

THE CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 7228

A BY-LAW to regulate noise or sound within
the Municipality of Burnaby

The Council of The Corporation of the District of Burnaby

ENACTS as follows:

1. This By-law may be cited as "BURNABY NOISE OR SOUND ABATEMENT BY-LAW 1978".
2. (1) Words defined in the "Motor Vehicle Act" and the "Municipal Act" shall have the same meaning when used in this by-law unless otherwise defined in this by-law or unless the context otherwise requires.
 - (2) In this By-law, 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 By-Law No. 4742, being "Burnaby Zoning By-Law 1965".
 - "Commercial District" means an area in the Municipality defined as such in By-Law No. 4742, being "Burnaby Zoning By-Law 1965".
 - "Comprehensive Development District" means an area in the Municipality defined as such in By-Law No. 4742, being "Burnaby Zoning By-Law 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 By-law No. 4742, being "Burnaby Zoning By-law 1965."

"Inspector" means the person appointed from time to time by the Council as Medical Health Officer of the Corporation and includes any person or persons designated by the Medical Health Officer to act on his behalf.

"Municipality" means the Municipality of Burnaby.

"Multiple Family Residential District" means an area in the Municipality defined as such in By-law No. 4742, being "Burnaby Zoning By-law 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 By-law No. 4742, being "Burnaby Zoning By-law 1965."

"Public and Institutional District" means an area in the Municipality defined as such in By-law No. 4742, being "Burnaby Zoning By-law 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.

"Residential District" means an area in the Municipality defined as such in By-law No. 4742, being "Burnaby Zoning By-law 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 herein provided, 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.

4. No person shall, except as herein provided, 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 By-law.

5. No owner or occupier of real property in the Municipality shall, except as herein provided, allow such real property to be used so that noise or sound emanates therefrom which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, or of persons in the vicinity.

6. No owner or occupier of real property in the Municipality shall, except as herein provided, 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 therefrom that exceeds the dBA's authorized by this By-law.

7. No person shall between 07:00 h and 22:00 h, except as herein provided, 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 exceeds 55 dBA's. When the continuous noise or continuous sound is emanating from real property in a Residential District, Public and Institutional District or a Multiple Family District 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 said continuous sound is emanating. When the continuous noise or

or continuous sound is emanating from a highway in a Residential District, Public and Institutional District or a Multiple Family District the continuous noise or continuous sound shall be measured at a distance of not less than six (6) metres from the source of the said continuous noise or said continuous sound.

8. No person shall between 22:00 h and 07:00 h, except as herein provided 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 exceeds 45 dBA's. When the continuous noise or continuous sound is emanating from real property in a Residential District, Public and Institutional District or a Multiple Family District 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 said continuous sound is emanating. When the continuous noise or continuous sound is emanating from a highway in a Residential District, Public and Institutional District or a Multiple Family District the continuous noise or continuous sound shall be measured at a distance of not less than six (6) metres from the source of the said continuous noise or said continuous sound.

9. Up to 1974 June 01, no person shall between 07:00 h and 22:00 h, except as herein provided, in a Commercial District, Industrial District, Comprehensive Development District or Agricultural District in the Municipality make or cause continuous noise or continuous sound the noise or sound level of which exceeds 70 dBA's. When the continuous noise or continuous sound is emanating from real property in a Commercial District, Industrial District, Comprehensive Development District or Agricultural District 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 said continuous sound is emanating. When the continuous noise or continuous sound is emanating from a highway in a Commercial District, Industrial District, Comprehensive Development District or Agricultural District the continuous noise or continuous sound shall be measured at a distance of not less than six (6) metres from the source of the said continuous noise or said continuous sound.

10. Up to 1974 June 01, no person shall between 22:00 h and 07:00 h, except as herein provided, in a Commercial District, Industrial District, Comprehensive Development District or Agricultural District in the Municipality make or cause continuous noise or continuous sound the noise or sound level of which exceeds 65 dBA's. When the continuous noise or continuous sound is emanating from real property in a Commercial District, Industrial District, Comprehensive Development District or Agricultural District 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 said continuous sound is emanating. When the continuous noise or continuous sound is emanating from a highway in a Commercial District, Industrial District, Comprehensive Development District or Agricultural District the continuous noise or continuous sound shall be measured at a distance of not less than six (6) metres from the source of the said continuous noise or said continuous sound.

11. From 1974 June 02 to 1978 June 01 no person shall between 07:00 h and 22:00 h, except as herein provided, in a Commercial District, Industrial District, Comprehensive Development District, or Agricultural District in the Municipality make or cause continuous noise or continuous sound the noise or sound level of which exceeds 65 dBA's. When the continuous noise or continuous sound is emanating from real property in a Commercial District, Industrial District, Comprehensive Development District or Agricultural District 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 said continuous sound is emanating. When the continuous noise or continuous sound is emanating from a highway in a Commercial District, Industrial District, Comprehensive Development District, or Agricultural District the continuous noise or continuous sound shall be measured at a distance of not less than six (6) metres from the source of the said continuous noise or said continuous sound.

12. From 1974 June 02 to 1978 June 01 no person shall between 22:00 h and 07:00 h, except as herein provided, in a Commercial District, Industrial District, Comprehensive Development District or Agricultural District in the Municipality make or cause continuous noise or continuous sound the noise or sound level of which exceeds 60 dBA's. When the continuous noise or continuous sound is emanating from real property in a Commercial District, Industrial District, Comprehensive Development District or Agricultural District 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 said continuous sound is emanating. When the continuous noise or continuous sound is emanating from a highway in a Commercial District, Industrial District, Comprehensive Development District or Agricultural District the continuous noise or continuous sound shall be measured at a distance of not less than six (6) metres from the source of the said continuous noise or said continuous sound.

