

BOWEN ISLAND MUNICIPALITY

POLICY

Policy Adopted: January 28, 2008

Policy #08-02

Bowen Island Municipality Noise Control Bylaw Exemption Policy

STATEMENT OF INTENT

Bowen Island Municipality Noise Control Bylaw No. 108, 2004 was enacted to regulate 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. The Municipality may, through permit, exempt individuals or organizations from the bylaw providing that the following provisions are addressed when granting the exemption.

DEFINITIONS

"Indoor event" shall mean an event that is held exclusively indoors; does not include the use of decks, porches, patios or other open areas; and requires that all doors and windows to be kept closed to prevent any excessive disturbance to *Neighbouring Properties*.

"The Bylaw" shall mean *Bowen Island Municipality Noise Control Bylaw No. 108, 2004*.

"Bylaw Enforcement Officer" shall mean any person appointed by Council to administer and enforce the Bylaw.

"Disturbing Noise" shall mean a noise that may be objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.

"Filming Policy" shall mean *Bowen Island Municipality Commercial Filming Policy*.

"Municipality" shall mean 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;

"Non-residential Property" shall mean any property that is designated by Bowen Island Municipality Land Use Bylaw No. 57, 2002 as a property within the boundaries one of the following zones, but does not include any portion of a property that is used as for residential purposes:

Zone	Restricted to Area(s)	Abbreviation
Comprehensive Development 1 (Artisan Square)	1	CD1
Comprehensive Development 2 (Cates Hill)	2, 3, 5, and 6	CD2

Zone	Restricted to Area(s)	Abbreviation
Comprehensive Development 6 (Cowan Point)	9b and 9c	CD6
Comprehensive Development 11 (Gas Station – Artisan Square)		CD11
Comprehensive Development 13 (Gas Station – Works Yard)	2	CD13
Island Civic		ICi
Settlement Institutional		SI
Village Commercial		VC
Water Commercial		WC
Water Civic Zone		WCi

“Outdoor Event” shall mean any event that is held outdoors, and may include an indoor event.

“Private Event” shall mean any event that is not a public event.

“Public Event” shall mean any event that the general public are invited to attend.

“Public Property” shall mean any property owned or occupied by the Bowen Island Municipality, and for the purposes of this Policy, includes Bowen Island Community School, Cates Hill Chapel, Island Pacific School, The Teen Centre and Crippen Regional Park.

“Residential Property” shall mean any property where residential use is legally allowed.

“Staff” shall mean a municipal staff member appointed by Council to approve exemptions to the Bylaw on their behalf.

GENERAL PROVISIONS

1. When determining *Neighboring Properties*, the Municipality may expand the area to be canvassed to include a broader area where:
 - a. Past noise complaints have been received regarding the property that is requesting the exemption;
 - b. Where lot sizes are small; and/or
 - c. The topography of the land enables sound to travel further than normal.
2. Council may, at their discretion:
 - a. Despite any guideline specified within this policy, consider any request for an exemption from the noise bylaw;
 - b. Limit the type, location and duration of amplified sound during any exemption period; and/or
 - c. Limit the number of exemptions given to any one individual, organization or property.

EVENTS NOT REQUIRING A PERMIT FOR AN EXEMPTION TO THE BYLAW:

3. All special events, which have received prior approval from the Municipality are not required to obtain a permit for an exemption from the Bylaw.
4. All events that are likely to create disturbing noise, which do not require a permit for an exemption to the Bylaw, are required to provide written notice to the Bylaw Enforcement Officer at least seven days prior to the event. This notice must include the scheduled time, the duration, the nature of the event, a description of the type of noise that is to be expected, and provide contact telephone numbers for the event holder.

Filming Activity –

5. Subject to the Commercial *Filming Policy*, filming activity shall be exempt from the Bylaw providing that the filming is conducted between 7:00 A.M. and 11:00 P.M. Monday through Friday, and between 9:00 A.M. and 6:00 P.M. on weekends and statutory holidays.
6. Notwithstanding Clause 5, Filming activity that is likely to create any disturbing noise will require an exemption to the Bylaw.

Events held within the boundaries of Public Property –

7. All public events held within the boundaries of a public property shall be exempt from the Bylaw providing that the following criteria are met:
 - a. If the event is held exclusively indoors and includes music or sound that is amplified or otherwise, the event shall be held during the hours of 9:00 am and 12:30 am;
 - b. If the event is to be held outdoors (or partially outdoors) and includes music or sound that is amplified or otherwise:
 - i. The event shall be held during the hours of 10:00 am and 6:00 pm, and
 - ii. The event shall be no longer than 3 hours in duration; or
 - c. If the event is to be held outdoors and is considered a public sporting or recreational event that includes no amplified noise or music, and the event is being held between the hours of 7:00 am and the earlier of 10:00 pm and dusk.
8. All private events held within the boundaries of a public property that are likely to create a disturbing noise, are required to obtain an exemption from the Bylaw.

