

DISTRICT OF MACKENZIE

BYLAW NO. 1352

A bylaw to regulate noise within the District of Mackenzie

WHEREAS Sections 8(3)(h), 36 and 64(b) of the *Community Charter* authorizes Council, by bylaw, to regulate, prohibit and impose requirements with respect to the making of noise that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public and to regulate and prohibit in relation to all uses of or involving a Highway or part of a Highway;

AND WHEREAS Council believes that noises which are prohibited by this bylaw would be liable to disturb the quiet, peace, rest, enjoyment, comfort and convenience of individuals or the public and that this bylaw will protect and enhance the well-being of Mackenzie;

NOW THEREFORE the Council of the District of Mackenzie, in open meeting assembled, **HEREBY ENACTS** as follows:

CITATION

1. This bylaw may be cited for all purposes as “Noise Control Bylaw No. 1352, 2016.”

REPEAL

2. *Noise Control Bylaw No. 377*, as amended, is repealed.

DEFINITIONS:

3. In this bylaw:
 - (a) “**A**” means the “A” scale and “slow” meter reading of a Meter;
 - (b) “**Bylaw Officer**” means the person or persons appointed from time to time by the Council with authority to enforce the bylaws of the District;
 - (c) “**Community Charter**” means the *Community Charter*, S.B.C. 2003, c. 26, as amended from time to time;
 - (d) “**Construction Noise**” means a noise or sound caused by, or made in the course of, the construction, erection, reconstruction, alteration, repair or demolition of a building or structure, the excavation or filling-in of land, or the moving of a machine or construction equipment;
 - (e) “**Continuous Noise**” means any Noise, other than Construction Noise, continuing for a period, or periods, totalling 3 minutes or more in any 15 minute period;
 - (f) “**Day**” means the period of time from 7:00 a.m. to 8:00 p.m. Monday through Saturdays, except Sundays and statutory holidays and from 8:00 a.m. through 7:00 p.m. on Sundays and statutory holidays;
 - (g) “**dB**” means a decibel which is a unit of sound level denoting the ratio between two quantities that are proportional to power, in respect of which 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;

- (h) “**District**” means the District of Mackenzie;
 - (i) “**Highway**” includes a street, road, land, bridge, viaduct and any other way open to the public use, but does not include a private right of way on private property;
 - (j) “**Meter**” means a sound level meter used for acoustic measurements of sound pressure on an “A” weighted scale which meets current Canadian standards;
 - (k) “**Motor Vehicle**” has the same meaning as defined in the *Motor Vehicle Act*;
 - (l) “**Motor Vehicle Act**” means the *Motor Vehicle Act*, RSBC 1996, c. 318, as amended;
 - (m) “**Night**” means the period of time from 8:00 p.m. every day until:
 - (i) 7:00 a.m. on the next day if the next day is not a Sunday or statutory holiday; or
 - (ii) 8:00 a.m. on the next day if the next day is a Sunday or statutory holiday;
 - (n) “**Noise**” means any noise or sound, including any loud outcry, amplified voice, music, animal noise, clamour, Construction Noise, Continuous Noise, Non-Continuous Noise, or shouting which is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public within the District of Mackenzie or is prohibited by this bylaw;
 - (o) “**Non-Continuous Noise**” means any noises or sounds other than Continuous Noise and Construction Noise;
 - (p) “**Point of Reception**” means the place where a Meter is located to measure the Sound Level from a source of noises or sounds;
 - (q) “**Power Equipment**” means any tool, equipment or machinery powered by an internal combustion engine or electric motor that is used for construction, lawn, garden, building and property maintenance, and includes hedge trimmers, line trimmers, rototillers, pressure washers, carpet cleaning equipment, and hand operated power tools including but not limited to chain saws, chippers and leaf blowers;
 - (r) “**Premises**” means the smallest unit of ownership or occupation of real property, whichever is the lesser; and
 - (s) “**Sound Level**” means the Meter reading or recording in decibels using an “A” weighted network at the slow response setting of the Meter.
 - (t) “**Winter Months**” means the beginning of November to the end of February.
4. Words defined in the *Community Charter* and the *Motor Vehicle Act* shall have the same meaning when used in this bylaw unless defined in this bylaw or unless the context otherwise requires.

