



THE CORPORATION OF THE CITY OF NORTH VANCOUVER

“Noise Control Bylaw, 2021, No. 8885”

CONSOLIDATED FOR CONVENIENCE – JULY 22, 2024

Amendment #	Adoption Date	Subject
9048	July 22, 2024	Fees and Charges

THE CORPORATION OF THE CITY OF NORTH VANCOUVER

BYLAW NO. 8885

A Bylaw to Control Noise within the City of North Vancouver

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, 2021, No. 8885”**.

2. INTERPRETATION

In this Bylaw:

“Acoustic Calibrator” means an electro-mechanical or mechanical device used for the calibration of Sound Level Meters which meet the specifications for such devices, which specifications are set out or described in this section;

“A-weighted Decibel” sometimes denoted “dB(A)” means the unit used to measure the sound pressure level using “A” weighting network settings on an approved Sound Meter;

“Activity Area” includes an area of the Municipality not designated as either a Mixed Area or a Quiet Area, except where residential uses are combined with Commercial or Industrial uses located on the same premises are deemed to be in a Quiet Area for the purposes of determining acceptable sound levels from non-commercial and non-industrial uses;

“Ambient Sound Level” means the general background sound level at or in the immediate vicinity of a point of reception determined within a reasonable time before or after the time a noise is alleged to have been received at such Point of Reception;

“Bylaw Officer” has the same meaning as the City of North Vancouver “Bylaw Notice Enforcement Bylaw, 2018, No. 8675”;

“C-Weighted Decibel” sometimes denoted “dB(C)” means the unit used to measure the sound pressure level using “C” weighting network settings on an approved Sound Meter;

“City” means The Corporation of the City of North Vancouver;

“Commercial” means the use involving the sale or exchange of goods, materials and things, including the extension of services to persons, includes, but is not confined to financial and recreational services;

“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;

“Continuous Sound” means any sound occurring for a duration of more than three minutes, or occurring continually, sporadically or erratically, but totaling more than three minutes in any fifteen minute period of time;

“Council” means the City Council of the City;

“Decibel” means the ratio between levels of sound pressure expressed at 20 times the common logarithm of the ratio of sound pressure to a reference quantity of 2×10^{-5} Pascals;

“Daytime” means from 7:00 am to 8:00 pm of the same day;

“Emergency Vehicle” shall have the meaning given to it by the *Motor Vehicle Act*;

“Highway” shall have the meaning given to it by the *Motor Vehicle Act*, and also includes boulevards and sidewalks;

“Holiday” includes Sunday, Christmas Day, Good Friday, Easter Monday, Canada Day, Victoria Day, British Columbia Day, Labour Day, Family Day, New Year’s Day, December 26 and a day set by the Parliament of Canada or by the Legislature, or appointed by proclamation of the Governor General or the Lieutenant Governor, to be observed as a day of general prayer or mourning, a day of public rejoicing or thanksgiving, a day for celebrating the birthday of the reigning Sovereign, or as a public holiday;

“Industrial” means a use providing for the processing, fabricating, assembling, storing, transporting, distributing, wholesaling, testing, servicing, repairing, wrecking, or salvaging of goods, materials, or things, includes the operation of truck terminals, docks, railways, passenger depots, and bulk loading and storage facilities;

“Mixed Area” includes any area of the Municipality where the absence of Noise is of particular importance to persons in that area at any time, and includes any area within the Municipality shown on Schedule A attached hereto. Residential uses located in a Mixed Area are deemed to be in a Quiet Area for the purpose of determining acceptable sound levels from non-commercial and non-industrial uses;

“*Motor Vehicle Act*” means the British Columbia Motor Vehicle Act, R.S.B.C 1996, c. 318 as may be amended;

“Municipality” means the geographic area over which the City is the Municipal Government;

“Nighttime” means from 8:00 pm of any day to 7:00 am of the following day;

“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, which exceeds a Sound level permitted by this bylaw at the Point of Reception of such sound; or
- (c) any Sound, Continuous Sound or Non-Continuous Sound prohibited by this Bylaw;

“Noise Control Officer” means the person appointed by resolution of Council, and may be a Bylaw Enforcement Officer, Vancouver Health Authority Medical Health Officer and Environmental Health Officers, a Peace Officer or any employee of the Municipality properly delegated by Council;

“Person” means a Corporation, Partnership, or Party and the personal or other legal representatives or a person to whom the context can apply according to law;

