

# **CONSOLIDATED FOR CONVENIENCE**

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## **CITY OF PORT MOODY**

### **BYLAW NO. 1399**

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#### **A BYLAW TO REGULATE THE SOUND LEVELS IN THE CITY OF PORT MOODY**

**WHEREAS** Section 932(c) of the *Municipal Act*, being Chapter 290 of the Revised Statutes of British Columbia, 1979 and amendments thereto, empowers the Council by bylaw to regulate the sound levels within the municipality;

**AND WHEREAS** the Council of the City of Port Moody deems such regulations and prohibitions desirable;

**NOW THEREFORE**, the City Council of the City of Port Moody, in open meeting assembled hereby enacts as follows:

1. This bylaw shall be cited for all purposes as "City of Port Moody Sound Level Bylaw, 1980" No. 1399.
2. Bylaw No. 1044 "City of Port Moody Noise Control Bylaw, 1970", is hereby repealed.
3. In this bylaw, unless the context otherwise requires:
  - (a) In the absence of specific provisions herein to the contrary, words used in this bylaw shall have the meaning, if any, given to them by definition in the "Municipal Act", being Chapter 290 of the Revised Statutes of British Columbia, 1979 and amendments thereto or, if not defined therein, the meaning, if any given to them by definition in the "Motor Vehicle Act", being Chapter 288 of the Revised Statutes of British Columbia, 1979 and amendments thereto;
  - (b) **Act** means the Municipal Act, being Chapter 290 of the Revised Statutes of British Columbia, 1979 as amended from time to time;

**activity zone** includes every area of the municipality which is not specifically designated as a quiet zone;

<b>**ADDED BY BYLAW NO. 2421</b>
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\*\* **Bylaw Enforcement Officer** means the person appointed from time to time by the Council to act in the capacity as City Bylaw Enforcement Officer.

**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;

**City** means the City of Port Moody, a municipal corporation duly created by Letters Patent issued on March 11, 1913;

\*\* **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;

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

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

**dB** means decibel, a means of expressing Sound Pressure Level and is defined as ten (10) times the logarithm to the base ten (10) of the ratio between two (2) quantities of sound power (the one being measured and the one being used as a reference level) as in the following formula:

$$SPL = 10 \log_{10} \frac{(p^2)}{(p_0^2)} = 20 \log_{10} \frac{(p)}{(p_0)} \text{ dB}$$

where 'p' is the sound pressure being measured and 'po' is a standard reference sound pressure. The latter is the threshold of hearing and is normally taken as 0.0002 Microbar (or  $2 \times 10^{-5}$  Newton/M<sup>2</sup>);

**dB(A)** means the measurement of sound pressure levels in decibels (A) weighted by the sound level meter to approximate the response of the human ear;

\*\* **Director of Operations** means the person appointed from time to time by Council to act in the capacity of Director of Operations;

\*\* **Director of Planning and Development** means the person appointed from time to time to act in the capacity of Director of Planning and Development Services.

**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;

**Inspector** means the Medical Health Officer of the Simon Fraser Health Unit, appointed from time to time in accordance with the provisions of the Act and includes any person or persons designated by the Medical Health Officer or the Council to act on his behalf;

**municipality** means the geographic area over which the City is the municipal government;

\*\* **nighttime** means that period between 10:00 p.m. to 7:00 a.m. local time;

**non-continual sound** means any sound which is not defined as a continual sound;

**peace officer** has the meaning given to it by the Interpretation Act, being Chapter 199 of the Revised Statutes of British Columbia, 1960 and amendments thereto;

**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 herein, means any place or parcel where sound originating from any source, other than a source on such parcel, is received; or, any place on a strata lot designated, shown or described on a strata plan where sound originating from any source, other than a source on such strata lot, is received.

**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** 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. SI. 4-1971;

**SECTION 4 - ADDED BY AMENDMENT BYLAW NO. 1593  
EXISTING SECTIONS RE-NUMBERED TO REFLECT ADDITION**

**4. GENERAL REGULATIONS**

**\*\*SECTION 4.1.1 - AMENDED BY BYLAW NO. 2650**

- 4.1.1 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.
- 4.1.2 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 therefrom, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.
- 4.1.3 No person shall play or operate any radio, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound either in or on private premises or in any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of persons in the vicinity.
- 4.1.4 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.
- 4.1.5 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.
- \*\* 4.1.6 The Council for the City of Port Moody is of the opinion that the noises listed on Schedule "B" attached hereto are objectionable or are liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public at a point of reception in the City, notwithstanding such noises may not constitute a breach of any other provision of this Bylaw.

