

WHEREAS Division 10 of Part 3 of the *Community Charter* authorizes a local government to regulate, prohibit and impose requirements in relation to nuisances, disturbances and other objectionable situations;

AND WHEREAS the Council of the Corporation of the City of White Rock deems it expedient to provide for regulations and prohibitions regarding the making of noise;

AND WHEREAS Council may by bylaw regulate, prohibit and impose requirements in relation to the protection and enhancement of the well-being of its community in relation to nuisances, disturbances and other objectionable situations, including noise that is liable to disturb the peace, quiet, rest, enjoyment, comfort or convenience of individuals or the public.

NOW, THEREFORE, the Council of the Corporation of the City of White Rock in open meeting assembled hereby enacts as follows:

1. This Bylaw may be cited as “White Rock Noise Control Bylaw, 2013, No. 2018.”
2. “White Rock Noise Regulation Bylaw, 1996, No. 1468” and any amendments thereto are hereby repealed.

3. **DEFINITIONS:**

In this Bylaw:

“**Bylaw Enforcement Officer**” means a person employed by or under contract to the City to administer and regulate City bylaws.

“**City**” means the Corporation of the City of White Rock.

“**Construction**” means an activity which includes erection, alteration, repair, relocation, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, the laying of pipe and conduit (whether above or below ground level), street and highway building, concreting, equipment, installation and alteration, and the structural installation of construction components and materials in any form, or for any purpose, and includes any work being done in connection therewith.

“**Construction Equipment**” means any equipment or device designed and intended for use in construction, or material handling, including, but not limited to, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders, or other material handling equipment;

“**Emergency Vehicle**” means any of the following:

- a) a motor vehicle driven by a member of a fire department or the British Columbia Ambulance Service, while in the discharge of his or her lawful duties; or

- b) a motor vehicle, driven by a peace officer, constable or member of the Royal Canadian Mounted Police, or any other duly appointed Police Officer while in the discharge of his or her lawful duty.

“General Maintenance” means the use of *power equipment* for the maintenance and care of lawns, gardens, bushes, shrubs or other vegetation. *(added by Bylaw No. 2114)*

“Holiday” means New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, British Columbia Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, and any other holiday prescribed by regulation, and also includes Easter Monday and Boxing Day. *(added by Bylaw No. 2114)*

“Motor Assisted Cycle” shall have the same meaning as defined in the BC *Motor Vehicle Act*.

“Motor Vehicle” or **“Vehicle”** has the same meaning as defined in the BC Motor Vehicle Act and includes a vehicle that is designed to be self-propelled, including off-road vehicles, parts and equipment.

“Noise” includes:

- a) any sound, continuous sound or non-continuous sound which disturbs or tends to disturb the peace, quiet, rest, enjoyment, comfort or convenience of the neighbourhood in which such sound is received, or, of any reasonable person in the vicinity of the source of such sound who receives such sound; or,
- b) any sound, continuous sound or non-continuous sound listed in Schedule “A” attached hereto.

“Nuisance Property” means a property where Bylaw Enforcement Officers have attended to complaints for noise violations and issued notices of violation three (3) times in any twelve (12) month period.

“Occupant” includes:

- a) a person residing on or in property;
- b) a person entitled to the possession of property if there is no person residing on or in the property;
- c) a leaseholder; or
- d) an authorized agent of the owner of the property.

“Peace Officer” includes the following:

- a) a person duly authorized by Council as a Bylaw Enforcement Officer and/or Peace Officer;
- b) a member of the Royal Canadian Mounted Police (RCMP).

“Power Equipment” means any tool, equipment or machinery powered by an internal combustion engine or electronic motor that is used for construction, lawn, garden, building and property maintenance, and includes edge-trimmers, line-trimmers, rototillers, pressure washers, carpet cleaning equipment, and hand operated power tools including but not limited to chain saws, chippers and leaf blowers.

4. RIGHT OF ENTRY:

Pursuant to Section 16 of the *Community Charter*, a Peace Officer may at all reasonable times, in a reasonable manner, and after taking reasonable steps to advise the owner or occupier, enter upon or into a property. With the approval of the owner or occupant, or with the provision of the requisite notice or warrant as outlined in Section 16 of the *Community Charter*, a Peace Officer may enter into a private dwelling, at a reasonable time and in a reasonable manner, to confirm compliance with this Bylaw.

5. SEVERANCE:

If any portion of this Bylaw is held to be ultra vires by a decision of a Court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Bylaw.

6. EXEMPTIONS:

6.1 City Exemption:

Notwithstanding Sections 7, 8, and 9 of this Bylaw and the attached Schedule “A”, the City or its agents, may at any time:

- a) Construct, alter, relocate, repair or demolish buildings and structures;
- b) Excavate, grade, or fill land;
- c) Engage in well-pointing;
- d) Construct, install, alter, relocate, repair or remove public facilities or utilities;
- e) Construct, alter, relocate, repair, fill, or excavate highways.
- f) Allow community and City sponsored special events on City streets or parks.

6.2 Emergency Vehicle Exemption:

The driver of an emergency vehicle is exempt from the provisions of this Bylaw while acting in the course of his or her lawful duty.

7. PROHIBITIONS:

7.1 No person shall make, cause, or permit to be made or caused any noise or sound which is liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public.

