

ENVIRONMENT COMMITTEE MEETING – AGENDA

Agenda for the Environment Committee Meeting scheduled for
Thursday, September 21, 2017 at 7:00 p.m. in Council Chambers at
Village Hall, 2697 Sunnyside Road, Anmore, BC



1. CALL TO ORDER

2. APPROVAL OF THE AGENDA

Recommendation: That the agenda be approved as circulated.

3. MINUTES

page 1

(a) Minutes of the Meeting held on July 20, 2017

Recommendation: That the Minutes of the Meeting held on July 20, 2017
be adopted as circulated.

4. BUSINESS ARISING FROM THE MINUTES

5. UNFINISHED BUSINESS

6. NEW BUSINESS

(a) Wildlife-Human Interaction

For Committee discussion.

(b) Generator Use

For Committee discussion.

Attachments:

page 4

1. Report to Council dated August 25, 2016

page 7

2. Anmore Noise Control Bylaw No. 517-2011

7. ADJOURNMENT

ENVIRONMENT COMMITTEE MEETING – MINUTES

Minutes of the Environment Committee Meeting held on
Thursday, July 20, 2017 in Council Chambers at Village Hall,
2697 Sunnyside Road, Anmore, BC



MEMBERS PRESENT

Councillor Paul Weverink (Chair)
Grace Bergman
Coleen Hackinen
Babak Taghvaei

MEMBERS ABSENT

Nil

1. CALL TO ORDER

Chair Weverink called the meeting to order at 7:13 p.m.

2. APPROVAL OF THE AGENDA

It was MOVED and SECONDED:

“THAT THE AGENDA BE APPROVED AS CIRCULATED.”

CARRIED UNANIMOUSLY

3. MINUTES

(a) Minutes of the Meeting held on June 1, 2017

It was MOVED and SECONDED:

**“THAT THE MINUTES OF THE MEETING HELD ON JUNE 1,
2017 BE ADOPTED AS CIRCULATED.”**

CARRIED UNANIMOUSLY

4. BUSINESS ARISING FROM THE MINUTES

Nil

5. UNFINISHED BUSINESS

Nil

6. NEW BUSINESS

(a) Wildlife-Human Interaction

Committee discussed bear issues. Highlights of discussion included:

- Methods of identifying, type and location, of bear issues
- A member contacted WildSafe BC to discuss different programs that municipalities can take part in (possibly join others), continuing to educate public about Village bylaws and properly storing garbage and organic bins on non-collection days
- Keeping all bear attractants away
- For damaged bins due to bears, possibly charge additional fees to replace/fix or fine residents
- Staff to possibly provide a report regarding bins damaged by bears on non-collection days
- There is currently good information on Village website
- Members to speak with neighbours and/or peers to research how much of a problem bears are within their neighbourhood.

Action item: *Grace Bergman to contact Smithrite Disposal to investigate the location of bear problems within the Village.*

Action item: *Coleen Hackinen to contact Conservation Officer Society and request a list of bear encounters within the Village.*

Action item: *Coleen Hackinen to ask staff about waste collection at Anmore Green Estates and Countryside.*

Action item: *Chair Weverink to post on his Facebook page the question of who encounters bears in Anmore on a regular basis.*

(b) Noxious Weed Control

Committee discussed control of noxious weeds on private land. Highlights of discussion included:

- Focus on “Schedule B” of the BC Weed Control Act
- Follow up with the Village on noxious weed control on private properties
- The Province does not enforce noxious weed control on private land; it can be enforced through a municipal bylaw
- Invasive plants are a problem, whereas noxious weed are a bigger concern.

It was MOVED and SECONDED:

“THE ENVIRONMENT COMMITTEE RECOMMENDS THAT COUNCIL INSTRUCT THE VILLAGE TO DRAFT A BYLAW THAT WOULD ALLOW FOR THE ENFORCEMENT OF THE BC WEED CONTROL ACT AS IT RELATES TO NOXIOUS WEEDS ON PRIVATE PROPERTY.”

CARRIED UNANIMOUSLY

7. ADJOURNMENT

It was MOVED and SECONDED:

“TO ADJOURN.”

CARRIED UNANIMOUSLY

The meeting adjourned at 8:13 p.m.

Certified Correct:

Approved:

Christine Milloy
Manager of Corporate Services

Councillor Paul Weverink
Chair, Environment Committee



VILLAGE OF ANMORE

REPORT TO COUNCIL

Date: August 25, 2016
Submitted by: Christine Milloy, Manager of Corporate Services
Subject: Review of Anmore Control Noise Bylaw No. 517-2011

Purpose / Introduction

The purpose of this report is to provide Council with information subsequent to my review of Anmore Noise Control Bylaw No. 517-2011 with respect to the use of generators on private property.