Events held within the boundaries of a Non-residential Property –

9. All public events held within the boundaries of a non-residential property that's is not subject to an individual operating agreement that addresses noise, shall be exempt from the Bylaw if such events are considered to be part of, or accessory to the intended use of the property, providing that the following criteria are met:
 - a. The event is held exclusively indoors and includes music or sound that is amplified or otherwise:
 - i. The event shall be held during the hours of 9:00 am and 1:00 am, and
 - ii. The level of music or sound is limited to a level that is not likely to create a disturbing noise; or
 - b. If the event is to be held outdoors (or partially outdoors) and includes music or sound that is amplified or otherwise:
 - i. The event shall be held during the hours of 10:00 am and 6:00 pm, and

- ii. The event shall be no longer than 3 hours in duration.
- 10. All private events held within the boundaries of a non-residential property that are likely to create disturbing noise are required to obtain an exemption from the Bylaw.
- 11. Any and All events held within the boundaries of a non-residential property, where the property is subject to an individual operating agreement that addresses noise, shall be subject to be more prohibitive of:
 - a. The requirements addressing noise that are set out within the operating agreement for the property; and
 - b. If the event is likely to create disturbing noise the event will require an exemption from the Bylaw that is issued by Council.

EVENTS REQUIRING A PERMIT FOR AN EXEMPTION TO THE BYLAW

- 12. Unless exempted elsewhere within this Policy, all events that are likely to create disturbing noise are required to obtain a permit for an exemption from the Bylaw.

Residential Properties –

- 13. All events held within the boundaries of a residential property that are likely to create disturbing noise are required to obtain an exemption from the Bylaw.
- 14. When granting an exemption to the Bylaw, Council shall consider placing the following restrictions on an all private events:
 - a. If the event is to be held entirely indoors, the portion of the event requiring an exemption shall be:
 - i. Held during the hours of 9:00 am and 12:00 midnight, and
 - ii. No longer than 6 hours in duration; or
 - b. If the event is to be held outdoors (or partially outdoors), the portion of the event requiring an exemption shall be:
 - i. Held during the hours of 10:00 am and 10:00 pm, and
 - ii. No longer than 4 hours in duration.

Late Night and Overnight Events –

- 15. All events that are to be held during the late night, or overnight, and are likely to create disturbing noise are required to obtain an exemption from the Bylaw that is issued by Council.
- 16. For all such events written notification must be delivered to all *Neighbouring Properties* at least seven days prior to the event to advise of the scheduled time, the duration, and nature of the event. The notice must also to include a description of the type of noise that is to be expected, and provide contact telephone numbers for the event holder.

THE ISSUANCE OF PERMITS

Permits for Exemptions approved by Staff –

17. Staff shall consult the Bylaw Enforcement Officer before approving any application for an exemption to the Bylaw.
18. All applications for an exemption to the Bylaw that are to be approved by staff must meet the following criteria:
 - a. A minimum of 80% of the Neighbouring Properties were successfully canvassed by the applicant; and
 - b. A minimum of 80% of the Neighbouring Properties that were canvassed are in favour of the proposed exemption.
19. An application for an exemption to the Bylaw for a public event to be held within the boundaries of a Public Property may be approved by staff if the following criteria are met:
 - a. If the event is to be held outdoors (or partially outdoors), the portion of the event requiring an exemption shall be:
 - i. Held during the hours of 10:00 am and 10:00 pm, and
 - ii. No longer than 8 hours in duration.
20. An application for an exemption to the Bylaw for a public event to be held within the boundaries of a Non-Residential Property, where the property is not subject to an individual operating agreement that addresses noise, may be approved by staff if the following criteria are met:
 - a. If the event is to be held entirely indoors, the portion of the event requiring an exemption shall be:
 - i. Held during the hours of 9:00 am and 12:00 midnight, and
 - ii. No longer than 6 hours in duration; or
 - b. If the event is to be held outdoors (or partially outdoors), the portion of the event requiring an exemption shall be:
 - i. Held during the hours of 10:00 am and 10:00 pm, and
 - ii. No longer than 4 hours in duration.
21. An application for an exemption to the Bylaw for an private event to be held within the boundaries any property within the Municipality may be approved by staff if the following criteria are met:
 - a. If the event is to be held entirely indoors, the portion of the event requiring an exemption shall be:
 - i. Held during the hours of 9:00 am and 12:00 midnight, and
 - ii. No longer than 6 hours in duration; or
 - b. If the event is to be held outdoors (or partially outdoors), the portion of the event requiring an exemption shall be:
 - i. Held during the hours of 10:00 am and 10:00 pm, and
 - ii. No longer than 4 hours in duration.

Permits for Exemptions approved by Council –

22. Any application for an exemption to the Bylaw for a event that is unable to be approved by staff shall be forwarded to Council for their consideration.
23. Upon the written request of the applicant, any application for an exemption to the Bylaw for an event that staff has rejected shall be forwarded to Council for their reconsideration.

Policy approved by Council at their Regular Council Meeting held January 28, 2008.

Bob Turner
Mayor

Bryan Kirk
Chief Administrative Officer