

UNOFFICIAL CONSOLIDATION

THE CORPORATION OF THE DISTRICT OF BURNABY

BYLAW NO. 7332

A BYLAW to regulate noise or sound within the Municipality of Burnaby.

(Consolidated for convenience with BYLAW Nos. 7656, 7863, 8153, 10305, 12066, 12616, 13507, 13953 and 14502)

The Council of The Corporation of the District of Burnaby ENACTS as follows:

1. This BYLAW may be cited as “**BURNABY NOISE OR SOUND ABATEMENT BYLAW 1979**”.
2.
 - (1) Words defined in the “Motor Vehicle Act” and the “Municipal Act” shall have the same meaning when used in this bylaw unless otherwise defined in this bylaw or unless the context otherwise requires.
 - (2) In this bylaw, unless the context otherwise requires: “A” means the “A” scale and “slow” meter reading of a sound level meter.

“Agricultural District” means an area in the Municipality defined as such in BYLAW No. 4742, being “Burnaby Zoning BYLAW 1965”.

“Commercial District” means an area in the Municipality defined as such in BYLAW No. 4742, being “Burnaby Zoning BYLAW 1965”.

“Comprehensive Development District” means an area in the Municipality defined as such in BYLAW No. 4742, being “Burnaby Zoning BYLAW 1965”.

“Continuous Noise” means any noise continuing for a period or periods totalling more than three minutes in any fifteen minute period of time.

“Continuous Sound” means any sound continuing for a period or periods totalling more than three minutes in any fifteen minute period of time.

“Corporation” means The Corporation of the District of Burnaby.

“Council” means the Council of The Corporation of the District of Burnaby.

“dB” means a decibel which is a unit of level which denotes the ratio between two quantities that are proportional to power, 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.

“Highway” includes every highway within the meaning of the "Highway Act", and every road, street, lane, thoroughfare, bridge, public way, or right-of-way designed or intended for or used by the general public for the passage of vehicles, and every private place or passage-way to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited, and every boulevard and sidewalk.

“Industrial District” means an area in the Municipality defined as such in BYLAW No. 4742, being “Burnaby Zoning BYLAW 1965”.

“Inspector” means the person appointed from time to time by the Council as Director Engineering of the Corporation and includes any person or persons designated by the Director Engineering to act on his behalf. (Bylaw No. 12616)

“Municipality” means the Municipality of Burnaby.

“Multiple Family Residential District” means an area in the Municipality defined as such in BYLAW No. 4742, being “Burnaby Zoning BYLAW 1965”.

“Noise or Sound Level” means the noise or sound level in decibels as measured on the “A” scale which is the weighted sound pressure level meter whose weighting characteristics are specified in the latest revision of the American Standards Association standard on sound level meters. The reference pressure is 0.0002 microbar, the International reference level or such revision as may occur from time to time.

“Non-continuous Noise” means any noise continuing for a period or periods totalling less than three minutes in any fifteen minute period of time.

“Non-continuous Sound” means any sound continuing for a period or periods totalling less than three minutes in any fifteen minute period of time.

“Peace Officer” shall have the same meaning as in the Interpretation Act R.S.B.C. 1960 Chapter 199.

“Person” includes any company, corporation, owner, partnership, firm, association, society or party.

“Public and Institutional District” means an area in the Municipality defined as such in BYLAW No. 4742, being “Burnaby Zoning BYLAW 1965”.

“Real Property” means land other than a highway, together with all improvements which have been so affixed to the land as to make them in fact and in law a part thereof, and includes such land should there be no such improvements so affixed thereto.

“Refuse” means discarded materials, substances or objects.

“Residential District” means an area in the Municipality defined as such in BYLAW No. 4742, being "Burnaby Zoning BYLAW 1965".

“Sound Level Meter” shall mean a device which meets the International Electro-Technical Commission Standard No. 123 or the British Standard No. 3539 Part 1, or the U.S.A. Standard S1.4-1961.

