

Re: BURNABY NOISE OR SOUND ABATEMENT BY-LAW 1972, NO. 6052

Attached is a progress report on Burnaby Noise or Sound Abatement By-Law 1972, No. 6052, for the period 1974 April 01 to 1977 October 31.

It would be appropriate for a letter of appreciation to be sent to Mr. Leonard E. Penner who, from 1969 to 1975, contributed many hours of valuable time to the development of a Noise Abatement Program in Burnaby. He frequently responded to requests for advice and unfailingly shared his considerable knowledge on environmental matters with the Chief Public Health Inspector and other members of the Technical Sub-Committee. Mr. Penner is now self-employed as a consultant in the environmental field.

The following amendments to the Noise or Sound Abatement By-Law are required at this time:

1. Conversion to metric measurements in accordance with existing policy which requires the metric form to be used for all by-laws which come forward for amendments on and after 1978 January 01 (Item 26, Report No. 80 dated 1977 November 21).
2. Section 20 of the By-law contains an error and has since its adoption in that the last sentence reads as follows: "at a distance of not less than 20 feet from the motor-cycle exhaust pipe opening." It should read "at a distance of not less than six (6) metres from the motor-vehicle exhaust pipe opening." The error has been corrected in Appendix "A" of the attached report (see Section 20).
3. The following two definitions are now contained in Section 2.(2) of the By-Law:
 - a. "Continuous Noise" means any noise continuing for a period or periods totalling more than three minutes in any fifteen minute period of time.
 - b. "Continuous Sound" means any sound continuing for a period or periods totalling more than three minutes in any fifteen minute period of time.

The following two definitions should be added to Section 2.(2):

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

The introduction of a converse time factor in this manner will clearly distinguish continuous noise and sound from non-continuous noise and sound, and will therefore, from a legal point of view, enhance enforcement of the provisions of the by-law.

As explained in the report, more stringent standards relative to emissions of noise from industrial and commercial establishments became effective on 1978 June 01. It is not, however, practical to implement these standards at this time. If Council concurs with the recommendation to keep the current standards in force for another three years, a minor problem will be experienced, i.e., the existing by-law will contain non-enforceable standards of a more stringent nature for a period of approximately one month (from June 01 to the date on which the proposed amendments to the by-law are finally adopted). The easiest way to resolve the conflict is to not take any action on the standards that became effective on June 01. If Council concurs, the third recommendation below should be approved.

RECOMMENDATIONS:

1. THAT the amendments to Burnaby Noise or Sound Abatement By-Law, 1972, No. 6052, as noted in items 1, 2 and 3 above, be brought forward;

2. THAT clauses 13, 14, 20, 21, 22 and 25 as set forth in the Burnaby Noise or Sound Abatement By-law 1972, No. 6052, be amended by deleting the words "after June 1, 1978" and substituting the words "after 1981 June 01". 128
3. THAT Council ratify that no action has been taken to date on Sections 13 and 14 of the by-law which would reduce the dBA's in commercial and industrial zones, and furthermore, that no action be taken on the Sections during the interim period in which the by-law is being amended (for approximately one month from 1978 June 01).
4. THAT a separate report be submitted by the Technical Sub-Committee and the Municipal Solicitor on the following subjects of concern, all of which relate to the enforcement of the vehicular sections of the Burnaby Noise or Sound Abatement By-law 1972, #6052:
 - Vehicular noise enforcement signs.
 - Implementation of a continuing noise measurement evaluation monitoring station.
 - Requirement of visual identification of vehicular operator in Court action.
 - Method of substantiating gross vehicle weight for Court action.
5. THAT a letter of appreciation be sent to Mr. Leonard E. Penner.

* * * * *

Mr. M.J. Shelley
Municipal Manager
Corporation of Burnaby

1978 May 15

Dear Sir:

Re: BURNABY NOISE OR SOUND ABATEMENT BY-LAW 1972, NO. 6052

The following is the review, progress report and recommendation of the Technical Sub-Committee for the period 1974 April 01 to 1977 October 31.