“Point of Reception” means:

- (a) any place on individual residential premises where Sound originating from any source, other than a source of the same individual residential premises, is received; or,
- (b) any place on non-residential premises where Sound originating from any source, other than a source on the same non-residential use premises, is received; or,
- (c) any place on a Highway where Sound is received;
- (d) for the purposes of Section 4.4(a) means any place in the Municipality more than 15 metres from a source of Sound where Sound is received; or,
- (e) for the purposes of Section 3.6 means any place in the Municipality more than 6 metres from a Vehicle where Sound from such Vehicle is received;

“Power Gardening or Building Maintenance Equipment” means electric or gasoline powered equipment used for landscaping or building maintenance including but not limited to, lawn mowers, yard trimming devices, power washers, mechanical painters or sprayers, leaf blowers, tree or stump grinders, or compressors;

“Quiet Area” includes any area of the Municipality where the absence of Noise is of particular importance to Persons in that area at any time, and includes any area within the Municipality shown on Schedule A attached hereto;

“Slow Response” is a dynamic characteristic setting of an approved Sound Level Meter;

“Sound” is an oscillation in pressure, stress, particle displacement or particle velocity, in a medium with internal forces (i.e. elastic, viscous), or the super-position or such propagated oscillations, which oscillations are capable of causing an auditory sensation;

“Sound Level” means:

- (a) 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;
- (b) for the purposes of Section 3.6 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;
- (c) for the purposes of Section 4.7 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; and,
- (d) 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;

“Sound Level Meter” is an A.N.S.I or I.E.C Type 1 Precision Integrating Meter, that is calibrated for the measurement of Sound;

“Tonal Sound” means that the Sound under investigation which contains one or more distinguishable, discrete, continuous tones or notes including without limitation, Sound characterized by a “whine”, “hiss”, “screech” or “hum” and “music”; and,

“Vehicle” shall have the meaning given to it by the *Motor Vehicle Act*.

3. PERMITTED SOUND LEVELS

3.1 Quiet Area Sound Level

A Person may make, cause or permit to be made, a Continuous Sound with a Sound Level during the Daytime of 55 Decibels or less, and during the Nighttime of 45 Decibels or less when received at a Point of Reception within a Quiet Area.

3.2 Mixed Area Sound Level

A Person may make, cause, or permit to be made, a Continuous Sound with a Sound Level during the Daytime of 55 Decibels or less, and during the Nighttime of 50 Decibels or less when received at a Point of Reception within a Mixed Area.

3.3 Activity Area Sound Level

A Person may make, cause, or permit to be made, a Continuous Sound with a Sound Level during the Daytime of 60 Decibels or less, and during the Nighttime of 55 Decibels or less when received at a Point of Reception within an Activity Area.

3.4 Correction Factors for Sound Levels

For all purposes under this Bylaw, when assessing a Sound relative to the limits set out in Section 3.1, 3.2 and 3.3, the following correction factors must be applied to the measured

equivalent Sound Level whenever the Sound has, as a defining characteristic, a Tonal Sound.

- (a) a +5 Decibel correction if the sound under consideration is Tonal Sound (i.e., contains one or more pure tone components);
- (b) in order for the tonality correction to apply if measurement is required to determine the presence of tonality, the level in the one-third octave band contains the tone, or the arithmetic average of the levels in a pair of bands containing the tone, must exceed the arithmetic average of the two adjacent bands:
 - (i) by 3 Decibel or more for tones in the 500 Hz. To 16 kHz. bands,
 - (ii) by 5 Decibel or more for tones in the 160 Hz. to 400 Hz. bands, and,
 - (iii) by 10 Decibel or more for tones in the 31.5 Hz.to 125 Hz. bands.

3.5 Non-Continuous Sound Levels

A Person may make, cause or permit to be made, Non-continuous Sound with a Sound Level during the Daytime of 80 Decibels or less, and during the Nighttime 75 Decibels or less when received at the Point of Reception in the Municipality.

