

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 That “Anmore Noise Control Bylaw No. 380-2004” and “Anmore Noise Control Amendment Bylaw No. 392-2005” are hereby repealed in their entirety.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

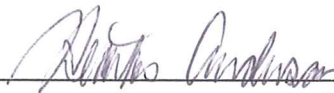
23. If any portion of this bylaw is found invalid by a decision of a court of competent jurisdiction, the invalid portion is severed without effect on the remaining portions of the bylaw.

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

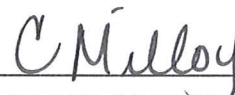
READ a second time the 9th day of October , 2012

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

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



MAYOR

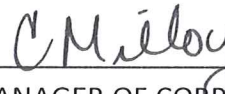


MANAGER OF CORPORATE SERVICES

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

January 8, 2013

DATE



MANAGER OF CORPORATE SERVICES