During this period of time, three years and seven months, a total of 1,083 complaints were received by the Environmental Division of the Health Department. The complaints can be categorized as follows:

	<u>Complaints</u>	<u>Percentage of Total Noise Complaints</u>
<u>RESIDENTIAL</u>		
800 Complaints (612 related to barking dogs)	800 (612)	73.87%
<u>INDUSTRIAL/COMMERCIAL</u>		
191 Complaints	191	17.64%
<u>TRAFFIC</u>		
67 Complaints	67	6.19%
<u>TRAIN</u>		
10 Complaints	10	9.92%
<u>MISCELLANEOUS</u>		
15 Complaints	15	1.38%
TOTAL	1,083	100%

RESIDENTIAL

The largest single source of complaint within residential areas continues to be the "barking of dogs" (76.50% of total residential noise complaints). This complaint is most difficult to resolve without the co-operation of the animal owner. Fortunately, we do have this co-operation, but there are the exceptions who persist in permitting their dog or dogs to bark excessively, particularly during night or early morning hours.

When it is necessary to involve court action, we proceed under Section 5 of the Noise By-law, which reads as follows:

"Section 5. No owner or occupier of real property in the Municipality shall, except as herein provided, allow such 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."

Court action is used only as a last resort as it is time consuming and costly by reason of the following:

- (1) It is necessary that the complainant or complainants appear in court and testify as to how they are affected by the barking of a dog or dogs.
- (2) Our obligation is to give evidence as to the fact that the barking, in question, exceeded the standards of noise emission as set forth in the Burnaby Noise or Sound Abatement By-law.

A recent example of court action is as follows. A charge, under Section 5, was laid in 1977 April. The owner of the dog appeared in Court on 1977 May 09 and entered a plea of "not guilty" as charged. The trial date was then set for 1978 February 20, a time interval of approximately ten (10) months. During this time, according to complainants, the dog continued to be a nuisance. The case was heard on 1978 February 20 and took approximately four (4) hours to complete at which time the person charged was fined fifty (50) dollars with the warning that a repeat charge, if proven, would result in a more severe penalty. During the trial, the complainants were extensively examined and members of the Department gave evidence as to notices and discussions with the person charged and the intensity and duration of the dog barking.

The By-law has also been successfully used in the abatement of noise nuisances such as loud music, backyard automotive repairs, party and other miscellaneous sources.

INDUSTRIAL/COMMERCIAL

A total of one hundred and ninety-one (191) complaints were investigated during the general control programme applicable to industrial or commercial districts. The complaints were relative to such noise sources as construction activities, the operation of construction equipment, i.e., compressors, cranes and in-plant operations.

In order to determine the feasibility or desirability of implementing the noise reduction factor, applicable to Commercial or Industrial, Comprehensive Development or Agricultural Districts, set forth in Sections 13 and 14 of the Noise By-law and effective 1978 June 01, an in-depth survey was conducted, relative to twenty-nine (29) major industrial or commercial noise source operations situated within the Municipality. This survey was in addition to the investigation of complaints. For your information, Sections 13 and 14 of the Noise By-law are stated

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below:

"Section 13. After June 1, 1978 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 60 dBAs. 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 20 feet 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 20 feet from the source of the said continuous noise or said continuous sound.

Section 14. After June 1, 1978 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 dBAs. 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 20 feet 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 20 feet from the source of the said continuous noise or said continuous sound."

The pertinent facts obtained from the survey are as follows:

Number of Operations Evaluated	...	29
Number of Operations in Compliance with Current Noise Emission Standards	...	27
Number of Operations Not in Compliance, but with an Active Noise Control Programme, which will result in Compliance with Current Standards of the By-law	...	2

We would advise that in the years we have conducted the noise control programme not one industrial or commercial operation has refused to initiate a noise control programme when advised that their emission exceeded the requirements of the Noise By-law. In some instances, the controls have been relatively simple, but in others have constituted a major undertaking.