3.6 Vehicle Sound Levels

Notwithstanding the provisions of Section 3.1, 3.2, 3.3 and 3.5 hereof, a Person may make, cause or permit to be made, a Sound by a Vehicle while on the Highway not in excess of the Sound Levels in the following table:

Vehicle Weight	Maximum Sound Level on Highways with Speed Limits of 50 Km/h or Less	Maximum Sound Level on Highways with Speed Limits in excess of 50 Km/h
Vehicles of Licensed Net Weight of 2200 Kg. or more	75 Decibels	85 Decibels
Other Vehicles	70 Decibels	75 Decibels

4. PROHIBITED NOISES

4.1 A Person shall not make, nor cause to be made, nor permit to be made by:

- (a) any other Person, or by any animal, or by any bird or fowl, if any of the same are in the control of such first-mentioned Person;
- (b) any Vehicle, conveyance, vessel, machinery, equipment or device, if any of the same are in the control of such first-mentioned Person;
- (c) an activity, if any of the same are in the control of such first-mentioned Person:

a Sound, which when received at a Point of Reception in the Municipality, shall constitute a Noise as defined or determined pursuant to the provisions of this Bylaw.

4.2 Neither the owner or any occupier of real property shall bring on to, or keep, or use, or cause to be made, nor permit to be brought on to, to be kept, or to be used, on such real property:

- (a) any Vehicle, conveyance, machinery, equipment or device;
- (b) any animal, or bird, or fowl:

which is a source of a Sound, which when received at a Point of Reception in the Municipality, shall constitute a Noise.

4.3 The following Sounds are prohibited from being made by any Person in the Municipality because they are hereby deemed by Council as objectionable, or liable to disturb the quiet, peace, rest, enjoyment, comfort and convenience of individuals or the public notwithstanding that such Sounds may not constitute a violation of any other provision of this Bylaw:

- (a) 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 30 minutes;
- (b) the Sound made by a combustion engine that is operated without using an effective muffling system;
- (c) the Sound made by a Vehicle or a Vehicle with a trailer resulting in banging, clanking, squealing or other like sounds due to an improperly secure load or improperly secured equipment, or due to inadequate maintenance;
- (d) the Sound made by a Vehicle horn or other warning device used except under circumstances required or authorized by law;
- (e) the Sound 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;
- (f) shouting, talking or singing with 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, save and except when such Noise is made by peace officers or fire fighters while in the conduct of their lawful duty;
- (g) the Sound of a burglar alarm or security system that continues for more than 15 minutes;
- (h) the audible Sound of a Motor Vehicle security system which is made either continuously, or intermittently, for a period exceeding 1 minute; or which produces a false alarm activating more than 3 times in a 24 hour period, but does not include the activation status signal when arming and disarming the alarm. A Vehicle which has a security system operating in contravention of these requirements shall, for the purposes of Section 813 of the Street and Traffic Bylaw, be deemed a vehicle unlawfully placed or maintained or permitted to remain upon a street.
- (i) the Sound made by operating a Vehicle in such a way that the tires squeal;
- (j) the amplified sound of a radio, television, player or other sound playback device or amplification equipment, or the sound of a musical instrument, that emanates from a

Motor Vehicle and can be heard at a distance of 5 metres from the Motor Vehicle; and is continuously made for more than 2 minutes;

- (k) except as permitted under Section 4.4, the sound caused by construction; and,
- (l) except as permitted under Section 4.5, the sound caused by power gardening and building maintenance equipment.

4.4 Construction Noise

- (a) Notwithstanding the provisions of Section 3.1, 3.2, 3.3 and 3.5 hereof, a Person may use or permit to be used, equipment which causes a Continuous Sound Level resulting from construction which does not exceed a Continuous Sound Level of 85 Decibels when measured at the Point of Reception;
- (b) The Sound generated by construction activity or the activity of construction equipment, is permitted during the following times only:
 - (i) between the hours of 7:00 am and 8:00 pm, Monday through Friday;
 - (ii) between the hours of 9:00 am and 5:00 pm on Saturdays.
- (c) Construction activity is prohibited on Holidays.

4.5 Power Gardening and Building Maintenance Equipment Sound

Notwithstanding the provisions of Sections 3.1, 3.2, 3.3, and 3.5, a Person may use or cause or permit to be used, equipment which causes a Continuous Sound Level;

- (a) resulting from Power Gardening or Building Maintenance Equipment during the Daytime, except between 7:00am and 9:00am on Saturday, or Holidays, 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.

4.6 Refuse Collection

No Person shall collect refuse from receptacles or refuse containers, in a Quiet Area or in a Mixed Area during the Nighttime.