Optional Resolutions

THAT further to the report dated August 25, 2016 from the Manager of Corporate Services, regarding review of Anmore Noise Control Bylaw No. 517-2011 related to generator use, Council agrees that no imminent update to the bylaw is required.

OR

THAT the report dated August 25, 2016 from the Manager of Corporate Services, regarding review of Anmore Noise Control Bylaw No. 517-2011 related to generator use, be received for information;

AND THAT Council directs Staff to amend the bylaw regarding use of generators on private property for future Council consideration.

Background

At the Regular Council Meeting held on September 1, 2015, staff was directed to research the Noise Bylaw regarding the use of generators, per the following recorded action item:

Ask Staff to research and bring forward appropriate changes to the Noise Bylaw regarding the use of generators in Anmore.

Report/Recommendation to Council

Review of Anmore Control Noise Bylaw No. 517-2011

August 25, 2016

Discussion

Anmore Noise Control Bylaw No. 517-2011 was adopted by Council on January 8, 2013, and includes reference to the use of generators under section 11, which reads:

11. *An emergency generator must not be tested more than once per month and for more than 30 minutes during daytime. An emergency generator must not be tested during nighttime.*

The bylaw defines *daytime* as the hours between 7:00 a.m. and 10:00 p.m., and defines *nighttime* as the hours between 10:00 p.m. and 7:00 a.m.

Prohibited sound levels are noted in the bylaw under section 4, which reads:

4. *No person shall make, cause, or permit to be made or caused, anywhere in the municipality, 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; and further,*
 - (a) *Daytime noise shall not exceed 80 decibels as detected by a sound level meter at the point of reception; and*
 - (b) *Nighttime noise shall not exceed 50 decibels as detected by a sound level meter at the point of reception;*

Prior to adoption of the bylaw, Staff researched other municipal noise regulation bylaws with respect to language regarding generator use, in addition to reviewing acceptable decibel levels for all potential instances of noise related activities. The intent of section 11 was, and is, to address emergency testing of generators. No additional language was included respective of specific use due to awareness of the need for private use of a generator in an emergency situation such as a power outage.

In fall 2015, one resident contacted Staff to express concern regarding use of a generator by their neighbour throughout all hours of the day and night during a power outage. The resident subsequently appeared at a Regular Council Meeting on September 1, 2015 to express similar concerns to Council, and suggested that an amendment be made to the noise bylaw to restrict the number of hours and time periods for the use of the generator. Following those comments, Council directed Staff to conduct related research and bring forward appropriate changes to the noise bylaw.

Through discussions amongst Staff, it was learned that there are no known instances in the Village where a resident makes use of a generator for personal use outside of an emergency situation. Staff agree that a power outage is one example of an emergency that may warrant the need for a private generator to be in use for all, or part, of a 24 hour period until power is restored to a house. Depending

Report/Recommendation to Council

Review of Anmore Control Noise Bylaw No. 517-2011

August 25, 2016

on the needs of a resident, a generator could be required to power lights, heaters, fans, medical equipment, water pump, sump pump, small appliances, radios, electronics, etc. Any of these examples could be the basis for acceptable 24-hour usage of a generator until an emergency situation has been restored.

Staff will review any similar future complaints on an individual basis, however, a blanket restriction in the noise bylaw to limit generator use by a resident in an emergency situation would be prohibitive, due to potential life-saving features that a generator provides, such as power for heating, water and sump pumps, and for medical equipment.

It is recommended that no further research or amendment to Anmore Noise Control Bylaw No. 517-2011 be made at this time.

Attachments:

1. Anmore Noise Control Bylaw No. 517-2011

Prepared by:	
signature on file _____ Christine Milloy Manager of Corporate Services	
Reviewed for Form and Content / Approved for Submission to Council:	
<i>Chief Administrative Officer's Comment/Concurrence</i> signature on file _____ Chief Administrative Officer	
Corporate Review	Initials
Building & Bylaws	
Public Works	

VILLAGE OF ANMORE

BYLAW NO. 517-2011

A bylaw to provide for the control and regulation of noise within the boundaries of the Village

WHEREAS Council is empowered by Section 64 of the *Community Charter* to enact a bylaw to regulate or prohibit the making or causing of noise in the Municipality which the Council believes to be objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;

AND WHEREAS Council believes that the noises or sounds regulated or prohibited by this bylaw are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;

NOW THEREFORE the Council of the Village of Anmore in open meeting assembled, enacts as follows:

CITATION

1. This bylaw may be cited as “Anmore Noise Control Bylaw No. 517-2011”.

REPEALMENT

2. That “Anmore Noise Control Bylaw No. 380-2004” and “Anmore Noise Control Amendment Bylaw No. 392-2005” are hereby repealed in their entirety.