It is important to note that of the twenty-nine (29) industrial/commercial operations subjected to the in-depth evaluation survey only four (4) meet the scheduled reduction in noise level emissions. These four (4) industrial/commercial operations are aided in meeting the scheduled reduction by the following factors:

- (1) area of property;
- (2) location of noise producing equipment from property line;
- (3) type of industrial operation.

It is our opinion, based upon the monitoring of noise level emission from industrial/commercial operations, a knowledge of critical in-plant noise producing areas and a study of the current methods used in noise control, that the major portion of industry/commerce situated in the Municipality cannot comply with the reduction of noise level emission scheduled for 1978 June 01. As such, we would strongly recommend that the existing level of noise emission, namely, 65 dBA day-time and 60 dBA night-time remain in force until 1981 June 01.

For your information, we would quote the standards contained in the recently adopted Noise By-laws of the City of Vancouver, the City of New Westminster and the Municipality of Richmond:

CITY OF VANCOUVER

70 dBA Day-time 65 dBA Night-time

No reduction factor.

CITY OF NEW WESTMINSTER

70 dBA Day-time 65 dBA Night-time

Reduction scheduled for 1982 August 01:

65 dBA Day-time 60 dBA Night-time

Reduction scheduled for 1987 August 01:

60 dBA Day-time 55 dBA Night-time

MUNICIPALITY OF RICHMOND

Current:

70 dBA Day-time 65 dBA Night-time

Scheduled reduction for 1980 June 01:

65 dBA Day-time 60 dBA Night-time

Scheduled reduction for 1985 June 01:

60 dBA Day-time 55 dBA Night-time

MUNICIPALITY OF BURNABY

1972 June 01 - 1974 June 01:

70 dBA Day-time 65 dBA Night-time

1974 June 01 - 1978 June 01:

65 dBA Day-time 60 dBA Night-time

Scheduled 1978 June 01:

60 dBA Day-time 55 dBA Night-time

NOTE: As has been stated in the foregoing, we recommend that the reduction scheduled for 1978 June 01 be reconsidered and the date for reduction of noise emission standard be advanced to 1981 June 01. (See Recommendations).

We would state that the existing standards of the Noise By-law have proven successful in reducing noise emission to residential areas from industrial/commercial operations within the Municipality.

VEHICULAR NOISE

On 1977 January 24, a report was submitted to Council which outlined a proposed continuous noise enforcement programme for motor vehicle traffic. An attempt was made to conduct weekly enforcement of the vehicular sections of the Burnaby Noise By-law, however, this objective was not reached during the period of 1977 January 24 to 1977 April 25, due to inclement weather and various priorities affecting the Traffic Section staff of the R.C.M.P. which interfered with their ability to delegate members to attend the proposed motor vehicle check stations.

From the period of 1977 April 25 to date, this Department did not proceed with further enforcement of the Noise By-law vehicular standards due to a judicial decision relating to a charge heard in Court on 1977 April 25. The defendant in the pertinent case was charged as being in violation of Section 17 of the Noise By-law:

"17. 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 88 dBAs in a 30 miles per hour zone and 92 dBAs in an over 30 miles per hour zone. The noise or sound shall be measured at a distance of not less than 20 feet from the motor-vehicle exhaust pipe opening."

The Court found the defendant "technically guilty" and imposed a suspended sentence. The Court's primary reason for the decision was that the defendant did not receive adequate warning of the restrictive noise level standards enforced within the Municipality.

We have examined the transcript of the case and isolated two main areas of concern to the Court:

- (1) the absence of any visual warning of the restrictive vehicular Noise By-law standards to the vehicle operator, and
- (2) the right of a vehicle operator to have the vehicle evaluated by the Municipality for compliance with the Noise By-law standards.