4.7 Commercial Premises C-Weighted Noise Level

No Person shall in any Commercial premises make, cause, or permit to be made or cause 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 Decibels C, or during the Nighttime exceeds a rating of 65 Decibels C when measured at the Point of Reception.

4.8 Right of Entry

Pursuant to Section 16 of the *Community Charter*, any Noise Control Officer may enter at all reasonable times upon any property in order to ascertain whether the provisions of this Bylaw are being observed.

5. EXEMPTIONS

5.1 City Exemption

Notwithstanding Sections 3.1, 3.2, 3.3, 3.5, 4.3, 4.4 and 4.5, 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; and,
- (f) allow community and City sponsored special events on City streets or parks.

5.2 Emergency Vehicle Exemption

A driver of an Emergency Vehicle may disregard all of the provisions of this Bylaw while acting in the course of his lawful duty.

5.3 Emergency Exemption

A Person may perform works of an emergency nature in order to preserve the life or health of people, or to protect property, without regard to any Sound Level prescribed by this Bylaw for what, in the opinion of the Noise Control Officer at the scene of the emergency, is the duration of the emergency, and for the purpose of this Bylaw, an emergency shall be deemed to include all situations wherein, in the Noise Control Officer's opinion, works are being carried out to serve the public interest and cannot reasonably be carried out within the Sound Levels prescribed by this Bylaw.

6. NOISE EXEMPTION BY PERMISSION

6.1 Authority

A Person may submit an application for an exemption for the provisions of this Bylaw to the Chief Administrative Officer or designate for an exemption from the provisions of this Bylaw. The Chief Administrative Officer or designate may allow the exemption with or without terms and conditions or refuse the exemption request.

6.2 Approval

With respect to exemptions, the Chief Administrative Officer or designate may grant the exemption for construction projects if satisfied that:

- (a) the volume of traffic in the area of the proposed construction is such as to cause danger to the workers on the job or to cause traffic congestion;

- (b) the impact and inconvenience to the residents in the area of the proposed construction can be minimized;
- (c) the construction cannot be undertaken efficiently or safely during the construction hours permitted in this Bylaw;
- (d) interruption of any service during construction hours permitted in this Bylaw that would cause a Person undue hardship; and,
- (e) taking into considerations the past history of the construction site.

6.3 Breach

Breach by the applicant of any of the terms or conditions of the exemption shall render the exemption null and void. The permit shall be revoked by the Noise Control Officer.

6.4 Community Notification

Where an exemption to the Bylaw is granted the applicant will notify businesses or residents within 70 metres of the parcel property lines. The notification will be in writing and forwarded by the applicant at least 24 hours and no more than 7 days prior to the exempted noise. The notification shall include:

- (a) the applicant's information including the company name, address and telephone number;
- (b) the details of the exempted work including potential disruptions and other relevant activity including lights, construction cranes and trucks;
- (c) information about the exemption granted as well as any limitations or conditions imposed by the Chief Administrative Officer or delegate regarding the exemption as well as a description of any steps taken or planned to minimize the noise nuisance, and,
- (d) the City of North Vancouver Noise Complaint telephone number.

7. CONSTRUCTION SIGNAGE REQUIREMENTS

7.1 Where the permit application is received for development, a Noise Control Construction Sign must be posted for:

- (a) all demolition permits; and
- (b) all permits with a construction permit value exceeding \$500,000 or at the discretion of the Chief Building Official.

7.2 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 incorporated into a construction site sign as defined in the Sign Bylaw. A Noise Control Sign must:

- (a) be posted in a prominent location and clearly visible from each street and/or lane fronting the property;
- (b) shall be limited to a maximum height from grade of 3.65 metres;
- (c) be at least 1.50 square metres for single or two family dwellings;
- (d) be at least 3.00 square metres for all other type of construction;
- (e) contain script that is at least 5.08 cm high, and is in a color that contrasts with the background of the sign;
- (f) set out the hours permitted for construction under this Bylaw, and any exemptions to the construction hours which may have been granted;
- (g) state the name of the general contractor for the construction on the parcel of land, the telephone number of an individual representative of that general contractor; and,
- (h) give a monitored 24-hour telephone contact number for complaints and concerns and the City of North Vancouver "Noise Complaint" telephone number.

8. ENFORCEMENT

8.1 Severability

No provision of this Bylaw depends for its validity on the validity of any other provision.

