

THE CORPORATION OF THE CITY OF NORTH VANCOUVER

BYLAW NO. 7578

A Bylaw to amend the Noise Control Bylaw, 1987, No. 5819

The Council of The Corporation of The City of North Vancouver, in open meeting assembled, enacts as follows:

1. This Bylaw shall be known and cited for all purposes as **“Noise Control Bylaw, 1987, No. 5819, Amendment Bylaw, 2004, No. 7578”**.
2. “PART 2 – DEFINITIONS”, is amended as follows
 1. A new Section 201.9 is inserted and the following sections renumbered, as follows:

“Section 201.9 “C-weighting” is the frequency weighting setting of an approved sound meter which approximates the inverse of the 100 phon equal loudness contour. The ear may respond closer to the C-weighting curve at high sound levels.”
 2. “Section 201.27 “point of reception” is amended by inserting a new sub-section 4 and renumbering subsequent sub-sections, as follows:

“4. for the purposes of Section 307(a) means any place in the municipality more than 15 metres from a source of sound where sound is received;”
3. **“Section 201.32”** is deleted in its entirety and replaced with the following:

“201.32 “sound level” means:

 1. the average of the medians of 5 or more sets of lower and upper measurements of a series of A-weighted sound pressure levels read or recorded at a point of reception on the slow response of a sound level meter;
 2. for the purposes of Section 308 means the maximum measurement of an A-weighted sound pressure level read and recorded at a point of reception on the slow response setting of a sound level meter;
 3. for the purposes of Section 317 means the average of the medians of 5 or more sets of lower and upper measurements of a series of a C-weighted sound pressure level read and recorded at a point of reception on the slow response setting of a sound level meter;
 4. where an integrating sound level meter is used, suitable technical and mathematical means shall be used to determine the source sound pressure level. A-weighted or C-weighted sound pressure levels must be

recorded at a point of reception using the equivalent to slow response setting.”

3. **“PART 3 – REGULATIONS”**, is amended as follows:

1. “Section 302 **Noise Prohibited**” is amended by adding a new section 302.3 as follows:

“302.3 Neither the owner, occupier, company, contractor nor worker shall make, nor cause to be made, nor permit to be made, objectionable or disturbing sounds pursuant to Section 301 and section 6, of Schedule “B”.”

2. “Section 307” is deleted in its entirety and replaced with the following:

“307 Construction and Power Gardening Equipment Sound

Notwithstanding the provisions of Sections 303, 304, 305, or 306 hereof; a person may use or cause or permit to be used, equipment which causes a continuous sound level;

- a) resulting from construction and equipment which does not exceed a continuous sound level of 85 decibels when measured at a point of reception;
- b) resulting from a power lawn mower or other similar equipment during the daytime, except between 0700 hours and 0900 hours on a Sunday or a Public Holiday, if the sound of such lawn mower, or other equipment, when received at such point of reception, does not exceed a sound level of 77 decibels.”

3. **“Section 313 City Exemption”** is amended by inserting a new Sub-section 313.6 as follows:

“allow community and City sponsored special events on City streets or parks”.

4. Following “Section 315” a new Section 316 is inserted as follows:

“316 Noise Control Construction Signs

Where the application involve a building constructed under Part 3 of the BC Building Code or where the building permit value exceeds \$500,000.00; the holder of the building permit shall prominently post a sign on that parcel of land, and shall maintain the sign during the course of construction, in accordance with the requirements set out in this section. Such a sign may be a separate sign or be incorporated into a Construction Site Sign as defined in the Sign Bylaw. A Noise Control Bylaw sign must:

- (a) be posted in a prominent location on the parcel of land that is clearly visible from at least one adjacent street.
- (b) shall be limited to a maximum height from grade of 3.65 metres;

- (c) be a maximum area of 3.0 square metres for Part 3 buildings and a maximum area of 1.5 square metres for single or two family dwellings;
- (d) contain script that is at least 5.08 cm high, and is in a colour that contrasts with the background of the sign; and
- (e) set out the hours permitted for construction under this By-law, and any exemptions to the construction hours which may have been granted;
- (f) state the name of the general contractor for the construction on the parcel of land, the name and telephone number of an individual representative of that general contractor;
- (g) give a monitored 24-hour telephone contact number for complaints and concerns, and the City of North Vancouver Noise Complaint telephone number."

5. A new Section 317 is inserted as follows, and subsequent sections renumbered:

"317 Commercial premises C-weighted Noise Levels

No person shall in any commercial premises make, cause, or permit to be made or caused continuous or non-continuous noise or sound of a radio, television, CD player or other sound playback device, public address system, or any other music or voice amplification equipment, musical instrument, whether recorded or live, whether amplified or not, the level of which during the daytime exceeds a rating of 70 dBC, or during the night time exceeds a rating of 65 dBC when measured at the point of reception."

4. "PART 4 – APPLICATION FOR EXEMPTION" is amended as follows:

1. "Section 401 **Application to Council**" is deleted in its entirety and replaced with the following:

"Section 401 **Application to City Manager**

Any person may make application to the City Manager to be granted an exemption from any of the provisions of this bylaw with respect to any source of sound for which they might be prosecuted, and the City Manager may refuse to grant any exemption, or may grant the exemption applied for, or any exemption of lesser effect. Any exemption granted shall specify the time period during which it is effective and may contain such terms and conditions as the City Manager sees fit."