(1) Vehicular Noise Enforcement Signs

As the Court was of the opinion that the driver of a vehicle had the right to be forewarned of existing vehicular noise emission standards, we are of the opinion that signs stating these standards should be posted at selected locations within the Municipality.

(2) Noise Level Evaluation of Vehicles for Educational Purposes

The Court was also of the opinion that if the Municipality is enforcing vehicular noise standards, then the vehicle operator has the right to have the vehicle noise emission evaluated by the Municipality's Noise Enforcement Team.

It should be pointed out that the Provincial Government Motor Vehicle Testing Station involves a noise level emission test of a stationary vehicle and does not take into account the manner in which the vehicle is street-operated. The Burnaby Vehicular Noise Test is a moving test as it records the noise level emitted by vehicles while being street operated.

The two tests differ radically and it does not follow that a vehicle passing the Provincial Government Testing Station noise test would pass the Burnaby noise emission road test as the additional factors of speed, manner in which vehicle is operated, load and grade could increase noise emission.

NOTE: The vehicle involved in the 1977 April 25 Court case did pass the Provincial Government Testing Station noise emission test, but did not pass the Burnaby road test.

We are of the opinion that the implementation of a continuing noise measurement evaluation monitoring station is not a legal requirement on the part of the Municipality, but to remove doubt we are requesting a legal opinion from the Municipal Solicitor. (See Recommendation this report).

COURT DECISIONS ON VEHICULAR NOISE BY-LAW CHARGES

To date, of the total twenty (20) vehicular charges, 1976 (19) and 1977 (1), the findings are as follows:

Guilty Plea - Total 11

Fines - \$15.00 (3)
 \$20.00 (3)
 \$25.00 (3)
 \$35.00 (1)
 \$50.00 (1)

Trials not proceeded with due to inability of Sheriff's office to serve summons - Total 4

Not Guilty Plea - Total 5

TOTAL CHARGES - 20

Trials to date - Total 3

Sentences - Fine of \$75.00 (1)

- One found "not guilty" due to Sheriff's office error in serving of summons.
- One found "technically guilty", but given a suspended sentence.

The remaining trials (2) are set for 1978 January and February.

Note: We now have the results of the vehicular charges heard in 1978 January and February.

Case No. 1

This charge was dated 1976 November 09 and a Court appearance for the accused set for 1977 March 28. The defendant appeared in Court on 1977 March 28 and requested an adjournment. The Court then set the trial for 1978 January 23, a time delay of some fourteen (14) months.

On 1978 January 23, the trial date, the Crown Prosecutor interviewed our Inspector and during this interview insisted that one of the primary requirements to the case was the positive visual identification of the vehicle operator. As the length of time involved precluded this positive identification, the Prosecutor stated that he was not prepared to proceed with the case.

Note: We are requesting an opinion from the Municipal Solicitor regarding the necessity of visual identification. See Recommendations this report.

Mr. M.J. Shelley

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1978 May 15

Case No. 2
 Burnaby Noise or Sound Abatement By-law 1972, #6052
 Crown Vs. Defendant
 1978 March 09 13:30 h

After evidence by two Public Health Inspectors, the infraction charge laid under Section 18 of the Noise By-law was dismissed by Justice Shaw.

Justice Shaw gave reason that the Crown had not substantiated the exact gross weight of the accused's vehicle, which was a crucial factor in the charge.

As non-commercial vehicles under 12,000 lb. gross weight need not be marked externally on the vehicle under current vehicle legislation and the gross vehicle weight is not given on the vehicle registration paper, only the net weight, we could not prove gross vehicle weight.

Subsequently, a method substantiating gross vehicle weight to the Court's satisfaction will have to be found before similar cases are considered under Sections 17 and 18 or alternatively, the gross vehicle weight as stated in the By-law be changed to the net vehicle weight as shown on the vehicle registration slip. This is an important factor necessitating further study, therefore, a recommendation as to future action is set forth in the conclusion of this report.