8.2 Offences and Penalties

Every Person who contravenes any provision of this Bylaw is considered to have committed an offence against this Bylaw and is liable on summary conviction, to a fine or to imprisonment for not more than 6 months or to both a fine and imprisonment, to a maximum of \$50,000, and each day that such a violation is caused, or allowed to continue, constitutes a separate and continuing offence.

Any person designated as a Bylaw Enforcement Officer pursuant to the "Bylaw Notice Enforcement Bylaw, 2018, No. 8675", or is named as the enforcement officer pursuant to the "Ticket Information Utilization Bylaw, 1992, No. 6300", is hereby authorized and empowered to enforce the provisions of this Bylaw or Bylaw Notice or Municipal Ticket Information or as otherwise provided by this or any other Bylaw of the City of North Vancouver.

9. REPEAL

“Noise Control Bylaw, 1987, No. 5819” and all associated bylaw amendments are hereby repealed.

READ a first time on the 15th day of November, 2021.

READ a second time on the 15th day of November, 2021.

READ a third time on the 15th day of November, 2021.

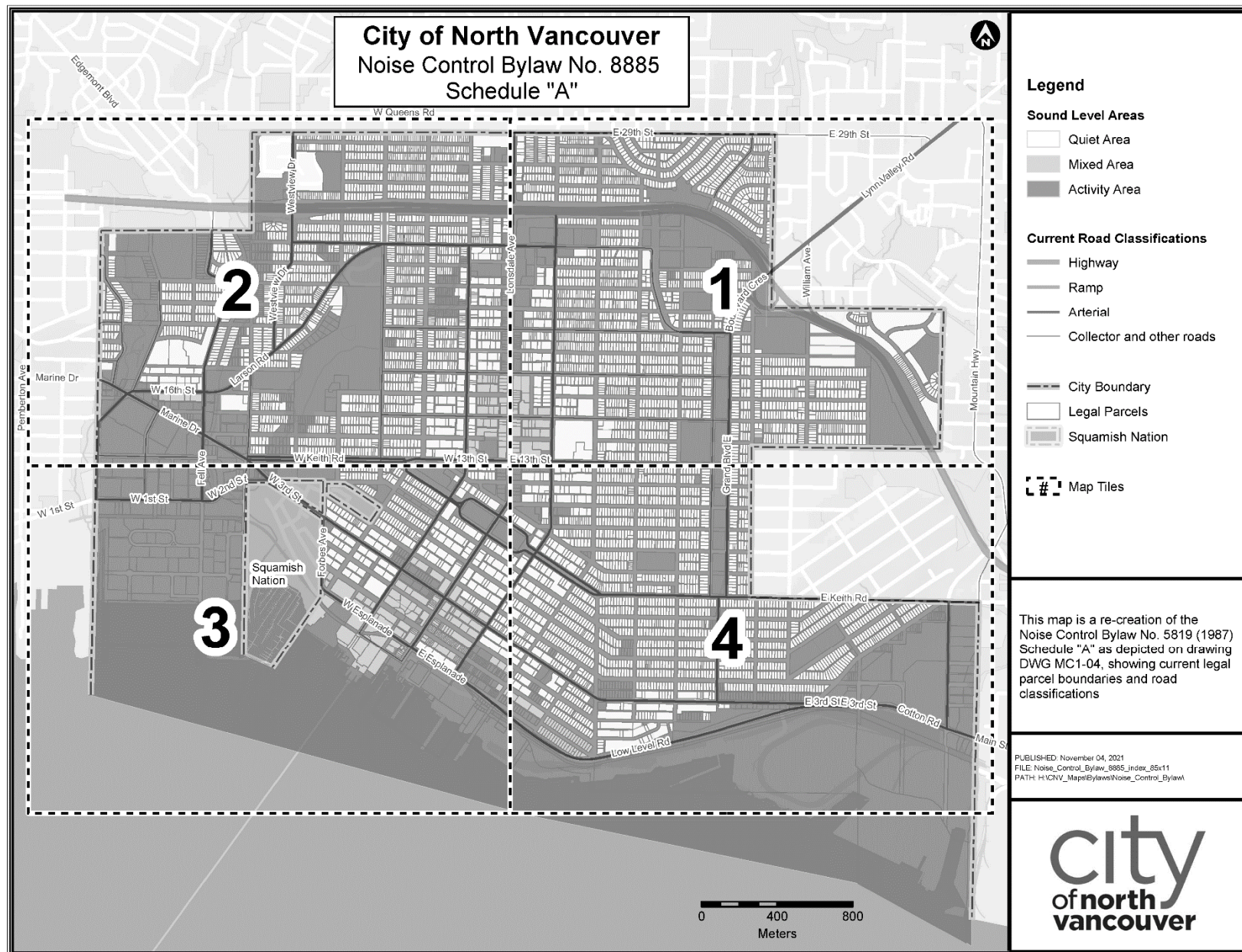
ADOPTED on the 22nd day of November, 2021.

