



**REGIONAL DISTRICT OF CENTRAL KOOTENAY
NOISE BYLAW
NO. 2061**

REGIONAL DISTRICT OF CENTRAL KOOTENAY

NOISE BYLAW NO. 2061

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REGIONAL DISTRICT OF CENTRAL KOOTENAY

BYLAW NO. 2061

A bylaw to prohibit or regulate noise levels within Electoral Areas A, C, E, F, G and J of the Regional District of Central Kootenay.

The Board of the Regional District of Central Kootenay, in open meeting assembled, enacts as follows:

PART 1 – INTRODUCTION

Title

1. This Bylaw may be cited as the “Regional District of Central Kootenay Noise Bylaw No. 2061, 2009.”

Interpretation of technical standards

2. Where an abbreviation or technical standard is used in this Bylaw but is not defined specifically or by context, it should be interpreted by reference to the definitions and technical standards published by the Canadian Standards Association (CSA), the American Standards Institute (ANSI), the International Organization for Standardization (ISO) or the International Electro-Technical Commission (IEC), as applicable and, unless the context otherwise requires.

Definitions

3. In this Bylaw,

“approved sound meter”

means an instrument which is capable of measuring levels of sound pressure in accordance with the minimum requirements for either Type 1 (precision) or Type 2 (general purpose) sound level meters as specified in ANSI S1.4 [1983], IEC 651 [1979] and IEC 804 [1984] standards;

“A-weighted sound level”

means the sound pressure level measured (in units of A-weighted decibels, or dBA) using the “A” weighting network of an approved sound meter;

“construction”

includes:

- (a) the erection, alteration, repair, relocation, dismantling, demolition and removal of a building;
- (b) structural maintenance, power-washing, painting, land clearing, earth moving, grading, excavating, the laying of pipe and conduit (whether above or below ground), street or road building and repair, concrete placement, and the installation, or removal of construction equipment, components and materials in any form or for any purpose; and
- (c) any work being done in connection with any of the work listed in paragraphs (a) or (b);

“commercial premises”

means premises used to sell, or offer for sale, goods or services;

“C-weighted sound level”

means the sound pressure level measured (in units of C-weighted decibels, or dBC) using the “C” weighting network of an approved sound meter;

“daytime”

means:

- (a) from 7:00 a.m. to 10:00 p.m. on a week day or Saturday; and
- (b) from 10:00 a.m. to 10:00 p.m. on a Sunday or holiday;

“fast response”

means the predetermined meter response setting of an approved sound meter having a 0.125 second time constant and meeting the specifications of ANSI S1.4 [1983] or IEC 651 [1979];

“frequency analysis”

means the separation of sound into its various frequency components using an instrument such as a real-time analyzer;

“holiday”

means:

- (a) New Year’s Day, Good Friday, Easter Monday, Victoria Day, Canada Day, British Columbia Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and December 26; and
- (b) the day following a day that is named in paragraph (a) and that falls on a Sunday;

“impulsive sound”

means any sound that has the following defining characteristics:

- (a) the onset is abrupt and the decay rapid, and
- (b) the duration of individual impulses is
 - (i) less than one second, and
 - (ii) brief compared to the occurrence rate;

“intermittent sound”

means any sound or noise which is subject to rapid fluctuations in level of 5 dBA or more with the fluctuations occurring with a degree of regularity or repetitiveness at intervals of from 3 minutes to and including 5 minutes;

“motorcycle”

means a motorized vehicle mounted on two or three wheels and, without restricting the generality of the foregoing, includes those motor vehicles commonly known as motorcycles, scooters and power bicycles;

“motor vehicle”

means a vehicle propelled by any power other than muscular power except motorcycles, aircraft or motor vehicles that run only upon rails;

“night time”

means any time not included within the definition of daytime under this Bylaw;

“point of reception”

means a position that is located at least 1.2 m above the surface of the ground, and that is

- (a) a position on, or just inside, the property line of the real property occupied by the recipient of a noise or sound, that represents the shortest distance between that property and the other property from which that noise or sound emanates, or
- (b) a position within the property line of the real property occupied by the recipient of a noise or sound that best represents the location at which that noise or sound, emanating from another property, is received and the resulting disturbance experienced;

“premises”

