

11. Re: By-law to Regulate Sound

Attached is a final draft of the noise control by-law which has been prepared in consultation with the Noise Pollution Committee, reviewed by some technical people on and off staff and framed by the Solicitor. This draft has not been before the Noise Pollution Committee.

RECOMMENDATION:

THAT the draft be referred to the Noise Pollution Committee for study and report.

DRAFT
Aug. 24/71

THE CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO.

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

ITEM 11 (Cont'd)
MANAGER'S REPORT NO. 53
COUNCIL MEETING Aug. 30/71

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 1971".
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:
"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 five minutes or more.
"Continuous Sound" means any sound continuing for five minutes or more.
"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.

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

"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 less than five minutes.

"Non-continuous Sound" means any sound continuing for less than five minutes.

"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. 4542, being "Burnaby Zoning By-Law 1965".

"Residential District" means an area in the Municipality defined as such in By-Law No. 4542, 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 neighborhood, or of persons in the vicinity.

4. No person shall, except as herein provided, make or cause 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 7:00 a.m. and 10:00 p.m., 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. Continuous noise or continuous sound in a Residential District, Public and Institutional District or a Multiple Family District shall be measured at any point on the property line of the real property from which the said continuous noise or said continuous sound is emanating or at a distance of not less than 15 feet from the source of the said continuous noise or said continuous sound.

8. No person shall between 10:00 p.m. and 7:00 a.m., 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. Continuous noise or continuous sound in a Residential District, Public and Institutional District or Multiple Family District shall be measured at any point on the property line of the real property from which the said continuous noise or said continuous sound is emanating or at a distance of not less than 15 feet from the source of the said continuous noise or said continuous sound.

9. No person shall between 7:00 a.m. and 10:00 p.m., 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. The continuous noise or continuous sound in a Commercial District, Industrial District, Comprehensive Development District or Agricultural District shall be measured at any point on the property line of the real property from which the said continuous noise or said continuous sound is emanating or at a distance of not less than 15 feet from the source of the said continuous noise or said continuous sound.

10. No person shall between 10:00 p.m. and 7:00 a.m., 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. The continuous noise or

continuous sound in a Commercial District, Industrial District, Comprehensive Development District or Agricultural District shall be measured at any point on the property line of the real property from which the said continuous noise or said continuous sound is emanating or at a distance of not less than 15 feet from the source of the said continuous noise or said continuous sound.

11. No person shall, between 7:00 a.m. and 10:00 p.m., 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. The non-continuous noise or non-continuous sound shall be measured at any point on the property line of the real property from which the said non-continuous noise or said non-continuous sound is emanating or at a distance of not less than 15 feet from the source of the said non-continuous noise or said non-continuous sound.

12. No person shall, between 10:00 p.m. and 7:00 a.m., 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. The non-continuous noise or non-continuous sound shall be measured at any point on the property line of the real property from which the said non-continuous noise or said non-continuous sound is emanating or at a distance of not less than 15 feet from the source of the said non-continuous noise or said non-continuous sound.

13. No person shall operate on a highway in the Municipality a motor-vehicle with a licensed gross weight in excess of 6,000 lbs. which makes or causes noise or sound the noise or sound level of which shall exceed 85 dbA's in a 30 miles per hour zone and 92 dbA's in an over 30 miles per hour zone. The noise or sound shall be measured at a distance of not less than 15 feet from the motor-vehicle exhaust pipe opening.

14. No person shall operate on a highway in the Municipality a motor-vehicle, other than a motor-vehicle with a licensed gross weight in excess of 6,000 lbs., which makes or causes noise or sound the noise or sound level of which exceeds 80 dbA's in a 30 miles per hour

zone and 85 dbA's in an over 30 miles per hour zone. The noise or sound shall be measured at a distance of not less than 15 feet from the motor-vehicle exhaust pipe opening.

15. 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 30-miles per hour zone and 85 dbA's in an over 30 miles per hour zone. The noise or sound shall be measured at a distance of not less than 15 feet from any motor-cycle.

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

17. The owner of a motor-vehicle shall be held responsible for any violation of Sections 13, 14, 15 and 16 of this By-Law by any person entrusted by the owner with the possession of that motor vehicle; but where the motor-vehicle is in the possession of a person under contract by which he may become the owner of the motor-vehicle upon full compliance with the terms of the contract, and in whose name alone the license if required for the operation the motor-vehicle is issued, nothing in this section shall impose any liability on any other person as the owner of the motor-vehicle. On every prosecution of the owner of a motor-vehicle under this By-Law the burden of proving that the person so in possession of the motor-vehicle was not a person entrusted by the owner with the possession of that motor-vehicle is on the accused.

18. This By-Law shall not apply to persons operating an emergency vehicle or making emergency repairs to a public utility or to a Peace Officer performing his duty.

19. No person shall use or operate in the Municipality power lawn mowers or power gardening tools between the hours of 9:00 p.m. and 7:00 a.m.

20. No person shall use or operate in the Municipality a power lawn mower or a power gardening tool which makes or causes noise or sound the noise or sound level of which exceeds 80 dbA's. The noise

or sound shall be measured at any point on the property line of the real property from which the noise or sound is emanating or at a distance of not less than 15 feet from the source of the noise or sound.

21. No person shall use or operate in the Municipality a model airplane, rocket or noisy hobby unless a permit has been issued as provided in section 24.

22. No person shall construct or demolish any building, structure or thing or excavate or fill in land in the Municipality between 10:00 p.m. and 7:00 a.m.

23. A person listed in Schedule "A" may apply to the Engineer for a permit and the Engineer may grant a permit authorizing a person to make or cause noise or sound or continuous noise or continuous sound or non-continuous noise or non-continuous sound prohibited by this By-Law.

24. A person listed in Schedule "B" may apply to the Council for a permit and Council may grant a permit authorizing a person to make or cause noise or sound or continuous noise or continuous sound or non-continuous noise or non-continuous sound prohibited by this By-law.

25. The Inspector and a Peace Officer are hereby authorized to measure noise or sound levels.

26. 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 "C".

27. 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.

Read a first time this day of .
Read a second time this day of
Read a third time this day of
Reconsidered and adopted this day of .

1971.

M A Y O R

C L E R K

SCHEDULE "A"

A person involved in the following noise or sound producing activities or operations:

- (1) Demolition and Construction.

SCHEDULE "B"

A person involved in the following noise or sound producing activities or operations:

- (1) Registered Firearm Ranges
- (2) Registered Hobby Clubs
- (3) Parades
- (4) Concerts
- (5) Festivals
- (6) Circuses
- (7) Orchestral Functions
- (8) Outdoor public address systems.

SCHEDULE "C"

- (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) The ambient 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 any source. No measurement should be attempted if the difference is 3 db or less.
- (4) Noise or sound measurements should, in general, be made at a height of approximately 3 feet and a distance of 10 feet 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 a noise or sound is steady during the period of noise or sound measurement the general level shall be measured and the value in dbA recorded. If it fluctuates in level within a range of 10 dbA an estimate of the level shall be made by visual averaging of the excursions of the meter.
- (7) When the wind velocity is above 5 miles per hour, a wind screen must be used. No test should be attempted when the wind velocity is above 25 miles per hour.

When determining vehicular sound levels a suitable acoustical environment for measurement is an open space. Acoustical focusing effects and sites between parallel walls should be avoided.