VEHICULAR NOISE SURVEYS

Although, as previously stated, vehicular noise infractions are not being referred for Court action, we have been active in surveying various traffic routes within the Municipality during day and night-time hours.

Traffic Routes Surveyed

Boundary Road (2 Locations)	- 1977 June 23
Burris Street	- 1977 July 08
Cameron Street (2 Locations)	- 1977 August 12
Canada Way	- 1977 June 23
Cariboo Road	- 1977 July 20
Douglas Road	- 1977 August 30
Edmonds Street (3 Locations)	- 1977 July 20, August 05 & September 09
Gilley Avenue	- 1977 July 21
Grange Street (2 Locations)	- 1977 August 11
Imperial Street (2 Locations)	- 1977 June 10
Laurel Street	- 1977 August 03
Marine Drive	- 1977 August 29
Norland Avenue	- 1977 July 21
Royal Oak Avenue	- 1977 July 08
Stride Avenue	- 1977 June 13 & September 13
Willingdon Avenue	- 1977 July 08
Winston Street	- 1977 August 03
10th Avenue	- 1977 July 08
19th Street	- 1977 July 18

Analysis of Data

Vehicles Less than 6000 lbs. G.V.W. (30 M.P.H. or less zone)

Total number of vehicles evaluated	3,355
Total number of vehicles in excess of the 80 dBA By-law standard	56
Total number of vehicles which would be chargeable (noise level greater than 83 dBA)	18

Note: A three (3) dBA tolerance (increase) applies to all noise measurements.

Vehicles Greater than 6000 lbs. G.V.W. (30 M.P.H. or less zone)

Total number of vehicles evaluated	409
Total number of vehicles in excess of the 88 dBA By-law standard	38
Total number of vehicles which would be chargeable (noise level greater than 91 dBA)	5

The vehicular noise survey information is being used to establish priorities for future vehicular noise enforcement at the aforementioned traffic routes and in determining the feasibility of the scheduled 1978 June 01 vehicular Noise By-law reduction standards.

Scheduled 1978 June 01 Reduction of Vehicular Noise Standards

	<u>Gross Vehicle Weight Less than 6000 lbs.</u>	<u>Gross Vehicle Weight Greater than 6000 lbs.</u>
<u>30 M.P.H. Speed Limit or less</u>	75 dBA	80 dBA
<u>Greater than 30 M.P.H. speed limit</u>	80 dBA	87 dBA

In comparing the aforementioned vehicular information with the Burnaby Noise By-law 1978 June 01 vehicular standards, the results can be tabulated as follows:

Vehicles Less than 6000 lbs. G.V.W. (30 M.P.H. or less zone)

Total number of vehicles evaluated	3,355
Total number of vehicles in excess of the 75 dBA 1978 By-law standard	532
Total number of vehicles which would be chargeable (noise level greater than 78 dBA)	<u>166 = 4.9% of total</u>

Vehicles Greater than 6000 lbs. G.V.W. (30 M.P.H. or less zone)

Total number of vehicles evaluated	409
Total number of vehicles in excess of the 80 dBA 1978 By-law standard	207
Total number of vehicles which would be chargeable (noise level greater than 83 dBA)	<u>127 = 31.1% of total</u>

Note: A three (3) dBA tolerance (increase) applies to all noise measurements.

Mr. M.J. Shelley

1978 May 15

The scheduled 1978 June 01 vehicular standards for noise emission would present a problem in enforcement as we are of the opinion that many vehicles are not capable of meeting the lesser level of noise emission. Further to this fact the current decibel level governing vehicular noise emission is stringent. As a comparison we would submit our standards in relation to the standards as enforced in the State of California. Although we do not submit the vehicular noise level emissions pertaining to ten additional States in the U.S.A. we would point out that all are equal to or less restrictive than the current level of vehicular noise level emission enforced in this Municipality.