- (a) means the area contained within the boundaries of a legal parcel of land and any building situated within those boundaries, and
- (b) means that each unit, the common areas of the building, and the land within the apparent boundaries of the lot are each separate premises where a building contains more than one unit of commercial, industrial or residential occupancy;

“representative time period” and “RTP”

means the noise measurement period over which a sample of the level or character of the sound under consideration will be taken for the purposes of sections 4 to 6, according to the following categories of sound:

- (a) for constant sounds, such as, without limitation, those sounds produced by fixed-speed fans, heat pumps, pool pumps or other steadily-operating machinery, the RTP is 1 minute;
- (b) for sounds that fluctuate in level or character in a repeatable fashion over periods of from three seconds to one minute, such as, without limitation, those sounds produced by industrial or manufacturing processes, the RTP is 5 minutes;
- (c) for sounds that fluctuate in level or character in a repeatable fashion over periods of from 1 to 5 minutes, such as, without limitation, sounds produced by an air compressor or other cyclical noise sources, the RTP is 15 minutes;

- (d) for sounds that fluctuate in level and/or character in a repeatable fashion over periods of between 5 and 10 minutes, the RTP is 30 minutes;
- (e) where several noise sources operate simultaneously, each with its own patterns of operation and or movement, such as, without limitation, in a junkyard or a recycling/materials-handling operation, the RTP is 30 minutes;
- (f) for a noise source that exhibits significant variations in output over a time period of one hour or more, the RTP is the period known to, or expected to, generate the maximum overall noise levels at the point of reception;

“residential premises”

means any parcel of real property utilized primarily for residential accommodation, and includes hotels and motels.

PART 2 –NOISE LEVELS

Permitted noise levels - Residential

4. In a residentially zoned area, a person must not make, cause or permit to be made or caused, any sound or noise that, when measured with an approved sound meter over a representative time period, has an equivalent sound level, which:
- (a) during the daytime exceeds either one or both of:
 - (i) 60 dBA when received at a point of reception ;or
 - (ii) 60 dBC when received at a point of reception
 - (b) during the nighttime exceeds either one or both of:
 - (i) 50 dBA when received at a point of reception; or
 - (ii) 50 dBC when received at a point of reception

Permitted noise levels - Commercial

5. In a Commercially zoned area a person must not make, cause or permit to be made or caused, any sound or noise that, when measured with an approved sound meter over a representative time period, has an equivalent sound level, which
- (a) during the daytime exceeds either one or both of:

- (i) 65 dBA when received at a point of reception; or
- (ii) 65 dBC when received at a point of reception
- (b) during the nighttime exceeds either one or both of:
 - (i) 55 dBA when received at a point of reception ;or
 - (ii) 55 dBC when received at a point of reception

Permitted noise levels - Industrial

6. In an Industrially zoned area a person must not make, cause or permit to be made or caused, any sound or noise that, when measured with an approved sound meter over a representative time period, has an equivalent sound level, which
- (a) during the daytime exceeds either one or both of:
 - (i) 70 dBA when received at a point of reception; or
 - (ii) 70 dBC when received at a point of reception
 - (b) during the nighttime exceeds either one or both of:
 - (i) 60 dBA when received at a point of reception ;or
 - (ii) 60 dBC when received at a point of reception

Correction factors for sound levels

7. For all purposes under this Bylaw, when assessing a sound relative to the limits set out in sections 4 to 6, the following correction factors must be applied to the measured equivalent sound level whenever the sound has, as a defining characteristic, impulsiveness, tonality, or persistent intermittency:

Impulsiveness

- (a) a +5 dB correction if the sound under consideration is impulsive in character;

Intermittency

- (b) a +5 dB correction if the sound under consideration is persistently intermittent;

Multiple Corrections

- (c) a correction equal to the sum of the corrections applicable under paragraphs (a) to (d) for each of the characteristics, described in those paragraphs, that the sound possesses to a maximum of 10 dB.