**\*AMENDED BY BYLAW NO. 2131**

## **4.2 CONSTRUCTION HOURS**

- 4.2.1** No person in the City shall on any day before 07:00 hours or after **\*20:00** 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.
- 4.2.2** No person in the City 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 9:00 a.m. and 6:00 p.m., provided that such construction is not being carried out for profit or gain.
- 4.2.3** Where it is impossible or impractical to comply with this section, the Director of Planning and Development may give written approval to carry on the work that is found to be necessary at designated hours.
- 4.2.4** 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.

## **4.3 OTHER**

- 4.3.1** No person shall operate any outdoor public address system in the City without first having obtained a permit therefor.
- 4.3.2** No person shall operate a snow vehicle, motorboat or motorcycle which makes or causes objectionable noise.
- 4.3.3** 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.
- \*\* 4.3.4** Notwithstanding any other provision of this Bylaw, between the hours of 7:00 a.m. and 10:00 p.m. from Monday to Saturday and between the hours of 9:00 a.m. and 10:00 p.m. 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.

5. No person shall cause any sound to be made anywhere in the City that has a sound level in excess of that authorized by this bylaw and no owner or occupier of real property in the City 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.
6. Except as provided herein, sound levels emanating from or impinging upon real property shall not exceed values prescribed by the following tables:

**\*\*TABLE REPLACED BY BYLAW NO. 2421**

**	QUIET ZONE	
	Continual Sound	Non-Continual Sound
Daytime	55 dB(A)	80 dB(A)
Nighttime	45 dB(A)	75 dB(A)

**	ACTIVITY ZONE	
	CONTINUAL SOUND	NON-CONTINUAL SOUND
Daytime	65 dB(A)	80 dB(A)
Nighttime	60 dB(A)	75 dB(A)

**\*\*NEW SECTION 7 ADDED BY BYLAW NO. 2421,  
SUBSEQUENT SECTIONS RENUMBERED**

- \*\* 7. The permitted Non-Continual sound levels listed in section 6 for a Quiet Zone shall be reduced by 10 dBA at the point of reception.
8. 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) kilometres per hour (km/h):

Motor vehicles with licenced gross weights of 2,700 kg or more	88 dB(A)
All other motor vehicles	80 dB(A)

(b) For speeds exceeding (50) kilometres per hour (km/h):

Motor vehicles with licenced gross weights of 2,700 kg or more	92 dB(A)
All other motor vehicles	85 dB(A)

9. A person may operate a horn or other warning device on a motor vehicle or on real property as a warning incidental to the safe operation of the motor vehicle or as an alarm to protect the property without regard to any sound level prescribed by this bylaw.

**\*\*AMENDED BY BYLAW NO. 2421**

10. A person may perform works of an emergency nature in order to preserve the life or health of individuals, people or animals or to protect property without regard to any sound level prescribed by this bylaw for what, in the opinion of the Inspector **\*\*Bylaw Enforcement Officer** or of any peace officer at the scene of the emergency, is the duration of the emergency and, for the purposes of this bylaw, an emergency shall be deemed to include all situations wherein, in the Inspector's **\*\*or Bylaw Enforcement Officer's** opinion, works are being carried out to serve the public interest and cannot reasonably be carried out within the sound levels prescribed in this bylaw.
11. A person may perform works 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 City Administrator or his designate. Requests to do so must include name and 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. Permits will be granted by a designated officer operating under the guidelines prescribed by Council.

12. The Inspector **\*\*Bylaw Enforcement Officer** or any designated peace officers of the City are hereby authorized to measure sound levels with sound level metres in accordance with the provisions of this bylaw and the sound levels thereby measured shall be deemed to be a conclusive statement 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) metres to the motor vehicle.  
  
(b) The sound level emanating from real property must be measured at a distance no greater than six (6) metres from the property line. The sound level impinging upon real property must be measured inside the property line of the affected property no further than six (6) metres from the property line.
14. The **\*\*Director of Operations** is authorized to require the posting of signs advising of maximum allowable sound levels on highways at whatever locations he deems to be necessary or desirable.
15. All works authorized by the Council must comply with this bylaw.

**\*SECTION AMENDED BY BYLAW NO. 2359**

16. 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)** 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.

**\*\*SECTIONS ADDED BY BYLAW NO. 2421**

- \*\* 17. 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 not affect the validity of the remaining portions of the Bylaw.
- \*\* 18. The Bylaw Enforcement Officer, Inspector or peace officer and such other person as the Council may authorize, may enter at all reasonable times upon or into any place or structure governed by this Bylaw in order to ascertain whether the provisions of this Bylaw are observed. No person shall obstruct or seek to obstruct the entrance into or on to any property, place or structure of any person acting under this section.



