

DISTRICT OF NORTH SAANICH

BY-LAW NO. 20

CONSOLIDATED FOR CONVENIENCE ONLY

NOVEMBER 1995

**A BY-LAW TO REGULATE OR PROHIBIT NOISE IN OR ON A
HIGHWAY OR ELSEWHERE WITHIN THE DISTRICT OF NORTH SAANICH**

The amending by-laws which have been consolidated into
"District of North Saanich Noise Abatement By-law
(1966)" are as follows:

223, 465, 712, 1110

as on November 18, 2005

**DISTRICT OF NORTH SAANICH NOISE ABATEMENT
BY-LAW CONSOLIDATION**

This consolidation of the District of North Saanich Noise Abatement By-law and amendments has been prepared exclusively for the use of the District of North Saanich for convenience only.

The District of North Saanich does not represent that this consolidation is accurate or complete and anyone using this material should confirm its content by reference to the original By-laws.

DISTRICT OF NORTH SAANICH

BY-LAW NO. 20

**A BY-LAW TO REGULATE OR PROHIBIT NOISE IN OR ON A HIGHWAY
OR ELSEWHERE WITHIN THE DISTRICT OF NORTH SAANICH**

The Municipal Council of the District of North Saanich, in open meeting assembled, enacts as follows:

BL465

1. In this By-law, unless the context otherwise requires:

"DECIBEL" means the ratio between levels of sound pressure expressed as 20 times the logarithm to the base 10 of the said ratio;

"DISTRICT" means the District of North Saanich;

"DULY AUTHORIZED" means authorized by the municipality;

"EMERGENCY VEHICLE" has the same meaning such words have in the "Motor Vehicle Act", being Chapter 288 R.S.B.C. as amended;

"HEAT PUMP" means a device which has the capability to transfer heat from the air outside of a building into the building by means of a compressible refrigerant;

"HIGHWAY" includes every highway within the meaning of the "Highway Act", and every road, street, lane or right-of-way designed or intended for or used by the general public for the passage of vehicles, and every private place or passage way to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited;

"MUNICIPALITY" means the District of North Saanich;

BL1110 "OUTDOOR LIGHT" means any Light Source that is not fully enclosed in a building or structure but does not include street lighting provided by the District, Christmas or holiday lights between November 15 to January 15, lighting required by law enforcement or emergency personnel, traffic control signals and devices, vehicle lights, and lighting used to illuminate public parks and playing fields,

"POINT OF RECEPTION" means

(a) any place on a parcel where sound originating from any source, other than a source on such parcel, is received; or

(b) any place on a highway sound is received;

"RESIDENTIAL AREA" means any area of land or highway included within a Residential, Residential Multiple, or Residential Comprehensive zone under the provisions of the "Zoning By-law" of the District in effect from time to time;

"SEMI-TRAILER" means a vehicle, other than a trailer, which is drawn by a motor-vehicle and which is so constructed that some part of its weight and some part of the weight of its load rests upon or is borne by the towing vehicle;

"SOUND" means the oscillation in pressure, stress, particle displacement or particle velocity, in a medium with internal forces (i.e. elastic, viscous) or the super position of such propagated oscillations, which oscillations are capable of causing auditory sensation;

"SOUND LEVEL" is 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;

"SOUND LEVEL METER" means a sound measuring device designed to meet the American National Standard Institute A.N.S.I. S1.4 - 1971 or the C.S.A. Standard Z107.1 - 1973 as the same may exist from time to time and specifically shall include:

A. Bruel and Kjaer-Sound Level Meter Types 2205, 2208, 2213 and Types 2203, 2204, 2206, 2209

B. General Radio-Sound Level Meter Model 156-B, 1511-C and Model 1933 calibrated with one of the following calibrators:

(a) Bruel and Kjaer-Sound Level Calibrator Type 4230, or Pistophone Type 4220

(b) General Radio-Sound Level Calibrator Model 1562-A.

1. (cont'd)

"TRAILER" means a vehicle that is at any time drawn upon a highway by a motor-vehicle except

- (a) an implement of husbandry;
- (b) a side-car attached to a motor-cycle; and
- (c) a disabled motor-vehicle that is towed by a tow-car.

- 2. (1) No person or persons in or on any highway in the District shall while operating any vehicle, or while a passenger in any vehicle, shout, call or make any unnecessary noise either with the aid of any mechanical or electronic instrument or other device or otherwise.
- (2) The provisions of subsection (1) of this section shall not be deemed to apply to any emergency vehicle.

BL712

- 3. No person shall disturb or tend to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity by:
 - (1) making or causing or permitting to be made or caused, any noise in or on a public or private place;
 - (2) being the owner, tenant or occupier of real property, allowing or permitting such real property to be used, so that noise occurs thereon or emits therefrom.
- 4. No hawker, huckster, peddler, petty chapman, news vendor, or other person shall by his intermittent or reiterated cries disturb the peace, order, quiet or comfort of the public.
- 5. No person anywhere within the District shall own, keep or harbour any animal or bird which by its cries unduly disturbs the peace, quiet, rest, or tranquility of the surrounding neighborhood or the public at large.
- 6. (1) No person shall play or operate any radio, gramophone or other instrument or any apparatus for the production or amplification of sound anywhere within the District in such a manner as unduly to disturb the quiet, peace, rest or enjoyment of the neighborhood or the comfort or convenience of the public.
- (2) The provisions of subsection (1) of this section shall not be deemed to apply to any emergency vehicle.