7.2 Without restricting the generality of the foregoing, no person shall

- a) make, cause, or permit to be made or caused any objectionable or disturbing noise listed in Schedule “A” to this Bylaw;
- b) make, cause, or permit to be made or caused by intermittent or reiterated cries any noise;
- c) make, cause or permit to be made or caused by or from any vehicle, motor vehicle, or motor assisted cycle, any unreasonable noise or sound;
(updated by Bylaw No. 2114)
- d) make delivery of goods or merchandise to any commercial business in the City outside of the following posted hours:
 - Monday through Saturday – from 6:00am to 9:00pm
 - Sundays and Holidays – from 8:00am to 8:00pm

- e) play or operate or permit to be played or operated any radio, gramophone, or other instrument or any apparatus for the production or amplification of sound in a manner;

deleted by
Bylaw 2114

~~harbour, keep, or control any animal in the municipality which causes a noise or sound; or~~

- f) shout, use megaphones, or make any other noise in or at or on streets, wharves, docks, piers, steamboat landings, railway stations, or other public places;

that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.

7.3 (a) No person shall before 7:30 a.m. in the morning, or after 7:00 p.m. in the evening, Monday through Friday or before 9:00 a.m. in the morning or after 7:00 p.m. in the evening on Saturday, carry on works in connection with the construction, reconstruction, alteration or repair of any building or structure or carry on any excavation, land clearing, general maintenance or other related activity, or operate any kind of machinery, power equipment, construction equipment or engine in a manner that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public; *(updated by Bylaw No. 2114)*

(b) In cases where it is impossible and impracticable to comply with section 7.3(a), a person must apply to the Director of Planning and Development, who may then give approval, in writing, to carry on such work outside the permitted hours.”

7.4 No person shall on a Sunday or Holiday carry on works in connection with the construction, reconstruction, alteration or repair of any building or structure or carry on any excavation or land clearing or other related activity, nor operate any kind of machine, power equipment, construction equipment or engine in a manner that is liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public, provided that in cases where it is impossible and impracticable to comply with this section Council may give approval in writing to carry on such works on a Sunday or Holiday for a specified length of time.

7.5 Notwithstanding section 7.4, on Sundays or *Holidays* between the hours of 9 a.m. in the morning and 6 p.m. in the evening, an owner or occupant of a residential property may conduct *general maintenance* or carry on works in connection with the *construction*, reconstruction, alteration or repair of any dwelling or structure located on the residential property upon which the owner or occupant resides. *(updated by Bylaw No. 2114)*

7.6 an owner of real property must not allow such property to become a *nuisance property*. *(updated by Bylaw No. 2114)*

7.7 An owner of real property deemed to be a *nuisance property* must not allow such property to remain a *nuisance property* or for offences against this bylaw to continue on the property. *(added by Bylaw No. 2114)*

8. OFFENCE:

- 8.1 Any person who violates any provision of this Bylaw commits an offence. For greater certainty, an owner of property who permits his or her tenant to violate any provision of this Bylaw commits an offence.
- 8.2 Each occasion on which a provision of this Bylaw is violated shall constitute a distinct and separate offence.

9. PENALTIES:

- 9.1 Where a person is in violation of any provision of this Bylaw, a Peace Officer may issue a violation notice, to be served personally upon the person in violation, and such person shall be liable to pay the amount, as prescribed in the City of White Rock, Ticketing For Bylaw Offences Bylaw, 2011, No. 1929, as amended, to the City.
- 9.2 For greater certainty, an owner of property who permits his or her tenant to violate any provision of this Bylaw is in violation of this Bylaw.
- 9.2 If the penalty indicated on the Violation Notice is not paid, and the Violation Notice is not disputed within fourteen (14) days of issuance, the amount in full becomes due and payable to the City.
- 9.3 Any person who contravenes a provision of this Bylaw and fails to pay the penalty indicated may have the amount transferred to a collection agent or be subject to collection through other legal processes.
- 9.4 Every person who commits an offense against this Bylaw shall be liable upon summary conviction to a fine of not less than two thousand dollars (\$2,000.00) and not more than ten thousand dollars (\$10,000.00). *(added by Bylaw No. 2114)*

RECEIVED FIRST READING on the 7th day of October, 2013
RECEIVED SECOND READING on the 7th day of October, 2013
RECEIVED THIRD READING on the 7th day of October, 2013
RECONSIDERED AND FINALLY ADOPTED on the 21st day of October, 2013

MAYOR

CITY CLERK



SCHEDULE "A"

Schedule of Objectionable or Disturbing Noise:

1. The vocal sound made by an animal, bird or fowl, under the control of, or owned by a person, which is creating any kind of sound continually or sporadically for any period in excess of fifteen (15) minutes.
2. The sound made by a combustion engine that is operated without an effective exhaust muffling system in good working order, being in use whenever such engine is in operation.
3. The sound made by operating a vehicle in such a way that the tires squeal.
4. The sound made by a vehicle horn or other warning device used except under as authorized by this Bylaw.
5. The noise made by a vehicle, or a vehicle with a trailer, resulting in banging, clanking, squealing, or other like noise due to an improperly secured load or equipment, or due to inadequate maintenance.
6. The noise made through the operation of a "Jacobs or Jake" brake or other type of engine brake on a motor vehicle for any purpose other than as an emergency braking device for the safe operation of the motor vehicle.
7. The amplified noise of a radio, television, sound playback device, amplification equipment, or musical instrument, which emanates from a motor vehicle and can be heard from outside the motor vehicle.
8. Construction activity is prohibited on Sundays and holidays, except as authorized in this Bylaw.
9. Shouting, the use of megaphones or voice amplification equipment, the making of any other noise, noisy conduct by any person in or at any street, wharf, dock, pier, or public place, is prohibited, save and except Peace Officers or Fire Fighters while in the conduct of their lawful duty.