PART 3 – TYPES OF NOISE

Noise disturbing neighbourhood

- 8. (1) Subject to the other provisions of this Bylaw:
 - (a) a person must not make or cause a noise or sound in a street, park, plaza or similar public place which disturbs or tends to disturb the quiet, peace rest, enjoyment, comfort or convenience of persons in the neighbourhood or vicinity;
 - (b) a person who is the owner or occupier of, or is in possession or control of, real property must not make, suffer, or permit any other person to make, a noise or sound, on that real property, which can be easily heard by a person not on the same premises and which disturbs or tends to disturb the quiet, peace rest, enjoyment, comfort or convenience of persons in the neighbourhood or vicinity.
- (2) Subsection (1) applies to a person who makes, causes, or permits to be made or caused, a sound or noise in compliance with the provisions of sections 4 to 6.

Prohibited types of noise

- 9. (1) Without limiting the generality of section 8, the following conduct is specifically prohibited:
 - (a) shouting, using a megaphone or sound amplification device or making other noise in, at or on streets, parks, wharves, docks, piers, boat landings, ferry-landings, railway or bus stations or other public places;
 - (b) the playing of any radio, phonograph, cassette or CD player, television, musical instrument or sound amplification device whether in or upon a private premises or in any public place at such a volume (loudness) as to disturb or tend to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;
 - (c) the keeping or harbouring of any dog, bird or other animal, which barks or emits cries or other noises in a persistent manner that may easily be heard by a person not on the same premises and which

- disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;
- (d) the operation of any automobile, truck, motorcycle, bus or other motorized vehicle which by reason of disrepair, the use of a muffler that fails to cool and expel exhaust gases from the engine without excessive noise, mode of operation of the vehicle (squealing of tires except during emergency braking to avoid accidents, over-revving of engine or excessive acceleration of vehicle) or any other cause, creates noise or sound which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;
 - (e) the production of amplified sound from a radio, cassette tape or CD player or other playback device or amplification equipment, or the sound of a musical instrument, that emanates from a motor vehicle and can easily be heard by a person of normal hearing acuity at a distance of 5 m (16.4 ft.) or more from the vehicle;
 - (f) the idling or other continuous running of the engine of a truck or bus for more than ten minutes at the same location, except where the truck or bus is located within a garage or depot intended to be used for the long term parking of that vehicle.
- (2) Subsection (1) applies to a person who makes, causes, or permits to be made or caused, a sound or noise in compliance with the provisions of sections 4 to 6.

Exemptions specified

10. This Bylaw does not apply to:

- (a) a vehicle of the Police or Fire Department, or an ambulance or other public service or emergency vehicle while engaged in a service of the public convenience or necessity;
- (b) the sounding of a horn or other signaling device upon any vehicle, boat or train where such sounding is properly and necessarily used as a danger or warning signal;
- (c) the use, in a reasonable manner, of an apparatus or mechanism for the amplification of the human voice or music in a public park, public facility or square in connection with a public meeting, public celebration, athletic or sports event or other public gathering, if
 - (i) that gathering is held under a permit issued under the authority of the Parks Regulation Bylaw, or

- (ii) if the noise produced by that gathering does not exceed 90 dB when received at a Point of Reception or such other lower sound level specified in the permit or approval;
- (d) the use of bells or chimes by churches, and the use of carillons where such carillons have been lawfully erected;
- (e) a parade, procession, performance, concert, ceremony, event, gathering or meeting in or on a street or public space, if that is permitted under a bylaw or statute;
- (f) a sound or noise resulting from the use, in a reasonable manner, of the premises of a Community Care Facility duly licensed under the *Community Care Facility Act*, or from the use of a similar institution;
- (g) a garbage collection service:
 - (i) between 6:00 a.m. and 8:00 p.m. within an Commercial or Industrially zoned areas
 - (ii) between 7:00 a.m. and 8:00 p.m. on a weekday;
 - (iii) between 10:00 a.m. and 8:00 p.m. on a Saturday, Sunday or holiday;
- (h) public works including, but not limited to, the construction and repair of streets, sewers and other underground services;
- (i) parks maintenance work between 7:00 a.m. and 5:00 p.m. on any day;
- (j) emergency repairs to buildings which cannot reasonably be delayed until normal working hours.

Construction

- 11.** (1) A person must not at any time, in or adjacent to residential premises, make or cause sound or noise resulting from construction, the equivalent sound level of which exceeds either one or both of 85 dBA or 85 dBC on an approved sound meter when measured at the greater of the following distances from that source of sound or noise:
- (a) at the point of reception;
 - (b) 15.2 m (50 ft.).
- (2) Subsection (1) does not apply to construction work carried out within a street.

