

Re: AMENDMENT TO BURNABY NOISE OR SOUND ABATEMENT
BY-LAW 1979, NO. 7332

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Chief Public Health Inspector be adopted.

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TO: MUNICIPAL MANAGER 1983 December 02
FROM: CHIEF PUBLIC HEALTH INSPECTOR Our File: 2-02-01
RE: AMENDMENT TO BURNABY NOISE OR SOUND ABATEMENT BY-LAW 1979, NO. 7332

RECOMMENDATION:

1. THAT Council authorize staff to prepare an amendment by-law containing exclusions to sections 15 and 16 of the Burnaby Noise or Sound Abatement By-law 1979.

SUMMARY:

Following is a report regarding amending the Burnaby Noise or Sound Abatement By-law 1979, in order to permit exclusions for works of an emergency nature and for situations where it is impossible or impracticable to comply with permitted hours of work contained in Sections 15 and 16.

REPORT

The Burnaby Noise or Sound Abatement By-law 1979, Sections 15 and 16, regulate the permitted hours of work for activities such as construction, demolition, excavation or filling.

- Section 15: "No person shall, before 7:00 o'clock in the forenoon and after 10:00 o'clock in the afternoon from Monday to Saturday, construct or demolish any building, structure or thing or excavate or fill in land in the Municipality."
Section 16: "No person shall, before 9:00 o'clock in the forenoon and after 10:00 o'clock in the afternoon on Sunday, construct or demolish any building, structure or thing or excavate or fill in land in the Municipality."

There are recurring situations where compliance with the requirements of Sections 15 and 16 of the Burnaby Noise or Sound Abatement By-law are both impossible and impracticable. Situation examples are:

- (a) Works of emergency nature: Repairs to gas mains, water supply systems, storm and sanitary sewers; snow removal.
- (b) Construction-type activities: Road repairs to major arterial routes where traffic density requires that the work be performed during night-time and early morning hours; dwelling removal and relocation; short term violation of permitted hours of activity (equipment or material transfer, work shifts being extended for project completion).

The cities of Vancouver, North Vancouver, New Westminster and the Municipality of Richmond are able to legally give permission for work as mentioned above to be conducted outside of the permitted hours by using exclusion sections contained in their noise by-laws.

In order that noise by-law enforcement staff can give legal permission to have certain noise-producing activities occur outside of the permitted hours of work in Sections 15 and 16, we are proposing the following amendments to the Burnaby Noise or Sound Abatement By-law. These amendments have been structured in consultation with the Municipal Solicitor.

1. Amendment 15(1)

"Subject to sub-section (3), no person shall, before 7:00 o'clock in the forenoon and after 10:00 o'clock in the afternoon from Monday to Saturday, construct or demolish any building, structure or thing, or excavate or fill in land in the Municipality."

Amendment 15(2)

"Subject to sub-section (3), no person shall, before 9:00 o'clock in the forenoon and after 10:00 o'clock in the afternoon on Sunday, construct or demolish any building, structure or thing, or excavate or fill in land in the Municipality."

Amendment 15(3)

"Where it is impossible or impracticable to comply with sub-sections (1) and (2), the inspector may by permit vary the hours work may be carried on. The permit may contain terms and conditions."

COMMENT:

The above amendments to the permitted hours for construction, demolition and filling-type activities would legally allow staff to grant exclusions. Approval would be given based upon a determination of the resulting disturbances that would affect residential areas. A permit would be granted conditional to stating specific times that work may start or finish, the type of construction equipment allowed to operate during early morning or late evening hours, the number of days permitted, etc.

2. AMENDMENT BY THE ADDITION OF A SECTION TO PERMIT WORKS OF AN EMERGENCY NATURE

PROPOSED AMENDMENT: "Notwithstanding any provisions of this by-law, a person may exceed the noise or sound levels set out in this by-law when performing works of an emergency nature for the preservation or protection of property, life or health."

COMMENT:

The addition of this section to the Burnaby Noise or Sound Abatement By-law would legally allow emergency repairs to water mains, sewers, gas mains, etc., at times outside of the existing hours contained in sections 15 and 16.

Adoption of the above-mentioned proposed amendments would enable staff administering enforcement of the by-law to be more flexible in situations where it is impracticable or impossible to comply with the requirements and, at the same time, protect the peace, rest, enjoyment and quiet of residential areas within this Municipality.

George V. Harvie

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