BL223
BL712

- 7. (1) No person shall carry on works in connection with the construction, reconstruction, alteration or repair of any building or structure, or carry on any excavating or other operation, or operate any kind of machine or engine, to the disturbance of the quiet, peace, rest, or enjoyment of the public within the District except as permitted in paragraph 2 hereof.
- (2) The works and operations referred to in paragraph 1 may be undertaken only between the following hours of each day:

Monday to Friday inclusive	7:00 a.m. to 7:00 p.m. of each day
Saturday	8:00 a.m. to 4:00 p.m.
- (3) No works or operations as referred to in paragraph 1 may be undertaken on Sundays and Statutory holidays.

BL465

- 8. No person anywhere within the District shall operate any kind of machine or engine, whether movable or stationary, in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the general public.

BL465

- 8A. (1) (a) The Council is of the opinion that the operation of a heat pump resulting in a sound level at a point of reception located in a residential area in excess of 45 decibels is objectionable and liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.
- (b) No person shall emit or cause, suffer or permit the emission of sound from the operation of a heat pump resulting in a sound level at a point of reception located in a residential area in excess of 45 decibels.

BL465

- (2) (a) A Peace Officer, the By-law Enforcement Officer and any of his Inspectors, and any other person duly authorized by the Municipality to measure sound levels are hereby authorized to enter, at any reasonable time, upon any property in order to ascertain whether the provisions of this by-law are being obeyed.
- (b) A sound level measurement shall be sufficient for all purposes if it is carried out in accordance with the following:
- i. Sound level measurements shall be taken with a sound level meter;
 - ii. Sound levels shall be measured on the A-weighted network and the slow meter response;
 - iii. The sound level meter shall be complete with calibrator and windscreen and shall be operated in the manner as set out as follows:
 - (a) Sound level meters shall be used and operated in accordance with manufacturers' instructions. The sound level meter shall be calibrated before and after readings have been taken.
 - (b) When determining the sound level from a source, the ambient or background noise or sound level shall be established at the appropriate position and during the relevant period of time wherever possible before taking sound measurements from the source. No measurement should be attempted if the difference is 3 decibels or less.
 - (c) Sound measurements shall be made at a height of approximately 3 feet from ground level and a distance of approximately 10 feet from any wall, buildings, or other reflecting structures with the microphone appropriately oriented to eliminate as much as possible all reflected sound.

BL465

- (3) Where any word or term or name or abbreviated word or abbreviated term or abbreviated name that is not defined in this by-law, or, where any technical standard or abbreviated technical standard that is not set out in this by-law, is used in this by-law, such word, term, name, abbreviated word, abbreviated term, abbreviated name, technical standard or abbreviated technical standard shall be interpreted by reference to the definitions and technical standards last published by the Canadian Standards Association (C.S.A.), or by the American National Standards Institute (A.N.S.I.) or by the International Organization for Standardization (I.O.S.) or by the International Electro-Technical Commission (I.E.C.) or by the Society of Automotive Engineers (S.A.E.), or by the Machinery and Equipment Manufacturers' Association of Canada (M.E.M.A.C.) as the context of this by-law and the case may require.
9. (1) No person anywhere within the District shall, between the hours of two (2) o'clock and six (6) o'clock in the forenoon of any day, operate
- (a) a trailer;
 - (b) a semi-trailer; or
 - (c) a tractor-trailer combination.

9. (cont'd)

- (2) The provisions of subsection (1) of this section shall not be deemed to apply to any emergency vehicle.
- (3) The provisions of subsection (1) of this section shall not be deemed to apply to a trailer being drawn upon a highway by a motor vehicle when the trailer and the motor vehicle are being operated for private pleasure and any noise occasioned thereby is so controlled that the peace and quiet of the adjacent neighborhood is not disturbed.

BL1110

- 10. No person shall place, permit, or allow an Outdoor Light on a parcel such that the Outdoor Light disturbs the enjoyment, comfort or convenience of a person or persons on another parcel in the vicinity.
- 11. Any person who offends against or violates any of the provisions of this By-law, or who suffers or permits any act or thing to be done in contravention or violation of any of the provisions of this By-law, or who neglects or omits to do anything required to be done by any of the provisions of this By-law, is guilty of an infraction of this By-law and liable to the penalties hereinafter provided.

BL712

- 12. Any person who is guilty of an infraction of this By-law, upon summary conviction, is liable to a fine of not more than \$2,000 or to imprisonment for not more than 6 months, or to both.

BL1110

- 13. This By-law may be cited as the "District of North Saanich Noise and Nuisance Abatement By-law, 1966."

Read a first time the 16th day of May 1966

Read a second time the 16th day of May 1966

Read a third time the 4th day of July 1966

RECONSIDERED, FINALLY PASSED AND ADOPTED THE 18th DAY OF July 1966

Original signed by:

Jas. B. Cumming
Reeve

M. W. Allen
Clerk