- (3) Subject to subsection (1), a person may carry out any construction that disturbs the quiet, peace, rest or enjoyment of the public, only
 - (a) between 7:00 a.m. and 7:00 p.m. on a weekday that is not a holiday;
 - (b) between 10:00 a.m. and 7:00 p.m. on a Saturday that is not a holiday,
 - (c) between 10:00 a.m. and 7 p.m. on a Sunday.

PART 4 – GENERAL

Exemptions by permission

- 12. (1) A person may submit an application for an exemption from the provisions of this Bylaw in the form outlined in **Schedule '1'** attached hereto:
 - (a) to the Building Official regarding construction issues if it is impossible or impractical to comply.
 - (b) to the General Manager of Corporate Administration or the General Manager of Community Services regarding outdoor special events on public or private property.
- (2) The Building Official may
 - (a) exempt construction work from the provisions of section 11(1) or (3), and
 - (b) determine the terms of an exemption under this subsection.
- (3) The General Manager of Corporate Administration or the General Manager of Community Services may
 - (a) exempt an outdoor special event from the provisions of sections 4 to 6, 8 or 9.
 - (b) determine the terms of an exemption under this subsection.
- (4) An application for an exemption must be in writing and must contain all of the following:
 - (a) the name, address and telephone number of the applicant;
 - (b) the civic address of the location of the works or events;
 - (c) the building permit number, if applicable;

- (d) the reasons for the requested exemption;
 - (e) a description of the source of noise in respect of which the exemption is sought;
 - (f) the exact period of time for which the exemption is requested;
 - (g) a statement of the measures planned or presently being taken to minimize the sound or noise created;
- (5) An application for an exemption must be submitted to the Regional District of Central Kootenay within the following time limits for the following work or event for which the exemption is requested:
- (a) at least 3 business days before construction work;
 - (b) at least 4 weeks before an outdoor special event that does not require street closures;
 - (c) at least 2 months before an outdoor special event, at which more than 1,000 individuals are expected to attend, that requires street closures.

Objectionable noises

13. The noises and sounds prohibited by Sections 4 to 6, 8, 9 and 11 of this Bylaw are considered by the Regional District of Central Kootenay to be objectionable and liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.

Severability

14. If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Offences and penalties

15. (1) Every person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, is guilty of an offence against this bylaw and liable to the penalties hereby imposed.
- (2) A person who commits an offence against this Bylaw is liable to the maximum penalties prescribed in the *Offence Act*, and to a fine of not less than \$200.00 for each offence together with the costs of conviction.

Repeal

- 16.** The Regional District of Central Kootenay Noise Bylaw No. 1918, 2007 and amendments thereto are hereby repealed.

READ A FIRST TIME this 20th day of August, 2009.

READ A SECOND TIME this 20th day of August, 2009.

READ A THIRD TIME this 20th day of August, 2009.

ADOPTED this 20th day of August, 2009.

"G.L. Wright"

CHAIR

"Dawn Attorp"

SECRETARY

SCHEDULE '1' – EXEMPTION APPLICATION
REGIONAL DISTRICT OF CENTRAL KOOTENAY
NOISE BYLAW NO. 2061, 2009



REGIONAL DISTRICT OF CENTRAL KOOTENAY
NOISE BYLAW EXEMPTION
APPLICATION DATE: _____

The applicant has applied for an exemption from “*Regional District of Central Kootenay Noise Bylaw No. 2061, 2009*” and any amendments thereto.

The specifics of the requested exemption are as attached.

The applicant agrees to the terms and conditions of this exemption.

It is noted that if the individual fails to adhere to the exemption specifics, a second exemption will not be issued to the person, property or event.

The exemption from Noise Bylaw No. 2061, 2009 is granted pursuant to the following conditions.

a) Name:

Address:

Phone:

b) Civic address of the location of the event:

c) Reasons for exemption:

d) Description of source of noise:

e) Exact period of time for the exemption:

f) Statement of measures planned to be taken to minimize the noise:

SIGNATURE OF APPLICANT:

TITLE:

**REGIONAL DISTRICT OF CENTRAL
KOOTENAY**

DATE OF APPROVAL