3. No person shall, except as in this bylaw may be provided,
 - (a) make or cause any noise or sound in or on a highway or elsewhere in the Municipality which disturbs, or tends to disturb, the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, or of persons in the vicinity;
 - (b) make or cause any noise or sound or continuous noise or continuous sound or non-continuous noise or non-continuous sound in the Municipality that exceeds the dBA's authorized by this bylaw.
4. No owner or occupier of real property shall, except as in this bylaw may be provided,
 - (a) allow such real property to be used so that noise or sound emanates there from which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, or of persons in the vicinity;
 - (b) allow such real property to be used so that noise or sound or continuous noise or continuous sound or non-continuous noise or non-continuous sound emanates there from that exceeds the dBA's authorized by this bylaw.
5. No person shall in any Residential District, Public and Institutional District or Multiple Family District in the Municipality make or cause continuous noise or continuous sound, the noise or sound level of which,
 - (a) between the hours of 7:00 o'clock in the forenoon and 10:00 o'clock in the afternoon exceeds 55 dBA's;
 - (b) between the hours of 10:00 o'clock in the afternoon and 7:00 o'clock in the forenoon exceeds 45 dBA's.
6. No persons shall in a Commercial District, Industrial District, Comprehensive Development District, or Agricultural District make or cause or permit to be made or caused continuous noise or continuous sound, the noise or sound level of which
 - (a) between the hours of 7:00 a.m. and 10:00 p.m. exceeds

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- (i) 65 dBAs when measured pursuant to subsection 9(a); or
 - (ii) 60 dBAs when measured at any point on the boundary of or within a Residential District, Public and Institutional District or Multiple Family Residential District;
 - (b) between the hours of 10:00 p.m. and 7:00 a.m. exceeds
 - (i) 60 dBAs when measured pursuant to subsection 9(a); or
 - (ii) 55 dBAs when measured at any point on the boundary of or within a Residential District, Public and Institutional District or Multiple Family Residential District.
 7. No person shall between the hours of 7:00 o'clock in the forenoon and 10:00 o'clock in the afternoon make or cause non-continuous noise or non-continuous sound in the Municipality, the noise or sound level of which exceeds 80 dBA's.
 8. No person shall between the hours of 10:00 o'clock in the afternoon and 7:00 o'clock in the forenoon make or cause non-continuous noise or non-continuous sound in the Municipality, the noise or sound level of which exceeds 75 dBA's.
 9.
 - (a) When the continuous noise or continuous sound is emanating from real property, the continuous noise or continuous sound shall be measured at any point on the property line or within six (6) metres of the property line of the real property from which the said continuous noise or continuous sound is emanating except as otherwise specifically provided for in this Bylaw.
 - (b) When the continuous noise or continuous sound is emanating from a highway, the continuous noise or continuous sound shall be measured at a distance of not less than six (6) metres from the source of the continuous noise or continuous sound.
 - (c) When the non-continuous noise or non-continuous sound is emanating from real property, the non-continuous noise or non-continuous sound shall be measured at any point on the property line or within six (6) metres of the property line of the real property from which the said non-continuous noise or non-continuous sound is emanating.
 - (d) When the non-continuous noise or non-continuous sound is emanating from a highway, the non-continuous noise or non-continuous sound shall be measured at a distance of not less than six (6) metres from the source of the non-continuous noise or non-continuous sound.
 10. No person shall operate on a highway a motor vehicle,

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- (a) with a licensed net vehicle weight in excess of 2,200 kilograms which makes or causes noise or sound the noise or sound level of which shall exceed 88 dBA's in a fifty (50) kilometres per hour zone and 92 dBA's in an over fifty (50) kilometres per hour zone;
 - (b) with a licensed net vehicle weight of 2,200 kilograms or less which makes or causes noise or sound the noise or sound level of which exceeds 80 dBA's in a fifty (50) kilometres per hour zone and 85 dBA's in an over fifty (50) kilometres per hour zone.
11. No person shall operate on a highway a motorcycle alone or with or near another motorcycle or motorcycles,
- (a) which makes or causes noise or sound the noise or sound level of which exceeds 80 dBA's in a fifty (50) kilometres per hour zone and 85 dBA's in an over fifty (50) kilometres per hour zone;
 - (b) which after the 1st day of December, 1981 makes or causes noise or sound the noise or sound level of which exceeds 75 dBA's in fifty (50) kilometres per hour zone and 80 dBA's in an over fifty (50) kilometres per hour zone.
12. The noise or sound emanating from a motor vehicle or a motorcycle shall be measured at a distance of not less than six (6) metres from the motor vehicle exhaust pipe opening or from the motorcycle.
13. No person shall use or operate a horn or other warning device on a motor vehicle except to avoid an accident.
14. (1) Notwithstanding any other provision of this Bylaw, between the hours of 7:00 a.m. and 10:00 p.m. from Monday to Friday and between the hours of 9:00 a.m. and 10:00 p.m. on Saturday, Sunday and statutory holidays a person may operate a power lawn mower or power gardening tool that makes or causes noise or sound the level of which does not exceed 87 dBAs.
- (2) No person shall between the hours of 10:00 o'clock in the afternoon and 7:00 o'clock in the forenoon operate any power lawn mower or power gardening tool within the Municipality.
- (3) When the noise or sound is emanating from real property in the Municipality the noise or sound shall be measured at any point on the property line or within six (6) metres of the property line of the real property from which the said noise or said sound is emanating. When the noise or sound is emanating from a highway in the Municipality the noise or sound shall be measured at a distance of not less than six (6) metres from the source of the said noise or said sound.

