



THE CORPORATION OF THE CITY OF PORT COQUITLAM

BYLAW NO. 2891

*A Bylaw to provide for the regulation and
prohibition of certain noises and sounds.*

Whereas Section 724 of the Municipal Act provides Council with the authority, by bylaw, to regulate or prohibit the making or causing of certain noises or sounds within the City; and

Whereas the Council of the City deems it necessary and desirable to regulate or prohibit noises or sounds which disturb the quiet, peace, rest, enjoyment, comfort or convenience of neighbourhoods, person(s) in the vicinity, or the public;

The Municipal Council of The Corporation of the City of Port Coquitlam, in open meeting assembled, enacts as follows:

Citation

1. This Bylaw may be cited for all purposes as "Noise Control Bylaw, 1994, No. 2891".

Definitions

2. **Bylaw Enforcement Officer** means every person designated by Council as a Bylaw Enforcement Officer for the City, and every Police Officer;

Council means the Municipal Council of the Corporation of the City of Port Coquitlam.

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

Holiday means

- (i) Sunday, Christmas Day, Good Friday, and Easter Monday;
- (ii) Canada Day, Victoria Day, British Columbia Day, Labour Day, Remembrance Day, New Year's Day; and
- (iii) December 26.

Municipality means the area within the municipal boundaries of the City of Port Coquitlam.

Point of Reception means

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

Sound Level means the arithmetic mean 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 a sound level meter set for slow response.

Sound Level Meter means a sound measuring device designated to meet the C.S.A. Standard Z107.1-1973 as amended from time to time; or the A.N.S.I. Standard S14-1971 as amended from time to time.

Prohibited Noises and Sounds

3. No person, or owner, tenant or occupier of real property or a highway, shall make or cause, or permit to be made or caused, any noise or sound which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of person(s) in the vicinity.
4. No person shall keep any animal which by its calls, cries, barks, or other noises disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of person(s) in the vicinity.
5. The Council believes that the following noises or sounds are objectionable:
 - a. any calls, cries, barks, or other noises made by an animal which are audible outside the parcel or premises where the animal is kept, between 11:00 p.m. to 7:00 a.m.; and
 - b. any amplified music or speech which is audible outside the parcel or premises where it originates or is reproduced, between 11:00 p.m. and 7:00 a.m. on the following day;
 - c. the sound level produced at a point of reception by the operation of a heat pump, air conditioner, ventilation system or similar device that is:
 - (i) in excess of 50 decibels between 7:00 a.m. and 11:00 p.m. on any day; or
 - (ii) in excess of 45 decibels between 11:00 p.m. and 7:00 a.m. on the following day;and no person shall cause or permit such noises or sounds to be made.

Exemption

6. This Bylaw does not apply to:
 - a. police, fire, or other emergency vehicles proceeding upon an emergency;
 - b. the excavation, construction, or infrastructure work, or repairing of bridges, streets, highways, or lands by the City of Port Coquitlam or by the Ministry of Transportation and Highways or agents acting on their behalf;
 - c. the operation of maintenance equipment by the City of Port Coquitlam or the Ministry of Transportation and Highways or agents acting on their behalf;
 - d. snow removal or highway cleaning operations;
 - e. the erection, demolition, construction, reconstruction, alteration or repair of any building or structure between Monday and Friday (except holidays) between the hours of 7:00 a.m. to 7:00 p.m. and Saturdays (except holidays) between the hours of 9:00 a.m. to 7:00 p.m.;

- f. the erection, demolition, construction, reconstruction, alteration or repair of any building or structure outside the hours specified in subsection e, where the Council or its duly authorized designate has granted an exemption in writing;
- g. the operation of a public address system required under a building or fire code;
- h. a lawnmower or power gardening equipment operated between 9:00 a.m. and 9:00 p.m.;
- i. the use of bells or chimes for the announcing of public worship services;
- j. the use, in a reasonable manner, of an apparatus or mechanism for the amplification of the human voice or music in a public park, in a public facility, or on a public right-of-way in connection with a public meeting, public celebration, athletic or sports event or other public gathering, provided that such event or gathering has been approved by the City of Port Coquitlam;
- k. the use, in a reasonable manner, of an apparatus or mechanism for the amplification of the human voice or music in connection with a gathering in a school or on school grounds, provided that such event or gathering is sanctioned by the school or the School District;

Inspections

- 7. A Bylaw Enforcement Officer may enter on any property at any reasonable time for the purpose of ascertaining whether the regulations and requirements of this Bylaw are being observed. No person shall obstruct the entry of a Bylaw Enforcement Officer under this section.

Offences and Penalties

- 8. Any person who contravenes Section 3, 4, 5, 6, or 8 of this Bylaw is liable upon summary conviction to a fine not exceeding \$2,000.00 and the costs of prosecution. Every day during which there is an infraction of this Bylaw shall constitute a separate offence.

Severability

- 9. If any portion of this Bylaw (including without limitation all or part of Section 7) is held to be invalid by a Court of competent jurisdiction, such invalidity shall not affect the remaining portions of the Bylaw.

Repeal

10. "Port Coquitlam Noise Control Bylaw, 1970, No. 989" is repealed and replaced by this Bylaw.

Read a first time by the Municipal Council this 16th day of May, 1994.

Read a second time by the Municipal Council this 16th day of May, 1994.

Read a third time by the Municipal Council this 16th day of May, 1994.

Third Reading repealed, amended, and reread this 11th day of October, 1994.

Reconsidered, finally passed, and adopted by the Municipal Council of The Corporation of the City of Port Coquitlam this 24th day of October, 1994.

L.M. TRABOULAY
Mayor

S.RAUH
City Clerk

Record of Amendments

<u>BYLAW NO.</u>	<u>AMENDED SECTION</u>	
3172	3 & 4	
3209	6(e)	
3756	Section 2 (remove & replace entire)	
	Section 5 (remove & replace entire)	
	Section 6 (remove f, g, h, & replace, & add i,j,k	2011 03 14