COMPARISON OF BURNABY AND CALIFORNIA REQUIREMENTS

NOTE: In order to compare the Burnaby vehicular noise standards with the California vehicular noise standards, a correction of 7 dBA must be added to the California standards. This 7 dBA addition is due to the difference in measurement distance from the tested vehicles. The standard for California is 50' from the centre of the lane of travel and the Burnaby standard is not less than 20' from the motor vehicle exhaust pipe opening. (To facilitate measurement we locate the microphone at 20' from the outside edge of the travelled portion of the pertinent road).

CALIFORNIA

BURNABY

Under any condition of grade.

<u>Vehicle Weight Greater than 6000 G.V.W. (35 M.P.H. zone or less)</u>	<u>Existing Standard</u>	<u>Scheduled 1978 June 01 Standard</u>
86 dBA + 7 dBA adjustment = <u>93 dBA</u>	88 dBA	80 dBA
<u>Motorcycle (35 M.P.H. zone or less)</u>		
82 dBA + 7 dBA adjustment = <u>89 dBA</u>	80 dBA	75 dBA
<u>Vehicle Weight Less than 6000 G.V.W. (35 M.P.H. zone or less)</u>		
76 dBA + 7 dBA adjustment = <u>83 dBA</u>	80 dBA	75 dBA

In view of the foregoing information, we would recommend that the reductions as set forth in clauses 20, 21 and 22 of the Burnaby Noise or Sound Abatement By-law #6052, scheduled for 1978 June 01 be reconsidered and the date for reduction of noise emission standard be advanced to 1981 June 01.

NOISE LEVEL EMISSION REDUCTION FOR LAWN MOWERS SCHEDULED FOR 1978 JUNE 01

The existing level of noise emission is set at 87 dBA with controlled hours 07:00 h to 22:00 h. We have received a few complaints regarding lawn mower use, but these complaints were associated with very early morning operation. We were able to resolve these complaints by use of the "hours of operation" requirement. As we have had few complaints, we have very little background information to support a reduction in noise level emission. We are of the opinion that hours of operation requirements do control the use of power gardening tools and as such would recommend that the reduction as set forth in clause 25 and scheduled for 1978 June 01 be reconsidered and the date for reduction advanced to 1981 June 01. (See Recommendations).

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SUMMARY

When the decision was made by Municipal Council in mid-1969 that the subject of community noise and its control was to be studied and a draft by-law submitted there was little in the way of information or precedence upon which to base such a by-law.

The drafting of the by-law proved difficult and it was not until 1972 February that the final by-law submission was adopted with enforcement date 1972 June 01.

This by-law contained scheduled reductions in noise level emissions, which were intended to serve two purposes:

- (1) As objectives for future standards of noise level emissions.
- (2) An indicator to commerce and industry, the automotive industry and manufacturers of equipment that the permitted level of noise emission would diminish over a period of time.

At the time of by-law adoption the question could not be answered with certainty as to whether the scheduled dates of reduced emission or the actual decibel emission reduction, in any of the reduction clauses, could be achieved.

The first reduction of five (5) dBA in noise level emission from commerce/industry was implemented in June of 1974. The reduction had been slated for enforcement in June of 1973, but a one-year delay was recommended by the Technical Sub-Committee and approved by the Municipal Council.

<u>1972 June 01 - 1974 June 01</u>		<u>From 1974 June 02 to 1978 June 01</u>	
<u>70 dBA Day-time</u>	<u>65 dBA Night-time</u>	<u>65 dBA Day-time</u>	<u>60 dBA Night-time</u>
<u>Scheduled Reduction for After 1978 June 01</u>			
<u>60 dBA Day-time</u>	<u>55 dBA Night-time</u>		

During the six (6) years of conducting the Noise Control Programme, your Technical Sub-Committee has gained considerable knowledge in the current methods of noise suppression and the ability of commerce/industry operations, vehicle operators and equipment users to comply with existing and the scheduled noise level emission standards, effective after 1978 June 01.

Your Committee is now of the opinion that commerce/industry, vehicular traffic and the users of power gardening equipment will not be able to attain the noise level emission standards as set forth in the scheduled reduction clauses, effective after 1978 June 01.