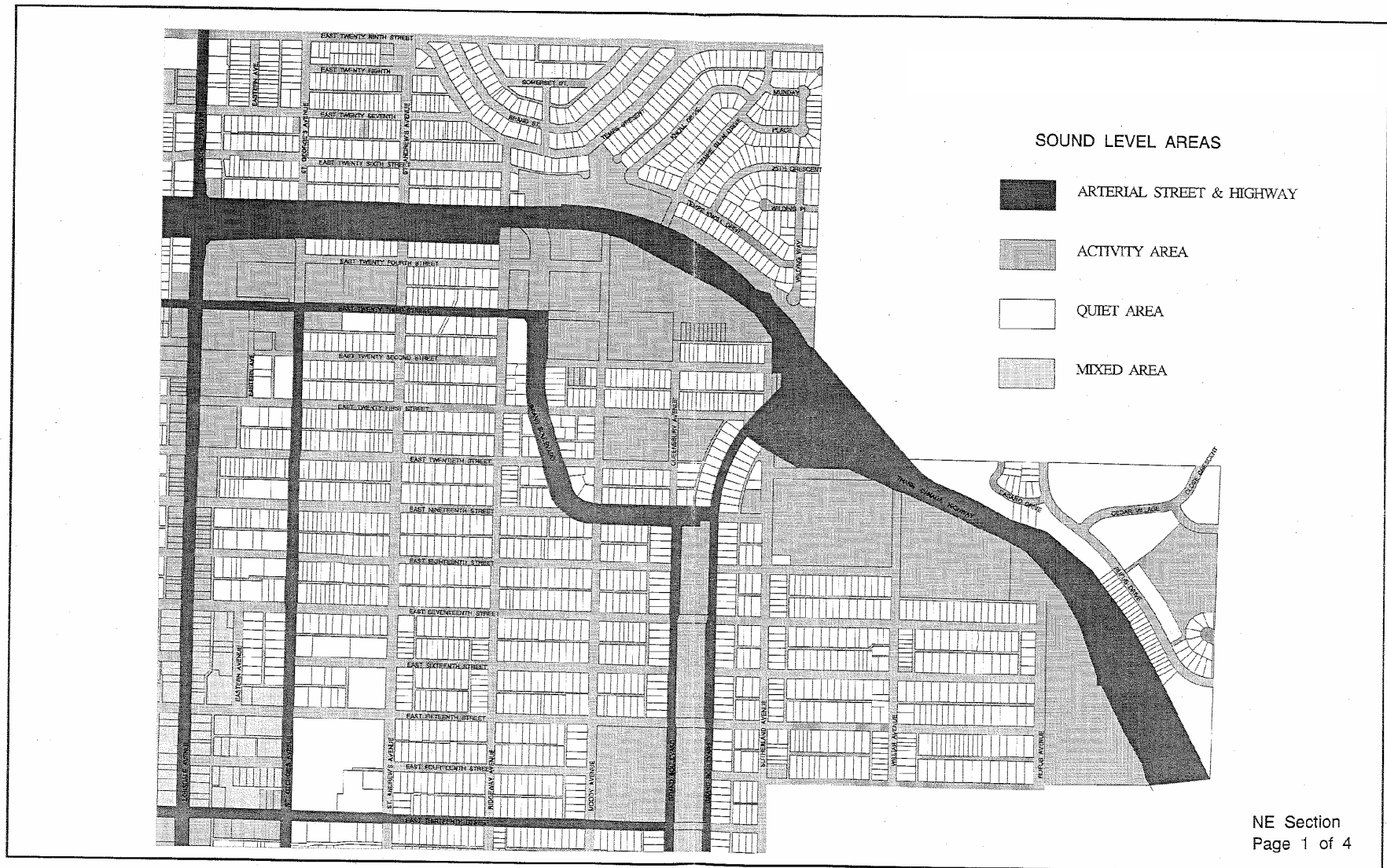
“Linda C. Buchanan”

