

CORPORATION OF THE CITY OF NEW WESTMINSTER

BYLAW NO. 6520, 1999

A Bylaw to regulate or prohibit
the making or causing of certain noises or sounds in the municipality

WHEREAS:

- A. *Council* may, by bylaw, regulate or prohibit the making or causing of noises or sounds in or on a *highway* or elsewhere in the *Municipality* that disturb, or tend to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood, or of persons in the vicinity, or that the *Council* believes are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;
- B. Without limiting the generality of the foregoing, *Council* believes that noises or sounds which are prohibited by this Bylaw or exceed the *noise levels* authorized by this Bylaw are objectionable or liable to disturb the quiet, rest, enjoyment, comfort or convenience of individuals or the public;
- C. *Council* may make different regulations or prohibitions for different areas of the *Municipality*.

THE CITY COUNCIL of the Corporation of the City of New Westminster in open meeting assembled HEREBY ENACTS AS FOLLOWS:

CITATION

- 1. This Bylaw may be cited for all purposes as "Noise Bylaw No. 6520, 1999".

DEFINITIONS

2. In this Bylaw, unless the context otherwise requires:

- (a) in the absence of specific provisions to the contrary, words used in this Bylaw shall have the meaning, if any, given to them by definition in the *Municipal Act* R.S.B.C. 1996 c.323 or, if not defined therein, the meaning, if any, given to them by definition in the *Motor Vehicle Act* R.S.B.C. 1996, c.318;
- (b) “**A**” means the “A” Scale and “Slow” meter reading of a *sound level meter*;

Act means the *Municipal Act* R.S.B.C. 1996 c.323, as amended from time to time;

activity zone means every area of the Municipality which is not specifically designated as a *quiet zone* in Schedule “A” attached to and forming part of this Bylaw;

continuous noise means any noise continuing for a period or periods totalling in excess of three minutes in any fifteen minute period of time;

Corporation means the Corporation of the City of New Westminster, a municipal corporation duly created by Letters Patent issued on December 24, 1872;

Council means the City Council of the *Corporation* duly constituted pursuant to the provisions of the Act;

daytime means that time period from 7:01 a.m. to 9:59 p.m., local time;

dB means a decibel which is a unit of sound level denoting the ratio between two quantities that are proportional to power, the number of decibels corresponding to the ratio of two amounts of power is 10 times the logarithm to the base 10 of this ratio;

emergency vehicle means an emergency vehicle as defined by the *Motor Vehicle Act* R.S.B.C. 1996 c.318;

highway, in addition to the meaning given to it by the *Act*, includes every private place or passageway to which the public, for the purpose of parking or servicing vehicles is permitted and also includes boulevards and sidewalks, but does not include parking areas in *quiet zones*;

Inspector means those persons appointed from time to time by the *Council* of the *Corporation* as Bylaw Enforcement Officer, Bylaw Inspector, Licence Inspector or Assistant Director of Strategic Services;

motor vehicle means a motor vehicle as defined by the *Motor Vehicle Act* R.S.B.C. 1996 c.318;

Municipality means the geographic area over which the *Corporation* is the municipal government;

night means that period from 10:00 p.m. to 7:00 a.m., local time;

noise level means the level of noise or sound measured in *dBs* on the "A" Scale, which is to say the "A" weighted network and Slow response of a *sound level meter*;

non-continuous noise means any noise or sound which is not defined as a *continuous noise*;

peace officer has the meaning given to it by the *Interpretation Act* R.S.B.C. 1996 c.238 and amendments thereto;

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

power equipment means any equipment or machinery used in lawn and garden care or in building and property maintenance, and includes but is not limited to leaf blowers, edge trimmers, line trimmers, chippers, rototillers, lawnmowers, pressure washers and hand-operated tools;

quiet zone means those areas within the *Municipality* which are so designated from time to time in Schedule "A" 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 level meter means a device which meets 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. S1.4-1971 or the C.S.A. Standard Z107.1-1973.

PROHIBITION

3. Except as specifically permitted in this Bylaw, no person shall:
 - (a) make or cause any noise or sound to be made in or on a *highway, real property* or elsewhere in the *Municipality* which disturbs, or tends to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood, or of persons in the vicinity; or
 - (b) make or cause any noise or sound to be made in or on a *highway, real property* or elsewhere in the *Municipality* that exceeds the *noise levels* authorized by this Bylaw.
4. Except as specifically permitted in this Bylaw, no owner or occupier of *real property* shall allow or permit 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, or which exceeds the *noise levels* authorized by this Bylaw to emanate from such *real property*.

NOISE LEVELS

5. The *noise level* of *continuous noise* emanating from *real property* within an *activity zone* or from a stationary source on a *highway* adjoining such *real property* in an *activity zone* shall not exceed 60 *dBs* during the *daytime* and 55 *dBs* at *night*.
6. The *noise level* of *continuous noise* emanating from *real property* within a *quiet zone* or from a stationary source on a *highway* adjoining such *real property* in a *quiet zone*, shall not exceed 55 *dBs* during the *daytime* and 45 *dBs* at *night*.
7. The *noise level* of *non-continuous noise* emanating from *real property* in either an *activity zone* or a *quiet zone* or from a stationary source situated on a *highway* in either an *activity zone* or a *quiet zone*, shall not exceed 80 *dBs* during the *daytime* or 75 *dBs* at *night*.

OPERATION OF POWER EQUIPMENT

8. Despite Sections 5 and 6:
 - (a) no person shall operate *power equipment* in a *quiet zone* or an *activity zone* or elsewhere in the *Municipality* at *night*; and

- (b) the *noise levels of power equipment* emanating from *real property* or a *highway* in either an *activity zone* or a *quiet zone* during the hours permitted for such operation may reach, but not exceed 87 *dBs*.