2. "Section 402 **Details of Exemption Application**" is deleted in its entirety and replaced with the following"

"402 Details of Exemption Application

The City Manager may give consent in writing to carry on any such works or events outside the prescribed limits and upon such terms as the City Manager determines. In any case where, because of an emergency or other unforeseen circumstance, an application for an exception cannot be submitted within the

time limit prescribed in this subsection, the City Manager may waive that limitation.

Other than for emergency works the application mentioned in Subsection 401, shall be made in writing, and shall be submitted to the City Manager prior to the date of the proposed activity, and shall contain:

- 402.1 The applicant's information:
 - (a) the name, address, and telephone number of the applicant;
 - (b) the address of the construction site and development name;
 - (c) the building permit number, if applicable;
- 402.2 a description of the source of sound for which an exemption is sought;
- 402.3 a statement of the particular provision or provisions of the bylaw from which exemption is sought;
- 402.4 the period of time, hours and days requested of duration not in excess of six months, for which the exemption is sought;
- 402.5 the reasons why the exemption should be granted;
- 402.6 regardless of the requested exemption, a statement of the steps, if any, planned or presently being taken to, mitigate the noise for which the exemption must be provided.
- 402.7 a non-refundable application fee of \$75.00."

- 2. "Section 403 **Noise Control Officer**" is deleted in its entirety and replaced with the following:

"403 Noise Control Officer

A copy of the application for exemption will be delivered to the Noise Control Officer, who will prepare a report to the City Manager, stating the merits of the application, recommendations as to terms and conditions which should be imposed upon the applicant if the exemption is granted, and the application for exemption will not be considered until a report has been prepared and considered."

- 3. "Section 404 **Report**" is amended by deleting the words "by Council" and inserting in their place the words "the City Manager".

- 4. A new Section 406 is inserted as follows:

"406 Community Notification

Where an exemption to the noise bylaw is granted the applicant will notify businesses and residents within 70 metres of the parcel property lines. The applicant will also send a copy of the community notification to the City of North Vancouver, the R.C.M.P., and the Vancouver Coast Health Authority. The notification will be in writing and forwarded at least 24 hours and no more than 7 days prior to the exempted noise. The notification shall include:

1. The applicant's information:
 - (a) the company and or construction company name, address, and telephone number;
 - (b) the project name and address of the construction site;
 - (c) the 24-hour monitored contact name and contact number.
2. The details of the exempted work:
 - (a) potential disruptions and other relevant activity including lights construction cranes, trucks, etc;
 - (b) the reasons why the noise exempted work is necessary.
3. Information about the exemption granted as well as any limitations or conditions imposed by the City regarding the exemption as well as a description of any steps taken or planned to minimize the noise nuisance.
4. Telephone numbers for the City of North Vancouver and the RCMP"

The City Manager will notify Council of all exemptions granted to the Noise Control Bylaw and any conditions imposed for the exemption."

READ a first time by the Council on the 2nd day of February, 2004.

READ a second time by the Council on the 2nd day of February, 2004.

READ a third time and passed by the Council on the 2nd day of February, 2004.

RECONSIDERED and finally adopted by the Council, signed by the Mayor and City Clerk and sealed with the Corporate Seal on the 9th day of February, 2004.

"Barbara A. Sharp"

MAYOR

"Bruce A. Hawkshaw"

CITY CLERK

The following Summary of Maximum Permissible Sound Levels table is attached to the Bylaw for convenience.

City of North Vancouver Noise Control Bylaw 5819

SUMMARY OF MAXIMUM PERMISSIBLE SOUND LEVELS

Bylaw Section		Maximum Sound Level
303	Quiet Area – night time	45
	Quiet Area - daytime	55
304	Mixed Area – night time	50
	Mixed Area – daytime	55
305	Activity Area – night time	55
	Activity Area - daytime	60
306	Non-continuous Sound – night time	75
	Non-continuous Sound - daytime	80
317	Commercial Premises – night time	65 C-weighted
	- daytime	70 C-weighted
307	Construction Noise Levels	85
	Power Lawnmower, etc. – daytime	77
308	Vehicles on highways with speed limits: 50 m/h or less – under 2200 kg. Licensed Net Weight	70
	- over 2200 kg.	75
	Licensed Net Weight Over 50 km/h – under 2200 kg.	75
	Licensed Net Weight - over 2200 kg.	85
	Licensed Net Weight	
	Sound levels noted in the table are dB(A) unless otherwise noted, and measured at the “point of reception”. Night time – 2000 hours of one day to 0700 hours of the following day. Day time - 0700 hours to 2000 hours of the same day.	

SAMPLE NOTIFICATION LETTER

[company letterhead]

Date: [_____]

Notice to Residents and Business neighbouring the [project name]:

Regarding: Construction Noise beyond [_____]

We are the [company] working at the [project name, project address]. On [date], the City of North Vancouver granted [company] permission to:

- work [details of exemption].

As you may know this is [later/earlier] than normally permitted under the City of North Vancouver Noise Control By-law No. 5819. While we regret the need to impose noise created by our construction efforts on you at that time, this exception to the times is critical in allowing us to build this project.

This notice is intended to advise you that we will be working until [time and date].

We will make every effort to minimize the noise and should we have an opportunity to finish earlier, we will do so. We are taking the following steps to reduce the noise:

- [Description of any steps taken or planned to minimize the noise nuisance].

We apologize for any inconvenience this may cause and we thank you for your patience. If you have any questions or concerns about this construction project, please contact one of the following:

- [Construction company 24-hour monitored contact phone number and name].
- City of North Vancouver at 604.985.7761.
- Vancouver Coastal Health Authority at 604.983.6700
- The RCMP after hours at 904.985.1311.