

CITY OF PORT COQUITLAM
NOISE REGULATION BYLAW, 2022

Bylaw No. 4273

A Bylaw of the City of Port Coquitlam to regulate and prohibit certain noises and sounds.

1. CITATION

This Bylaw is cited as “Noise Regulation Bylaw 2022, No. 4273”.

2. INTERPRETATION

2.1 Words or phrases defined in the *British Columbia Interpretation Act, Motor Vehicle Act, Community Charter or Local Government Act* shall have the same meaning when used in this Bylaw unless otherwise defined in this Bylaw.

3. DEFINITIONS

3.1 In this Bylaw:

“**Building Manager**” means the person appointed from time to time by the City as Manager of Building or their designate;

“**Bylaw Enforcement Officer**” means a person or persons employed by the City for the purpose of enforcement of the City’s Bylaw, and includes any member of the Royal Canadian Mounted Police;

“**Bylaw Services Manager**” means the person appointed from time to time by the City as Bylaw Services Manager or their designate;

“**Construction**” includes the erection, reconstruction, alteration, repair, relocation, demolition or removal of a building, structure, or thing; structural maintenance, painting, land clearing, earth moving, grading, excavating, the laying of pipe or conduit, whether above or below ground level; street and highway building, concreting, equipment installation or 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;

“**City**” means the Corporation of the City of Port Coquitlam;

“**Continuous Noise**” means any noise or 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;

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

“**Highway**” includes every highway within the meaning of the Transportation Act, S.B.C. 2004, c. 44 and amendments thereto, 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, shoulder, boulevard, ditch and sidewalk, and whatever lands lie between the property lines of the highway, and further includes every Off-Street Parking Facility;

“Holiday” includes: Sunday, Christmas Day, Boxing Day, New Year’s Day, Family Day, Good Friday, and Easter Monday; Canada Day, Victoria Day, British Columbia Day, Labour Day, Thanksgiving Monday, National Day for Truth and Reconciliation, and Remembrance Day; and any other holiday identified in section 29 of the *Interpretation Act* (British Columbia);

“Real Property” means land other than a highway, with or without improvements so affixed to the land as to make them in fact and in law a part thereof;

“Point of Reception” means a position that

- a) is within the property line of the real property occupied by the recipient of a noise or sound;
- b) is located at least 1.2 m above the surface of the ground and any other sound reflecting surface; and
- c) best represents the location at which the noise or sound, emanating from another property, is received and the resulting disturbance experienced.

“Power Equipment” means any equipment or machinery used in garden or lawn care, or in property maintenance, that is powered by electricity or fuel, including, but not limited to pressure washers, power lawn mowers, leaf blowers, edge trimmers, hedge trimmers, weed whackers, chippers, hand operated power tools, and chainsaws.

4. PROHIBITED NOISES AND SOUNDS

Except as specifically permitted by this Bylaw, no person shall:

- 4.1 Make, or cause to be made, any continuous noise, vibration or sound on, in, or emanating from real property or a highway, to disturb or tend to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity;
- 4.2 Permit or cause to be made, any noise or sound on highways, in parks, public places, or elsewhere in the City in a manner which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of persons in the vicinity, or which exceeds the Sound Levels in this Bylaw;
- 4.3 Play or otherwise operate any radio, stereophonic equipment or any other instrument, sound device or apparatus for the production or amplification of music, voice or sound, either in or on real property or in any public place in the City at such a volume or manner which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of persons in the vicinity, and, without limiting the generality of the foregoing, no person shall make or play any amplified music or speech which is audible outside the premises or public

place where the music or speech is made or played, between 11:00 p.m. and 7:00 a.m. the following day;

- 4.4 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.
- 4.5 Cause or permit their domestic animal to make any noise which disturbs or tends to disturb the quiet, peace, rest, comfort, convenience or enjoyment of the neighbourhood or of persons in the vicinity, including, but not limited to, any calling, crying, barking or any other noise made by a domestic animal which is audible outside the property or premises where the domestic animal is kept, between 11:00 p.m. and 7:00 a.m. the following day; or
- 4.6 Allow a parked motor vehicle so as to create a nuisance by noise or sound emanating from the motor vehicle in such a manner which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of persons in the vicinity.
- 4.7 Operate a heat pump, air conditioner, ventilation system or similar device at a sound level that exceeds the following, when measured at the Point of Reception:
 - i) 55 decibels between 7:00 am and 11:00 pm; or
 - ii) 50 decibels between 11:00 p.m. and 7:00 am the following day.

