

District of Chilliwack

Bylaw No. 2420

A bylaw to regulate or prohibit the making or causing of noises or sounds

WHEREAS Section 932 of the *Municipal Act*, R.S.B.C. 1979, c. 290 authorizes Council, by bylaw, to regulate or prohibit the making or causing of noises or sounds in or on a highway or elsewhere in the municipality which disturb or tend to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the public, neighbourhood or persons in the vicinity, and may make different regulations or prohibitions for different areas of the municipality;

CITATION

1. This bylaw may be cited as "Noise Control Bylaw 1997, No. 2420".

REPEAL

2. "Noise Control Bylaw 1996, No. 2326" and amendments thereto are hereby repealed.

INTERPRETATION

3. In this Bylaw

"Bylaw Enforcement Officer" means a person appointed by Council to the position of Bylaw Enforcement Officer for the District;

"commercial zone" means a property or group of properties designated for commercial use as defined in the District's Zoning Bylaw, in force from time to time;

"Council" means the Council of the District of Chilliwack;

"dBA" means the equivalent continuous sound level (Leq) according to IEC standard 804, on the A-weighted network of an integrating sound level meter which conforms to ANSI standards S1.4-1983 Type S1 and S1.43-199X Type 1 (draft of September 1992) and IEC standards 651-1979 Type 1I and 804-1985 Type 1;

"District" means the District of Chilliwack;

"industrial zone" means a property or group of properties designated for industrial use as defined in the District's Zoning Bylaw, in force from time to time;

"night" means the hours between 9:00 p.m. of one day and 7:00 a.m. of the following day;

"outdoor assembly" means a public outdoor gathering of persons for a music concert, festival, rally or other similar type of public gathering and includes outdoor entertainment for commercial or charitable purposes;

"residential zone" means a property or group of properties designated for residential use as defined in the District's Zoning Bylaw, in force from time to time.

SOUND MEASUREMENTS

4. Sound measurements shall be conducted in accordance with the provisions of CSA Standard Z107.53-M1982, "Procedures for Performing a Survey of Sound Due to Industrial, Institutional, or Commercial Activities".

GENERAL PROVISIONS

5. No person shall make, or cause or allow to be made, in or on a highway or elsewhere in the District, any noise or sound which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the public, neighbourhood or persons in the vicinity.

PROHIBITED OR RESTRICTED NOISES

6. Without limiting the provisions of this Bylaw, no person shall cause, permit or allow the following noises or sounds:

Construction Noise

- (1) any noise or sound caused by, or made in the course of the construction, erection, reconstruction, alteration, repair or demolition of any building, structure or thing, or the excavation or filling-in of land, at any time on Sundays or on any day before 7:00 a.m. or after 9:00 p.m., which is audible outside the property from which the noise or sound is emanating.

Commercial Noise

- (2) where a commercial zone borders a residential zone, any noise or sound, the level of which exceeds 65 dBA during the night as measured at any point within six metres outside of the real property from which the noise or sound is emanating.
- (3) where a commercial zone borders a zone, as designated by the District's Zoning Bylaw, in force from time to time, which is other than a residential zone, any noise or sound, the level of which exceeds 80 dBA during the night as measured at any point within six metres outside of the real property from which the noise or sound is emanating.

Industrial Noise

- (4) where an industrial zone borders a residential zone, any noise or sound, the level of which exceeds 65 dBA during the night as measured at any point within six metres outside of the real property from which the noise or sound is emanating.

- (5) where an industrial zone borders a zone, as designated by the District's Zoning Bylaw, in force from time to time, which is other than a residential zone, any noise or sound, the level of which exceeds 80 dBA during the night as measured at any point within six metres outside of the real property from which the noise or sound is emanating.

Outdoor Assembly And Public Address Systems

- (6) any noise or sound emanating from an outdoor assembly or public address system between the hours of 7:00 a.m. and 11:00 p.m. of the same day the level of which exceeds 90 dBA as measured at any point within six metres outside the property from which the noise or sound is emanating.
- (7) any noise or sound at night emanating from an outdoor assembly or public address system between the hours of 11:00 p.m. and 7:00 a.m. of the following day which is audible outside the property on which the outdoor assembly or public address system is located.

EXEMPTIONS

7. This Bylaw does not apply to:

- (1) the operation of an emergency vehicle proceeding upon an emergency;
- (2) the emergency repair of a public utility or highway by a utility company or by the District or its contractors;
- (3) the carrying on of a legal, permitted agricultural operation;
- (4) the construction, erection, reconstruction, alteration, repair or demolition of any building, structure or thing, or the excavation or filling-in of land between the hours of 7:00 a.m. and 9:00 p.m. of the same day, Monday to Saturday;
- (5) the operation of road maintenance equipment by the District or the Province of British Columbia or agents acting on their behalf, including snow removal or highway cleaning operations;
- (6) operation of a public address system required under an applicable building or fire code; or
- (7) the use of bells or chimes for the announcing of public worship services.

AUTHORITY OF BYLAW ENFORCEMENT OFFICER

8. The Bylaw Enforcement Officer may at any time enter any real property for the purpose of ascertaining whether the requirements and regulations of this Bylaw are being observed.

9. No person shall obstruct, refuse or neglect to admit to any real property, the Bylaw Enforcement Officer or any other municipal officer or employee in the execution of his duties for any purpose relating to this Bylaw.

OFFENCE AND PENALTY

10. Every person who contravenes any provision of this Bylaw, or who allows or permits any act or thing to be done in violation of any provision of this Bylaw, or who neglects to or refrains from doing anything required to be done by any provision of this Bylaw, is guilty of an offence against this Bylaw and is liable to the penalties imposed under this Bylaw and each day that a violation continues to exist is deemed to be a separate offence against the Bylaw.

11. Every person who commits an offence against this Bylaw shall be liable upon summary conviction to a fine or to imprisonment, or to both a fine and imprisonment, not exceeding the maximum allowed by the *Offence Act*, R.S.B.C 1979, c. 305, as amended.

SEVERABILITY

12. If any portion of this Bylaw is held invalid by a Court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this Bylaw shall be deemed to have been adopted without the severed portion.

Received first reading on the 3rd day of March, 1997.

Received second reading on the 3rd day of March, 1997.

Received third reading on the 3rd day of March, 1997.

Reconsidered, finally passed and adopted on the 17th day of March, 1997.

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"John Les"

Mayor

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"D.W. Hampson"

Clerk