within those boundaries, but where any lot or parcel contains more than one dwelling unit, each such dwelling unit shall be deemed to be separate private premises;

**public place** shall mean the streets, highways, wharves, docks, piers, vessel landings, parks, public squares, beaches, foreshore, and all other lands and buildings that are not private premises;

**vehicle** shall mean any vehicle as defined by the *Motor Vehicle Act*, R.S.B.C. 1979, c;

**vessel** shall mean any type of watercraft regardless of the method of propulsion that is used or designed to be used in navigation.

## 2. **PROHIBITIONS**

- a) No person shall make, cause, or permit to be made or caused, anywhere in the Municipality, 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;
- b) No owner or occupier of property shall allow that property to be used so that a noise or sound which originates from that property disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity;
- c) No person shall allow any animal in their control or possession which, by its calls, cries, barks or other noise, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity;
- d) No person shall play or operate any radio, stereo phonic equipment, or other instrument or any apparatus for the production or amplification of sound/music whether in or on private premises; or any public place; or in or from any vehicle, whether the vehicle is moving or stopped; or from any vessel; in any manner which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or any person or persons in the vicinity;
- e) No person shall make, cause, permit or allow a security or fire alarm to sound continuously or sporadically or erratically for a period of more than 30 minutes. For the purposes of this section, a person shall be deemed to have caused the sound even in the event the sounding of the alarm arose from malfunction of the said alarm;
- f) No person shall make, cause, or permit to be made any noise or continuous noise in

or at any public place except as otherwise expressly provided for in this bylaw;

- g) No person shall make, cause, or permit to be made any noise resulting from the construction, reconstruction, erection, alteration, repair, maintenance or demolition of any building, structure, land or thing during the hours:
  - (i) Monday through Friday, before 0700 and after 2000 hours,
  - (ii) Saturday, Sunday and other holidays, before 0900 and after 1800 hours.
- h) Subject to the Commercial Filming Policy, no person shall make, cause, or permit to be made any noise resulting from Commercial Filming during the hours:
  - (i) Monday through Friday, before 0700 and after 2300 hours,
  - (ii) Saturday, Sunday and other holidays, before 0900 and after 1800 hours.

### **3. EXEMPTIONS**

The provisions in this bylaw shall not apply to sound caused by:

- a) a person, during an emergency, performing work, or causing or permitting others to perform work, for their preservation or protection of life and health, but must not continue such works, nor cause such works to be continued after the emergency passes;
- b) police, fire or other emergency vehicles proceeding upon or engaged in an emergency;
- c) snow removal or highway clearing operations by the Municipality or by a private contractor under the direction of the Municipality;
- d) any person lawfully participating in any parade, exhibition or other special event which has received prior approval from the Municipality;
- e) the operation of a horn or other warning device on a motor vehicle or vessel as a warning incidental to the safe operation of the vehicle or vessel;
- f) the activities necessarily required for the operation and maintenance of community service activities for recycling, composting, industrial, public transportation and commercial activities having complied with all applicable bylaws, regulations and statutes, and operating in compliance with all necessary zoning and land use requirements;
- g) the activities necessarily required for the operation of a licensed marina and the vessels moored or navigating within its boundaries, between sunrise and sunset of any day.

### **4. PERMITS**

- a) Council hereby delegates all the powers, duties and functions of the Council to a designated staff person(s) in respect to the approval of applications for permits for exemptions to the provisions of the Noise Control Bylaw in accordance with the *Bowen Island Municipality Noise Control Exemption Policy*.

- b) Notwithstanding anything else in this bylaw, upon receipt of an application in the form set out in Schedule "B" of this bylaw, the Council, or a designated staff person(s), may by permit grant specific exemptions from the application of section 2 in respect of a particular event at a particular location, during the times and on the terms and conditions specified in the permit.
- c) Any applicant for a permit for an exemption to the provisions of the Bylaw that is dissatisfied with the decision made by a designated staff person(s) is entitled to have the decision reconsidered by Council in accordance with this section;
- d) An applicant who wishes to have a decision made by a designated staff person reconsidered by Council must make a written request to Council, which must include their name, a copy of the original application, the date of the decision, the nature of the decision, and the reason(s) why the applicant wishes to have the decision reconsidered by Council;
- e) A request for reconsideration must be considered by Council at a regular meeting of Council held within at least one month of the date on which the request was received by the Municipality; and
- f) After having reconsidering a decision made by a designated staff person, Council may either confirm the decision or may set aside the decision and substitute the decision of Council.
- g) Where the event in respect of which a permit is issued produces noise or continuous noise in a manner that does not conform to the permit terms and conditions, the permit shall forthwith become null and void.

**5. ENFORCEMENT**

The Bylaw Enforcement Officer, as appointed by Council, including but not exclusively limited to the RCMP, shall be responsible for receiving and responding to complaints relating to noise and continuous noise in the Municipality, for investigating and prosecuting violations of this bylaw, and for otherwise enforcement of this bylaw.

**6. RIGHT OF ENTRY**

A Bylaw Enforcement Officer may at all reasonable times enter upon any premises in order to ascertain whether the provisions of this Bylaw are being observed.

**7. OFFENCE**

Every person who violates any of the provisions of this bylaw, or permits, suffers or allows any act or things to be done in contravention or in violation of any of the provisions of this bylaw, is guilty of an offence and is liable, to a penalty or fine as follows:

- a) first offence \$50.00,
- b) second offence within a 12 month period \$200.00, and
- c) further offences within a 12 month period \$500.00 per offence.

