

# Corporate Policy

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100 Newport Drive, Port Moody, BC, V3H 5C3, Canada  
Tel 604.469.4500 • Fax 604.469.4550 • www.portmoody.ca

Section:	Legislative and Regulatory Services	09
Sub-Section:	Building	3760
Title:	Temporary Exemption from Sound Bylaw	2021-01

## Related Policies

Number	Title

## Approvals

Approval Date: March 23, 2021	Resolution #: <u>RC21/161</u>
Amended:	Resolution #:
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## Corporate Policy Manual

### Temporary Exemption from Sound Bylaw

## Policy

Bylaw Enforcement staff, Building Officials, the General Manager of Community Development, and other staff as identified will review requests for temporary exemptions from sections 4.2.1 or 6 of Sound Level Bylaw, No. 1399 under the authority granted under sections 4.2.3 and 11, respectively.

Registered property owners, their agents, or the developer of record for a private parcel under construction may submit an Application for Temporary Exemption from the Sound Level Bylaw for consideration.

## Procedures

Upon receipt of an Application for Temporary Exemption from the Sound Level Bylaw (Application) and the application fee, Bylaw Enforcement staff (Staff) shall enter the Application into the department's application tracking system.

Staff will conduct a preliminary review and determine if the Application for an exemption from the permitted hours and days of construction, granted under section 4.2.3 of the Sound Level Bylaw, is reasonable, required, or otherwise necessary, as defined in the Bylaw.

Staff will determine if the Application for an exemption from the permitted decibel level for the residential or commercially-zoned property under construction, granted under section 11 of the Sound Level Bylaw is reasonable, required, or otherwise necessary, under the Bylaw.

Staff will ensure that the Application contains all information required by section 11 of the Bylaw, as well as a draft of the Notice to Impacted Residents.

Applications will then be forwarded to Building Officials, and will only be considered if it is determined that the Application meets one or more of the following criteria:

- the method of construction will de facto contravene the prescribed decibel level for a specifically-zoned property, due to the nature of construction, and there is no other method to complete the work that is available, feasible, or practical (e.g.: Pile Driving);
- the method of construction is such that it requires a longer duration to complete than is permitted under the Bylaw, and all other options to complete said work would compromise the integrity of the construction itself, rendering it unsafe or otherwise impractical (e.g.: Long Concrete Pour); and/or
- an emergent issue is present at or near the property that would: 1) cause damage to property or related infrastructure; 2) cause related safety concerns; or 3) cause potential hazards to the site, its workers, or the surrounding residents if addressing the issue were delayed; and where allowing the issue to be addressed beyond the limitations imposed by the Bylaw would prevent the damage, safety concerns, or potential hazards.

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### **Temporary Exemption from Sound Bylaw**

Any application outside the scope of these considerations for an exemption will be rejected by Staff, and the applicant would have to seek Council authorization for an exemption from any section of the Sound Level Bylaw.

All Applications must be received by Staff no later than five (5) business days before the date and time of the requested exemption, so as to allow for review, revision, and approval of the Application, as well as the review, revision, approval, and distribution, by the applicant, of the Notice to Impacted Residents to any property within 250m of the parcel or construction site, at least 48 hours prior to the commencement of work under the approved exemption.

The Application, the Notice to Impacted Residents, and any other relevant information submitted by the applicant to the City, will be provided to the General Manager of Community Development for review, revisions, and approval.

If approved, a copy of the signed and dated exemption will be sent back to the applicant with the final approved draft of the Notice to Impacted Residents (Notice). The applicant must provide confirmation that the Notice was provided to impacted residents at least 48 hours prior to the date and time of the commencement of construction under the exemption.

If no confirmation of the Notice being provided 48 hours in advance is provided, the approved exemption would be considered void, and any work occurring outside any of the regulations within the Sound Level Bylaw would be considered a contravention and result in enforcement action under the Bylaw.

Any work not explicitly occurring within the approved dates or times of the approved exemption will be considered a contravention of the Sound Level Bylaw and will result in enforcement action under the Bylaw.

Any change to the dates or times of an approved exemption, prior to the commencement of construction or once construction has begun, will require a re-submission of the Application for Exemption from the Sound Level Bylaw and the Notice to Impacted Residents, and the approval process would have to be re-initiated.

Any extension beyond the dates and times approved in the Temporary Exemption will require a new Application and Notice to Impacted Residents.

## **Monitoring/Authority**

Monitoring and implementation of this policy is delegated to the Community Development Department – Building, Bylaw, and Licensing Division. Changes to this policy require the approval of Council.