13. After 1981 June 01 no person shall between 07:00 h and 22:00 h, except as herein provided, in a Commercial District, Industrial District, Comprehensive Development District or Agricultural District in the Municipality make or cause continuous noise or continuous sound the noise or sound level of which exceeds 60 dBA's. When the continuous noise or continuous sound is emanating from real property in a Commercial District, Industrial District, Comprehensive Development District or Agricultural District 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 said continuous sound is emanating. When the continuous noise or continuous sound is emanating from a highway in a Commercial District, Industrial District, Comprehensive Development District or Agricultural District the continuous noise or continuous sound shall be measured at a distance of not less than six (6) metres from the source of the said continuous noise or said continuous sound.

14. After 1981 June 01 no person shall between 22:00 h and 07:00 h, except as herein provided, in a Commercial District, Industrial District, Comprehensive Development District or Agricultural District in the Municipality make or cause continuous noise or continuous sound the noise or sound level of which exceeds 55 dBA's.

When the continuous noise or continuous sound is emanating from real property in a Commercial District, Industrial District, Comprehensive Development District or Agricultural District 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 said continuous sound is emanating. When the continuous noise or continuous sound is emanating from a highway in a Commercial District, Industrial District, Comprehensive Development District or Agricultural District the continuous noise or continuous sound shall be measured at a distance of not less than six (6) metres from the source of the said continuous noise or said continuous sound.

15. No person shall, between 07:00 h and 22:00 h, except as herein provided, in the Municipality make or cause non-continuous noise or non-continuous sound the noise or sound level of which exceeds 80 dBA's. 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 said non-continuous sound is emanating. 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 said non-continuous noise or said non-continuous sound.

16. No person shall, between 22:00 h and 07:00 h, except as herein provided, in the Municipality make or cause non-continuous noise or non-continuous sound the noise or sound level of which exceeds 75 dBA's. 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 said non-continuous sound is emanating. 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 said non-continuous noise or said non-continuous sound.

17. No person shall operate on a highway in the Municipality a motor-vehicle with a licensed gross weight in excess of 2,800 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. The noise or sound shall be measured at a distance of not less than six (6) metres from the motor-vehicle exhaust pipe opening.

18. No person shall operate on a highway in the Municipality a motor-vehicle with a licensed gross weight of 2,800 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. The noise or sound shall be measured at a distance of not less than six (6) metres from the motor-vehicle exhaust pipe opening.

19. No person shall operate on a highway in the Municipality a motor-cycle alone or with or near another motor-cycle or motor-cycles which make or cause 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. The noise or sound shall be measured at a distance of not less than six (6) metres from any motor-cycle.

20. After 1981 June 01 no person shall operate on a highway in the Municipality a motor-vehicle with a licensed gross weight in excess of 2,800 kilograms which makes or causes noise or sound the noise or sound level of which shall exceed 80 dBA's in a fifty (50) kilometres per hour zone and 87 dBA's in an over fifty (50) kilometres per hour zone. The noise or sound shall be measured at a distance of not less than six (6) metres from the motor-vehicle exhaust pipe opening.

21. After 1981 June 01 no person shall operate on a highway in the Municipality a motor-vehicle with a licensed gross weight of 2,800 kilograms or less which makes or causes noise or sound the noise or sound level of which exceeds 75 dBA's in a fifty (50) kilometres per hour zone and 80 dBA's in an over fifty (50) kilometres per hour zone. The noise or sound shall be measured at a distance of not less than six (6) metres from the motor-vehicle exhaust pipe opening.

22. After 1981 June 01 no person shall operate on a highway in the Municipality a motor-cycle alone or with or near another motor-cycle or motor-cycles which make or cause noise or sound the noise or sound level of which exceeds 75 dBA's in a fifty (50) kilometres per hour zone and 80 dBA's in an over fifty (50) kilometres per hour zone. The noise or sound shall be measured at a distance of not less than six (6) metres from any motor-cycle.

23. No person shall use or operate a horn or other warning device on a motor-vehicle except to avoid an accident.

24. Up to 1978 June 01 no person shall between 07:00 h and 22:00 h, except as herein provided, use or operate in the Municipality, any power lawn mower or power gardening tool which makes or causes noise or sound the noise or sound level of which exceeds 87 dBA's. 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.

25. After 1981 June 01 no person shall between 07:00 h and 22:00 h, except as herein provided, use or operate in the Municipality, any power lawn mower or power gardening tool which makes or causes noise or sound the noise or sound level of which exceeds 77 dBA's. 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.

26. No person shall, before 07:00 h and after 22:00 h from Monday to Saturday, construct or demolish any building, structure or thing or excavate or fill in land in the Municipality.

27. No person shall, before 09:00 h and after 22:00 h on Sunday, construct or demolish any building, structure or thing or excavate or fill in land in the Municipality.
28. The Inspector and a Peace Officer are hereby authorized to measure noise or sound levels.
29. The Inspector or a Peace Officer 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".
30. Every person who violates any of the provisions of this By-law shall be guilty of an offence punishable on summary conviction and shall be liable to a fine not exceeding \$500.00 and in default of payment to imprisonment not exceeding thirty days.
31. By-law No. 6052 and Amendments thereto are repealed.

Read a first time this 26th day of June, 1978.

Read a second time this 26th day of June, 1978.

Read a third time this 26th day of June, 1978.

Reconsidered and adopted this 4th day of July, 1978.



A handwritten signature in black ink, appearing to read "A. E. Smith".

A C T I N G - M A Y O R

A handwritten signature in black ink, appearing to read "James Hudson".
C L E R K

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, buildings, or other reflecting structures 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.