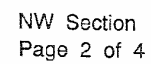
MAYOR

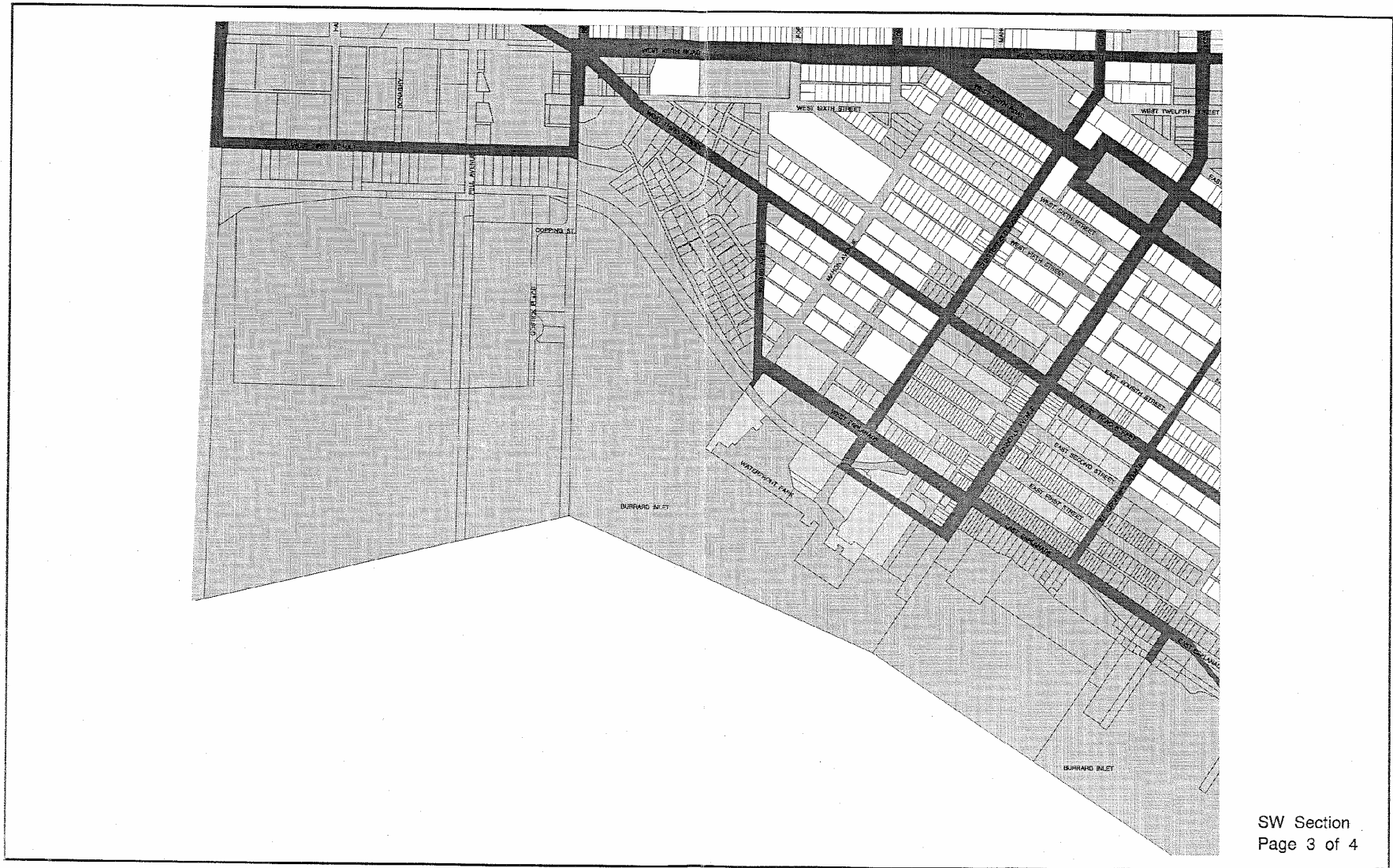
“Karla D. Graham”