**READ A FIRST TIME** THE 4TH DAY OF JULY, 1978.

**READ A SECOND TIME** THE 4TH DAY OF JULY, 1978.

**READ A THIRD TIME** THE 22ND DAY OF SEPTEMBER, 1980.

**RECONSIDERED** AND FINALLY ADOPTED THE 6TH DAY OF OCTOBER, 1980.

**"A. EGERTON-BALL"**

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**ACTING MAYOR**

**"J. I. BROVOLD"**

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**CITY CLERK**

**I HEREBY CERTIFY THAT** THE ABOVE IS A TRUE COPY OF BYLAW No. 1399 OF THE CITY OF PORT MOODY.

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**CITY CLERK**

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**CITY OF PORT MOODY SOUND LEVEL BYLAW, 1980 NO. 1399*****SCHEDULE "A"***

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**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) metre and a distance of greater than three (3) metres 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) kilometres per hour, a wind screen must be used. No test shall be attempted when the wind velocity is above forty (40) kilometres 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 maximum sound level emanating from the source for purposes of the application of this bylaw.

**DEFINITION OF ZONES**

**\*\*SECTIONS REPLACED BY BYLAW NO. 2421**

\*\* 1. For the purpose of this bylaw, all real property which is classified by the “City of Port Moody Zoning Bylaw No. 1890, 1988 as amended from time to time as:

- A1 Acreage Reserve
- A2 Development Acreage Reserve
- A3 Development Acreage Reserve
- RS1 One Family Residential
- RS2 One Family Residential
- RS3 One Family Residential
- RS4 One Family Residential
- RS5 One Family Residential
- RS6 One Family Residential
- RS7 One Family Residential
- RT1 Two Family Residential
- RM1 Multiple Family Residential
- RM2 Multiple Family Residential
- RM3 Multiple Family Residential
- RM4 Multiple Family Residential
- RM5 Multiple Family Residential
- RM6 Multiple Family Residential
- RM7 Multiple Family Residential
- P1 Public Service
- P2 Special Public Service

and any other residential zones which may be added to amend “City of Port Moody Zoning Bylaw No. 1890, 1988 shall be QUIET ZONES.

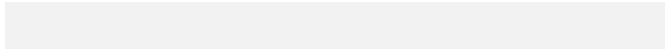
\*\* 2. For the purposes of this bylaw, all real property which is classified by "City of Port Moody Zoning Bylaw No. 1890, 1988 as amended from time to time as:

- C1 Local Commercial
- C2 Neighbourhood Commercial
- C3 Community Commercial
- C4 Service Station Commercial
- C5 Automobile-Oriented Commercial
- C6 Adaptive Use Commercial
- C7 Commercial Recreation
- C8 Adult Entertainment
- TC1 Town Centre One
- CD1 Comprehensive Development Zone
- CD24 Comprehensive Development Zone 24
- CD22 Comprehensive Development Zone 22
- CD23 Comprehensive Development Zone 23
- CD9-NS Comprehensive Development Zone 9
- M1 Light Industrial
- M2 Light Industrial/Commercial
- M3 General Industrial

and any other commercial and industrial zones which may be added to amend "City of Port Moody Zoning Bylaw No. 1890, 1988.

AND

any real property zoning classification notwithstanding which is designated as Pubic Park, Playground or Recreation Facility, shall be ACTIVITY ZONES.



SCHEDULE ADDED BY BYLAW NO. 2421

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**CITY OF PORT MOODY SOUND LEVEL BYLAW, 1980 NO. 1399**

***SCHEDULE "B"***

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Schedule of Objectionable or Disturbing Noises

1. The sound made by a dog barking, howling or creating any kind of sound continually or sporadically or erratically for any period in excess of one-half hour in time.
2. The sound made by a combustion engine that is operated without an effective exhaust muffling system in good working order being in use whenever such engine is in operation.
3. The sound made by a vehicle or a vehicle with a trailer resulting in banging, clanking, squealing or other like sounds due to an improperly secured load or improperly secured equipment, or due to inadequate maintenance.
4. The sound made by a vehicle or other warning device used except under circumstances required or authorized by law.
5. In accordance with section 4.2 of this Bylaw, the sound made by construction activity prior to 7:00 a.m. and after 8:00 p.m. on Monday to Saturday inclusive or prior to 9:00 a.m. and after 6:00 p.m. on Sundays and Statutory Holidays.