DEFINITIONS

3. In this bylaw, unless the context otherwise requires:

“Bylaw Enforcement Officer” means any person appointed by Council, including the RCMP;

“commercial filming” means permitted filming activity that is conducted within the municipality in a manner set out within the Anmore Filming Policy;

“construction” means the erection, alteration, repair, painting, maintenance, relocation, demolition or removal of a building or other structure and includes all land clearing, landscaping, earth moving, grading, excavating, erection and laying of lines, cables, pipes and conduit (whether above or below ground level), street building, paving, concreting and similar activities; and the installation, alteration or removal of construction equipment, components and materials in any form or for any purpose and any work being done in connection herewith. Included is the construction or installation of sub-division infrastructure, including using heavy equipment and trucks;

"continuous noise" means any noise occurring continuously for a duration of more than three minutes, or occurring sporadically or erratically for a cumulative duration of three minutes or longer in any fifteen minute period;

"Council" means the Council of the Village of Anmore;

"daytime" means the hours between 7:00 a.m. and 10:00 p.m.;

"decibel" means the ratio between levels of sound pressure expressed as 20 times the base logarithm of the said ratio;

"emergency vehicle" means any emergency vehicle as defined by the *Motor Vehicle Act, R.S.B.C. 1979, c;*

"event" means any event, activity, transaction or gathering producing or capable of producing noise;

"heavy equipment" means backhoes and excavators;

"municipality" means the geographic area governed by the Village of Anmore;

"nighttime" means the hours between 10:00 p.m. and 7:00 a.m.;

"point of reception" means:

- (a) Any location on a parcel where sound originating from any source, other than a source on such parcel, is received; or
- (b) Any location on a municipal road where sound is received; or
- (c) 6.1 meters from the sound, whichever is greater;

"power equipment" means light duty machinery for the purpose of lawn or garden care, or for the purpose of building property maintenance, and includes, but is not limited to, leaf blowers, hedge trimmers, line trimmers, roto-tillers, lawn mowers, pressure washers, indoor carpet cleaners and hand operated tools;

"private premises" means the area contained within the boundaries of any privately owned or leased lot, or parcel of land, within the municipality and any building or structure situated within those boundaries; where any lot or parcel contains more than one dwelling unit, each such dwelling unit shall be deemed to be separate private premises;

"public place" means the streets, highways, parks and all other lands and buildings that are not deemed as private premises;

"statutory holiday" means New Year's Day, Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, British Columbia Day, Labour Day, Thanksgiving, Remembrance Day, Christmas Day and Boxing Day;

"sound level" means the arithmetic mean of the medians of 5 or more sets of lower and upper measurements of a series of A-weighted sound pressure levels read or recorded at a point of reception on a sound level meter set for slow response;

"sound level meter" means a sound measuring device designated to meet the C.S.A. Standard Z107.1-1973 as amended from time to time; or the A.N.S.I. Standard S14-1971 as amended from time to time; and

"vehicle" means any vehicle as defined by the *Motor Vehicle Act, R.S.B.C. 1979, c.*

PROHIBITIONS

4. No person shall make, cause, or permit to be made or caused, anywhere in the municipality, 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; and further,
 - (a) Daytime noise shall not exceed 80 decibels as detected by a sound level meter at the point of reception; and
 - (b) Nighttime noise shall not exceed 50 decibels as detected by a sound level meter at the point of reception;
5. No owner or occupier of property shall allow that property to be used so that a noise or sound which originates from that property disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.
6. No person shall allow any animal in their control or possession which, by its calls, cries, barks or other noise, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.
7. No person shall play or operate any radio, stereophonic equipment, or other instrument or any apparatus for the production or amplification of sound/music whether in or on private premises; or in or on any public place; which disturbs the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or any person or persons in the vicinity during the hours:
 - (a) Sunday through Thursday before 9:00 a.m. and after 9:00 p.m.
 - (b) Friday and Saturday before 9:00 a.m. and after 10:00 p.m.