MEASUREMENT OF NOISE LEVELS

- 9. Every *Inspector* and every *peace officer* of the *Corporation* are authorized to measure *noise levels* with *sound level meters* in substantial accordance with the procedures set out in Schedule "B" of this Bylaw.
- 10. The *noise levels* measured by an *Inspector* or a *peace officer* shall be a conclusive statement of whether the noise or sound emanating from *real property* or a *highway* exceeds the *noise levels* authorized by this Bylaw.

OBJECTIONABLE NOISES FROM MOTOR VEHICLES

- 11. Without limiting the generality of Section 3, no person shall make, cause or allow to be made any of the following noises or sounds which are, in the opinion of *Council* of the *Corporation*, objectionable and liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public:
 - (a) the amplified sound of a radio, television, player or other sound playback device or amplification equipment, or the sound of a musical instrument, that emanates from a *motor vehicle* and can easily be heard by someone outside the *motor vehicle*;
 - (b) sound from vehicle-mounted sound amplification equipment which is continuously made for more that two (2) minutes at the same location; and
 - (c) the sound of an automobile security system which is made, either continuously or non-continuously for a period exceeding one minute, or the sound of an automobile security system, but not including its activation status signal, which is made more that three times in a 24 hour period.
- 12. No person shall operate a *motor vehicle* so as to create a nuisance by noise or sound emanating from the *motor vehicle*.

EXEMPTIONS

13. The provisions of this Bylaw do not apply to noises or sounds caused by:
- (a) works of an emergency nature in order to preserve the life or health of people or to protect property;
 - (b) construction work during permitted hours as authorized under New Westminster Construction Noise Bylaw No. 6063, 1992;
 - (c) *peace officers*, fire fighters and operators of *emergency vehicles* in the conduct of their lawful duty;
 - (d) a parade or procession authorized by the Corporation;
 - (e) emergency works conducted by or on behalf of the *Corporation* including, but not limited to excavation, construction, installation, alteration, relocation, repair or demolition of buildings, structures, public facilities or utilities; or
 - (f) the operation of a street sweeper, snow removal or other road and parks maintenance machines and equipment by, or on behalf of the *Corporation*;

ENFORCEMENT AND RIGHT OF ENTRY

16. Every *Inspector* and every *peace officer* is authorized to enforce this Bylaw and, for that purpose, may enter at all reasonable times upon any real property in order to ascertain whether the provisions of this Bylaw are being observed.

PENALTY

15. Every person who violates any of the provisions of the Bylaw shall be guilty of an offence punishable on summary conviction and shall be liable to a fine not exceeding \$2,000.00 and, in default of payment, to imprisonment not exceeding 30 days.

DESIGNATION UNDER MUNICIPAL TICKETING BYLAW

16. This Bylaw is designated under the *Municipal Act* R.S.B.C. 1996, c.323 as a bylaw that may be enforced by means of a ticket in the form prescribed.

REPEAL

16. Noise Bylaw No. 5004, 1977 and amendments thereto are repealed.

SEVERABILITY

17. If a court of competent jurisdiction should declare any section or part of a section of this Bylaw to be invalid, such declaration shall not affect the validity of the remainder of this Bylaw all of which shall remain valid and in force.

GIVEN THREE READINGS this day of 1999.

ADOPTED and the Seal of the Corporation of the City of New Westminster
affixed this day of 1999.

MAYOR HELEN SPARKES

SUSAN BROWN, CITY CLERK

This is **SCHEDULE "A"** which is attached to and forms part of Noise Bylaw No. 6520, 1999

1. All noise or sound levels shall be determined using a *sound level meter* on the "A" scale and "slow" reading.
2. Every *sound level meter* shall be used and operated in accordance with manufacturer's instructions and shall be calibrated before and after each reading.
3. When determining the noise or 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.
4. Noise or sound measurements should, wherever possible, be made at a height of approximately three (3) feet and a distance of 10 feet 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 exceeds five (5) miles per hour, a wind screen shall be used. No test should be attempted when the wind velocity is above 25 mile per hour.
7. The *noise level* of noise or sound emanating from a stationary source situated on a *highway* in the *Municipality* shall be measured within six (6) metres of the nearest portion of the stationary source.
8. The *noise level* of noise or sound emanating from *real property* shall be measured from a point within six (6) metres of either the source of the noise or sound or a boundary lot line of the *real property* from which the noise or sound emanates, whichever is more convenient to the person measuring the *noise level* of the noise or sound.

This is **SCHEDULE “B”** which is attached to and forms part of Noise Bylaw No. 6520, 1999

For the purposes of this Bylaw, QUIET ZONES shall include all *real property* classified by New Westminster Zoning Bylaw under the following classifications (as abbreviated below) or designated by Council from time to time for residential or institutional use, and all *highways* adjoining such *real property*, except for a *highway* which also adjoins an *Activity Zone*, in which case the boundary between the *Quiet Zone* and the *Activity Zone* is the centreline of the *highway*:

RS-1	RMW-3A
RS-2	RMW-3B
RS-5	RT-2A
RS-6	RT-2B
RT-1	RT-2C
RT-2	RT-2D
RM-1	RC-1
RM-1A	RQ-1
RM-1B	RQ-5
RM-2	P-1
RM-2A	P-2
RM-4	P-3
RM-5	P-4
RM-5A	P-5
RM-6	P-6
RM-6A	P-7
RW-1	CW-3
RMW-2	CW-4
RMW-2A	NR-1
RMW-3	NR-2
	NR-5