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15. (1) Subject to subsections (2) and (4), no person shall carry or cause to be carried on any works in connection with the construction, reconstruction, alteration, repair or demolition of any building, structure, improvement or other thing
- (a) before 7:00 a.m. or after 8:00 p.m. from Monday to Friday;
 - (b) before 9:00 a.m. or after 8:00 p.m. on Saturday;
 - (c) at any time on Sunday or any statutory holiday.
- (2) Notwithstanding subsection (1)(c) the registered owner and occupier of real property in a Residential District, either personally or through a contractor, may carry on or cause to be carried on works in connection with the alteration or repair of the residential building on that real property after 9:00 a.m. and before 8:00 p.m. on Sunday and any statutory holiday.
- (3) No person shall at any time carry on or cause to be carried on any works in connection with the construction, reconstruction, alteration, repair or demolition of any building, structure, improvement or thing on any real property in, or which abuts other real property in a Residential District, a Multiple Family Residential District or a Public and Institutional District which makes or causes continuous noise or continuous sound the noise or sound level of which exceeds 85 dBAs when measured at a distance of not less than 15.2 m from the source of such noise or sound.
- (4) Where it is impossible or impracticable to comply with subsection (1), the Inspector may by written permit vary the hours during which work may be carried on, upon payment of a permit fee or renewal fee as set out in the Burnaby Consolidated Fees and Charges Bylaw. The permit may contain such terms and conditions as the Inspector deems necessary. (Bylaw No. 13953, 14502)
- 15A No person shall engage in, carry on or cause to be carried on the collection of refuse from refuse containers
- (a) before 7:00 a.m. or after 8:00 p.m. from Monday to Saturday;
 - (b) before 10:00 a.m. or after 8:00 p.m. on Sunday or any statutory holiday.
16. Notwithstanding any provision of this bylaw, a person may exceed the noise or sound levels set out in this bylaw when performing works of an emergency nature for the preservation or protection of property, life or health.
- 16A The provisions of this Bylaw do not apply to the operation of snow removal equipment.
- 16B (1) The provisions of this Bylaw do not apply to concerts, festivals, sporting events, or other special events held in or at Deer Lake Park or Swangard Stadium that would

otherwise contravene any of the provisions of this Bylaw if such events have been authorized by Council. (Bylaw No. 12066)

- (2) In authorizing the holding of events to which subsection (1) applies, Council may authorize the events
 - (a) generally by authorizing a maximum number of those events that may be held at either or both of Deer Lake Park and Swangard Stadium in a particular calendar year;
 - (b) specifically by the location, date, and description of the event.
17. The Inspector and a Peace Officer are hereby authorized to measure noise or sound levels.
18. The Inspector or a Peace Office shall measure noise and sound levels with a Sound Level Meter. Noise and sound levels shall be measured on the A-weighting network and the slow meter response. The Sound Level Meter shall be complete with calibrator and wind screen and shall be operated in the manner as set out in Schedule "A".
19. Every person who violates any of the provisions of this bylaw shall be guilty of an offence punishable on summary conviction and shall be liable to a fine not exceeding \$10,000 and in default of payment to imprisonment not exceeding six (6) months, and each day that the offence is continued shall constitute a separate offence. (Bylaw No. 13507)
20. BYLAW No. 7228 be repealed.

Read a first time this 17th day of April, 1979.

Read a second time this 17th day of April, 1979.

Read a third time this 17th day of April, 1979.

Reconsidered and adopted this 23rd day of April, 1979.

T.W. CONSTABLE
MAYOR

JAMES HUDSON
CLERK

SCHEDULE A

- (1) All sound levels shall be determined with a sound level meter on the “A” scale and “slow” meter reading.
- (2) Sound level meters shall be used and operated in accordance with manufacturers' instructions. The sound level meter shall be calibrated before and after readings have been taken.
- (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) Noise or sound measurement should, in general, be made at a height of approximately one (1) metre and a distance of three (3) metres from any wall, building, or other reflecting structure 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 should be attempted when the wind velocity is above forty (40) kilometres per hour.