CORPORATE OFFICER

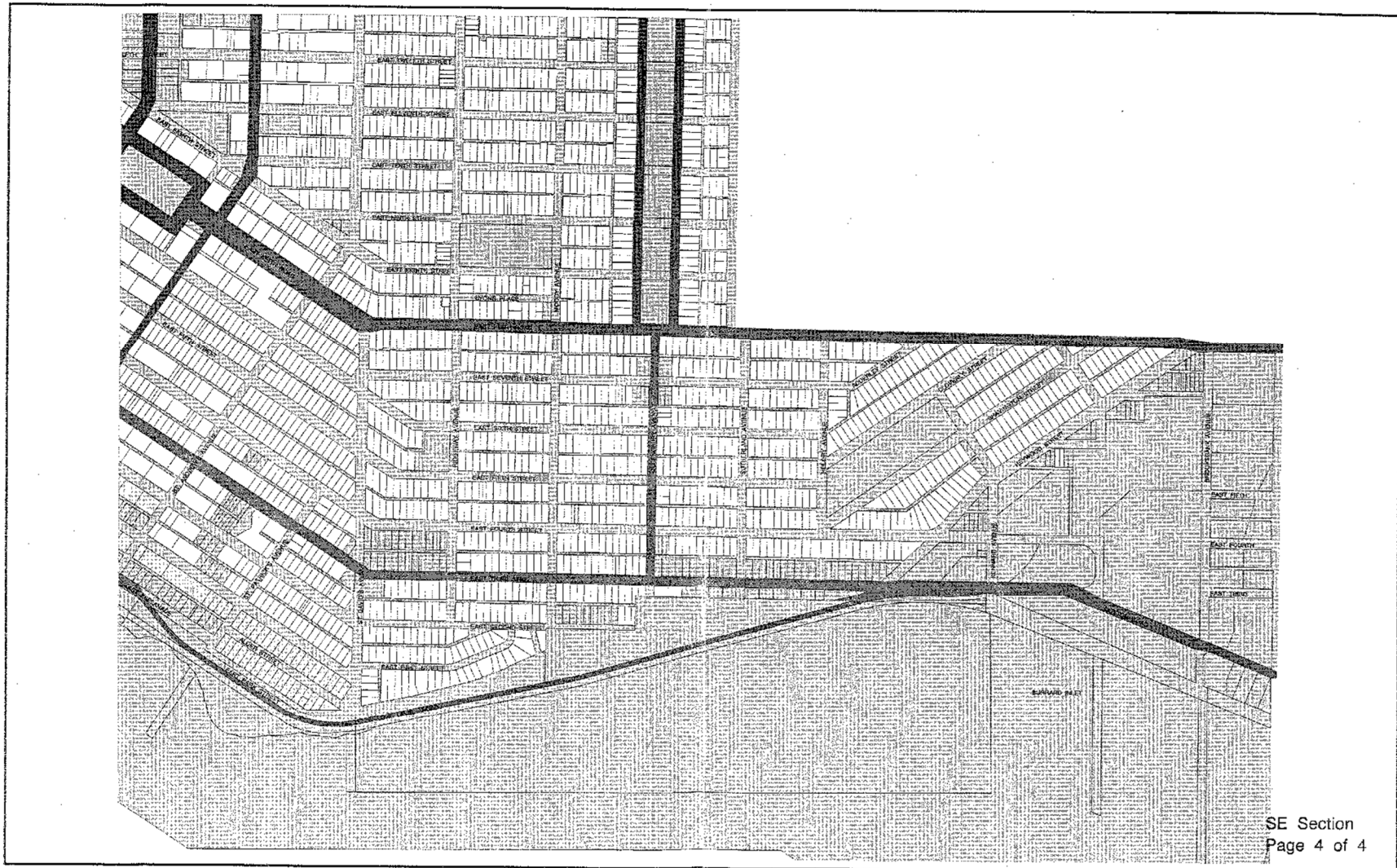








SW Section
Page 3 of 4



Schedule “B”

Application under Section 6 of the Noise Control Bylaw

The application noted in section 6.1 shall be in writing and submitted to the Chief Administration Officer or designate at least 5 business days prior to the date of the proposed activity, and shall contain:

- (a) the name, address, and telephone number of the applicant;
- (b) the address of the construction site;
- (c) the building permit number, if applicable;
- (d) the reason(s) the exception is sought;
- (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 being sought;
- (g) a statement of the measures planned or presently being taken to minimize the sound or noise; and
- (h) a non-refundable application fee as set out in Schedule B of the “Fees and Charges Bylaw, 2024, No. 9000”. *[Bylaw 9048, July 22, 2024]*