NOISE REGULATIONS

5. No person shall make, cause or permit Noise or allow an animal to make, cause or permit Noise in the District or in or on a Highway in the District that does or would be reasonably expected to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public in the vicinity of the area in which the Noise is made.
6. Without limiting section 5 of this bylaw, the following Noises are deemed to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public:
 - (a) Noise made or caused by a Motor Vehicle:
 - (i) engine or exhaust system when such noises or sounds are explosive;
 - (ii) horn or other warning device except when authorized by law; or
 - (iii) operated in such a manner that the tires squeal;
 - (b) Construction Noise or Noise from Power Equipment that exceeds 80 dB during the Day or that is made or caused during the Night;
 - (c) any Continuous Noise that exceeds the following Sound Levels at the Point of Reception:
 - (i) 55 dB during the Day; and
 - (ii) 45 dB during the Night;
 - (d) any Non-Continuous Noise that exceeds the following Sound Levels at the Point of Reception:
 - (i) 80 dB during the Day; and
 - (ii) 65 dB during the Night.
7. For the purpose of enforcing this bylaw, measurement of Sound Levels may be made if or when practical and/or possible:
 - (a) in the case of Noise made or caused in or on a Highway, in a public park or in another public place, from a Point of Reception not less than 5 meters from the Noise;
 - (b) in the case of Construction Noise or Noise made or caused by Power Equipment, from a Point of Reception on any Premises, not including the Premises on which the Noise is made or caused; and
 - (c) in all other cases, from a Point of Reception not on the Premises upon which the source of the Noise is located.

EXEMPTIONS

8. Notwithstanding sections 5 and 6 of this bylaw, the following exemptions are made from sections 5 and 6 hereof.
 - (a) any Noise made or caused by any emergency vehicle for fire, police or ambulance purposes;
 - (b) any Noise made or caused by a Motor Vehicle or Power Equipment engaged in the repair of public utilities and services including water, sewer, natural gas, telephone, cable and electrical infrastructure and works;
 - (c) any Noise made or caused by transit buses operated by a public authority;
 - (d) any Noise made or caused by officers, employees and agents of the District carrying out work or providing services on behalf of the District;

- (e) any Noise made or caused by construction, repair or maintenance of any Highway, public lands or public Premises between the hours of 7:00 a.m. and 9:00 p.m. on any day except Sunday;
- (f) any Noise made or caused by any Motor Vehicle or Power Equipment engaged in the plowing or removal of snow from a Highway;
- (g) any Noise made or caused by a Motor Vehicle or Power Equipment engaged in the plowing or removal of snow:
 - (i) from industrial, commercial or institutional Premises where the Premises being cleared do not abut residential Premises within the District;
 - (ii) from Residential Premises or from industrial, commercial or institutional Premises where the Premises being cleared abut residential Premises, provided such plowing or removal of snow is done between the hours of 4:00 a.m. and 11:00 p.m. on any day; or
- (h) any Noise made or caused by blasting, air-hammering or other Power Equipment or by equipment pounding or excavating bedrock in a residential area of the District between 8:00 a.m. and 5:00 p.m., Mondays through Saturdays.
- (i) any Noise made or caused at the District of Mackenzie Gun Range from 9:00am – 9:00pm and dawn until dusk in the winter months.

ENFORCEMENT

- 9. The Bylaw Officer is hereby authorized to enter, at all reasonable times, on any Premises subject to this bylaw for the purpose of determining whether the Noise regulations under this bylaw are being observed.
- 10. No person shall:
 - (a) interfere with or obstruct the entry of the Bylaw Officer onto any Premises or any Motor Vehicle to which entry is made or attempted pursuant to the provisions of this bylaw; or
 - (b) interfere with a Bylaw Officer in issuing a ticket or bylaw notice or otherwise carrying out his or her duties in accordance with this bylaw, and it is an offence for any person to interfere with a Bylaw Officer in the enforcement of this bylaw.
- 11. Every person who violates a provision of this bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this bylaw, or who neglects or refrains from doing anything required by a provision of this bylaw, is guilty of an offence and is liable, upon summary conviction, to a fine not exceeding \$10,000.
- 11. Each day that a violation continues or exists under this bylaw is a separate offence.

SEVERABILITY

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

EFFECTIVE DATE

13. This bylaw is effective as of the date of adoption.

READ a first time this 13th day of June, 2016.

READ a second time this 13th day of June, 2016.

READ a third time this 13th day of June, 2016.

ADOPTED this 27th day of June, 2016.

I hereby certify the foregoing
to be a true and correct copy of
District of Mackenzie Bylaw
No. 1352 cited as "Noise Control
Bylaw No. 1352, 2016."

Mayor

Corporate Officer

Corporate Officer