5. EXEMPTIONS

- 5.1 The provisions of this Bylaw do not apply to noises or sounds caused by:
 - a) police, fire, or other emergency service vehicles engaged in responding to an emergency;
 - b) noise or sound created from authorized public parades, fairs, or other such events;
 - c) usual and reasonable noise or sound associated to an organized sporting event conducted on a playing field;
 - d) a school event, or to children at play in a school ground, day care, or City park;
 - e) from dogs in a designated City off-leash dog park;
 - f) the excavation, construction, or infrastructure work, including repairing of bridges, highways, or lands by the City or by the Ministry of Transportation and Highways, including employees, contractors or agents acting on their behalf;
 - g) the operation of maintenance equipment by the City or the Ministry of Transportation and Highways, including employees, contractors or agents acting on their behalf;

- h) the operation of a street sweeper, snow removal or highway cleaning operations on behalf of the City;
- i) the erection, demolition, construction, reconstruction, alteration or repair of any building or structure on Monday through Friday (excluding holidays) between the hours of 7:00 a.m. to 7:00 p.m., and on Saturdays (excluding holidays) between the hours of 9:00 a.m. to 7:00 p.m.;
- j) construction on a private residence on a Sunday or a Holiday between the hours of 9:00 a.m. and 7:00 p.m., provided that such construction is not being carried out for profit or gain;
- k) the operation of a public address system required under a building or fire code;
- l) the operation of Power Equipment between the hours of 9:00 a.m. and 9:00 p.m.;
- m) the use of bells or chimes for the announcing of public worship services;
- n) 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 authorized by the City;
- o) the use 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 has been authorized by the school or the School District;
- p) filming or special events activities authorized by a City permit and within the hours defined in the permit;
- q) garbage collection services between 7:00 a.m. and 9:00 p.m. Monday through Saturday, and between 9:00 a.m. and 7:00 p.m. on Sunday or a Holiday; or
- r) fireworks with valid permit issued by Fire Chief.

6. EXEMPTION BY APPLICATION

6.1 On application for temporary exemption, the Manager, Building or the Manager, Bylaw Services may grant or deny consent, in writing, to carry on the erection, demolition, construction, reconstruction, alteration or repair of any building or structure outside the hours specified in section 5.1 (i) of this Bylaw.

6.2 The responsibility for obtaining written approval for an exemption lies with the person carrying on the work of the owner of the land on which such work is to be carried out.

7. ENFORCEMENT AND INSPECTIONS

7.1 The provisions of this Bylaw may be enforced by any Bylaw Enforcement Officer.

7.2 In accordance with section 16 of *the Community Charter*, a Bylaw Enforcement Officer may enter at all reasonable times, upon any property within the City for the purpose of inspecting whether all regulations, restrictions and requirements under this Bylaw are being met.

7.3 No person shall prevent, interfere with or obstruct a Bylaw Enforcement Officer who is conducting an inspection or enforcement in the exercise of their authority under this Bylaw.

7.4 No person shall provide false or misleading information to a Bylaw Enforcement Officer.

8. OFFENCE AND PENALTIES

8.1 Every person who:

- a) violates or who causes or allows any of the provisions of this bylaw to be violated;
- b) fails to comply with and of the provisions of this bylaw;
- c) neglects or refrains from doing anything required under this bylaw; or
- d) suffers or permits any act or thing to be done in contravention of any of the provisions of this bylaw;

is deemed to have committed an infraction of, or an offence against, this bylaw and is liable on a summary conviction to a fine not less than \$5,000 and a maximum of \$50,000.

8.2 For continuing offences, each day that such violation is caused, or allowed to continue, constitutes a separate offence.

9. NO DUTY OF CARE

9.1 Neither failure to enforce this Bylaw, nor any error, omission, or other neglect in relation to the enforcement of this Bylaw, shall be interpreted as giving rise to a cause of action in favour of the City.

10. SEVERABILITY

9.1 If any provision of this Bylaw is for any reason held to be invalid by a court of competent jurisdiction, the invalid provision may be severed from this Bylaw and such invalidity shall not affect the validity of the remaining provisions of this Bylaw.

11. REPEAL

11.1 The City of Port Coquitlam Noise Control Bylaw, No. 2891 as amended, is repealed.

READ A FIRST TIME this	12 th day of	July, 2022
READ A SECOND TIME this	12 th day of	July, 2022
READ A THIRD TIME this	12 th day of	July, 2022
ADOPTED this	29 th day of	July, 2022

BRAD WEST

Mayor

CAROLYN DEAKIN

Corporate Officer