**8. SEVERABILITY**

If a court of competent jurisdiction should declare any section or part of a section of this bylaw to be invalid, such section or part of a section shall not be construed as having

persuaded or influenced Council to pass the remainder of the bylaw and it is hereby declared that the remainder of the bylaw shall be valid and shall remain in force.

9. **REPEAL**

"Greater Vancouver Regional District Electoral Area 'C' Noise Control Bylaw No. 519, 1985" and "Greater Vancouver Regional District Electoral Area 'C' Noise Control Extended Service Establishment and Conversion Bylaw No. 806, 1995" are hereby repealed.

10. **CITATION**

This bylaw may be cited as "Bowen Island Municipality Noise Control Bylaw No. 108, 2004".

**READ A FIRST TIME** this 14<sup>th</sup> day of June 2004.

**NOTICE** of Council's intent to adopt this bylaw was placed in the July 2<sup>nd</sup>, 2004 and the July 9<sup>th</sup>, 2004 issues of the Undercurrent.

**READ A SECOND TIME AS AMENDED** this 27<sup>th</sup> day of September 2004.

**READ A THIRD TIME AS AMENDED** this 27<sup>th</sup> day of September 2004.

**RECONSIDERED AND FINALLY ADOPTED** this 12<sup>th</sup> day of October 2004.

(Original signed) \_\_\_\_\_  
Lisa Barrett, Mayor

(Original signed) \_\_\_\_\_  
Isabell Hadford, Clerk

Certified to be a true and correct copy of  
"Bowen Island Municipality Noise Control  
Bylaw No. 108, 2004" as adopted by the  
Council of Bowen Island Municipality this  
12<sup>th</sup> day of October 2004.

(Original signed) \_\_\_\_\_  
Isabell Hadford, Clerk



### Schedule "A" - Objectionable or Disturbing Noises

- a) any sound made by a dog barking, howling or other noise it creates either continually or sporadically or erratically for any period in excess of 15 minutes of time;
- b) any sound made by an animal by which its calls, cries or other noise it creates either continually or sporadically or erratically for any period in excess of 15 minutes of time;
- c) any sound made by the operation of a radio, stereo phonic equipment, or other instrument or any apparatus for the production or amplification of sound/music;
- d) any sound made by the activation of a car alarm, commercial or residential security or fire alarm that creates either noise continually or sporadically or erratically noise for any period in excess of 30 minutes of time;
- e) any sound resulting from the construction, reconstruction, erection, alteration, repair, maintenance or demolition of any building, structure, land or thing during the hours:
  - (i) Monday through Friday, before 0700 and after 2000 hours, and
  - (ii) Saturday, Sunday and other holidays, before 0900 and after 1800 hours;
- f) any sound resulting from the maintenance of lawns and gardens during the hours:
  - (i) Monday through Friday, before 0700 and after 2000 hours, and
  - (ii) Saturday, Sunday and other holidays, before 0900 and after 1800 hours;
- g) Subject to the *Commercial Filming Policy*, no person shall make, cause, or permit to be made any noise resulting from Commercial Filming during the hours:
  - (i) Monday through Friday, before 0700 and after 2300 hours,
  - (ii) Saturday, Sunday and other holidays, before 0900 and after 1800 hours."
- h) any sound which, if emanating from private premises, when measured at or outside the apparent property line of such private premises, or, if emanating from a public place, when measured not less than 15 feet from the sound source, exceeds:
  - (i) the greater of 55 decibels or the sound level that is 10 decibels above the ambient sound level, between the hours of 0700 and 2000 hours on Monday through Friday, and between the hours of 0900 and 1800 on Saturday, Sunday and other holidays; and
  - (ii) the greater of 45 decibels or the sound level that is 10 decibels above the ambient sound level, at any time other than that described in (i) above;

as measured on the 'A' weighted scale with slow response using a sound level meter that meets the International Electro-Technical Commission Standard No. 123 or the British Standard No. 3539 Part 1, or the U.S. Standard S1.4-1961.

- i) other objectionable noises not listed.

**Schedule "B" - Application for Permit**

Application for exemption from the provisions of  
"Bowen Island Municipality Noise Control Bylaw No. 108, 2004"

I/We \_\_\_\_\_ of \_\_\_\_\_  
Name of Individual or Organization Mailing Address

hereby make application for a permit exempting me/us from the provision of the "Bowen Island Municipality Noise Control Bylaw No. 108, 2004".

1. Location for which the exemption is requested:

\_\_\_\_\_  
Street Address

2. Event: \_\_\_\_\_

3. Type of noise (as described in Schedule "A" of Bylaw No. 108, 2004 or otherwise):

\_\_\_\_\_

4. Period for which the exemption is requested: Starting at: \_\_\_\_\_ AM/PM on \_\_\_\_\_ Date  
Ending at: \_\_\_\_\_ AM/PM on \_\_\_\_\_ Date

5. Will there be any amplified noise during the exemption period?

- Yes, complete the following: Location: Time Period:
 No  Indoors: AM/PM to AM/PM
 Outdoors: AM/PM to AM/PM

I/We have canvassed the owners or occupiers of the neighbouring properties that are likely to be affected by noise for which the exemption is requested; and their names, addresses, signatures and comments have been recorded on the reverse.

\_\_\_\_\_  
Name Signature Date

**PERMIT**

- Permit approved by Council at their meeting held on \_\_\_\_\_, 20 \_\_\_\_
 Permit approved by Staff on \_\_\_\_\_, 20 \_\_\_\_ or
 Permit denied on \_\_\_\_\_, 20 \_\_\_\_.

Approved by:

\_\_\_\_\_  
Name Signature Date

**Remarks & Conditions:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