RECOMMENDATIONS

The Technical Sub-Committee would strongly recommend:

- (1) THAT clauses 13, 14, 20, 21, 22 and 25 as set forth in the Burnaby Noise or Sound Abatement By-law 1972, #6052, be amended by deleting the words, "after June 1, 1978" and substituting the words "after 1981 June 01". The amended sections would read as on the attached Appendix "A".

ITEM 11
MANAGER'S REPORT NO. 44
COUNCIL MEETING 1978 06 12

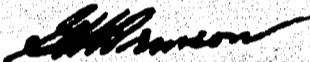
Mr. M.J. Shelley

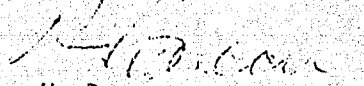
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1978 May 15

- (2) THAT a separate report be submitted by the Technical Sub-Committee and the Municipal Solicitor on the following subjects of concern, all of which relate to the enforcement of the vehicular sections of the Burnaby Noise or Sound Abatement By-law 1972, #6052:
- (a) Vehicular noise enforcement signs.
 - (b) Implementation of a continuing noise measurement evaluation monitoring station.
 - (c) Requirement of visual identification of vehicular operator in Court actions.
 - (d) Method of substantiating gross vehicle weight for Court action.

Respectfully submitted,
TECHNICAL SUB-COMMITTEE


G.H. Armson, C.P.H.I. (C)
CHIEF PUBLIC HEALTH INSPECTOR


H. Bacon
TRAFFIC SUPERVISOR


Sgt. D.R. Cathcart
BURNABY DETACHMENT R.C.M.P.

GHA:HB:DRC:pm
Att.

APPENDIX "A"

METRIC

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- "13. After 1981 June 01, 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 60 dBAs. 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 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 dBAs. 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.
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 dBAs in a fifty (50) kilometres per hour zone and 87 dBAs 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 dBAs in a fifty (50) kilometres per hour zone and 80 dBAs 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 dBAs in a fifty (50) kilometres per hour zone and 80 dBAs 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.
25. After 1981 June 01, no person shall between 7:00 a.m. and 10:00 p.m., 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 dBAs. 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."

APPENDIX "A"

METRIC AND IMPERIAL UNITS

"13. After 1981 June 01, 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 60 dBAs. 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 (twenty (20) feet) 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 (twenty (20) feet) from the source of the said continuous noise or said continuous sound.

14. After 1981 June 01, 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 dBAs. 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 (twenty (20) feet) 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 (twenty (20) feet) from the source of the said continuous noise or said continuous sound.

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 (6,000 lbs.) or less which makes or causes noise or sound the noise or sound level of which shall exceed 80 dBAs in a fifty (50) kilometres per hour zone (thirty (30) miles per hour zone) and 87 dBAs in an over fifty (50) kilometres per hour zone (thirty (30) miles per hour zone). The noise or sound shall be measured at a distance of not less than six (6) metres (twenty (20) feet) 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 (6,000 lbs.) or less which makes or causes noise or sound the noise or sound level of which exceeds 75 dBAs in a fifty (50) kilometres per hour zone (thirty (30) miles per hour zone) and 80 dBAs in an over fifty (50) kilometres per hour zone (thirty (30) miles per hour zone). The noise or sound shall be measured at a distance of not less than six (6) metres (twenty (20) feet) 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 dBAs in a fifty (50) kilometres per hour zone (thirty (30) miles per hour zone) and 80 dBAs in an over fifty (50) kilometres per hour zone (thirty (30) miles per hour zone). The noise or sound shall be measured at a distance of not less than six (6) metres (twenty (20) feet) from any motor-cycle.

25. After 1981 June 01, no person shall between 7:00 a.m. and 10:00 p.m., 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 dBAs. 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 (twenty (20) feet) 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 (twenty (20) feet) from the source of the said noise or said sound."