8. No person shall carry out construction in any manner for profit or gain which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or any person or persons in the vicinity during the hours:
 - (a) Monday through Friday, before 7:00 a.m. and after 7:00 p.m.
 - (b) Saturdays, before 9:00 a.m. and after 4:00 p.m.
 - (c) Sundays or Statutory Holidays, at any time.
9. Heavy equipment may not be moved onto or off of a work site during the hours:
 - (a) Monday through Friday, before 7:00 a.m. and after 9:00 p.m.
 - (b) Saturdays, before 9:00 a.m. and after 4:00 p.m.
 - (c) Sundays or Statutory Holidays, at any time.
10. Subject to Anmore Filming Policy, no person shall make, cause, or permit to be made any noise resulting from commercial filming during the following hours:
 - (a) Monday through Friday, before 7:00 a.m. and after 10:00 p.m.
 - (b) Saturdays, before 9:00 a.m. and after 6:00 p.m.
 - (c) Sundays or Statutory Holidays, at any time

unless a valid permit has been obtained from the Village.
11. An emergency generator must not be tested more than once per month and for more than 30 minutes during daytime. An emergency generator must not be tested during nighttime.

EXEMPTIONS

12. This bylaw does not apply to:
 - (a) Police, fire department, and/or other emergency vehicles proceeding upon an emergency; or
 - (b) The operation of power equipment by the Village of Anmore or agents acting on their behalf; or
 - (c) Any person or persons carrying out construction or using power equipment in any manner on their private premises:

- (i) Monday through Friday between the hours of 7:00 a.m. and 7:00 p.m.
- (ii) Saturdays between the hours of 9:00 a.m. and 6:00 p.m.
- (iii) Sundays or Statutory Holidays between the hours of 10:00 a.m. and 4:00 p.m.

provided that such construction is not being carried out for profit or gain; or

- (d) Construction held outside the hours specified in section 8 of this bylaw, where Council or its duly appointed designate has granted an exemption in writing; or
- (e) Special events held outside the hours specified in sections 4, 5, 7 and/or 9 of this bylaw, where Council or its duly appointed designate has granted an exemption in writing.

COMMERCIAL FILMING PERMITS

- 13. Council hereby delegates all the powers, duties and functions of the Council to a designated staff member in respect to the approval of applications for commercial filming permits for exemptions to the provisions of the Noise Control Bylaw in accordance with Anmore Filming Policy.
- 14. Any applicant for a commercial filming permit for an exemption to the provisions of the bylaw that is dissatisfied with the decision made by the designated staff member is entitled to have the decision reconsidered by Council in accordance with this section.
- 15. An applicant who wishes to have a decision made by a designated staff member reconsidered by Council must make a written request to Council, which shall include the applicant's contact information, a copy of the original commercial filming permit application, the date of the decision, the nature of the decision and the reason(s) why the applicant wishes to have the decision reconsidered by Council.
- 16. A request for reconsideration must be considered by Council at a Regular Council Meeting held within at least one month of the date on which the request was received by the municipality.
- 17. Council, after having reconsidered a decision made by a designated staff member, may either confirm the decision made by the designated staff member or may substitute it with a new decision of Council.

ENFORCEMENT

18. A Bylaw Enforcement Officer may, at all reasonable times, enter upon any private premises in the Village to ascertain whether the provisions of this bylaw are being upheld.
19. This bylaw may be enforced by the Chief Administrative Officer, the Manager of Public Works, or their designate(s), and may be assisted by other employees of the Village or a peace officer as considered necessary in the circumstances.
20. No person or persons shall obstruct the duties of a Bylaw Enforcement Officer or their designate under this section.
21. A person who:
 - (a) Contravenes, violates or fails to comply with any provision of this bylaw;
 - (b) Fails or neglects to do anything required to be done under this bylaw; or
 - (c) Suffers or allows any action or thing to be done in contravention of this bylaw, or any notice or direction made under this bylaw,commits an offence. Where there is continuous noise, each day the offence continues shall constitute a separate offence.
22. Any person in violation of an offence under this bylaw might be liable to pay either of the following penalties:
 - (a) A fine of up to \$1,000.00, if issued a ticket under *Anmore Municipal Ticket Information Utilization Bylaw*; or
 - (b) A fine of up to a maximum \$10,000.00, if prosecuted under the *Offence Act*.

SEVERABILITY

23. If any portion of this bylaw is found invalid by a decision of a court of competent jurisdiction, the invalid portion is severed without effect on the remaining portions of the bylaw.

READ a first time the 9th day of October , 2012

READ a second time the 9th day of October , 2012

READ a third time the 11th day of December , 2012

RECONSIDERED, FINALLY PASSED AND ADOPTED this 8th day of January , 2013



MAYOR

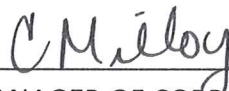


MANAGER OF CORPORATE SERVICES

Certified as a true and correct copy of "Anmore Noise Control Bylaw No. 517-2011".

January 8, 2013

DATE



MANAGER OF CORPORATE SERVICES