

CITY OF LANGFORD BYLAW

No. 2056

Noise Regulation Bylaw

A BYLAW TO REGULATE THE MAKING OR CAUSING OF NOISE IN THE CITY

WHEREAS pursuant to the "*Community Charter*" Council may, by bylaw, regulate, prohibit, or impose requirements concerning certain noises that are liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.

AND WHEREAS Council considers that it is desirable to regulate, impose requirements or prohibit the making or causing of certain noises or sounds in the City.

NOW THEREFORE, the Council of the City of Langford, in open meeting assembled, enacts as follows:

1. CITATION:

This Bylaw may be cited for all purposes as "**City of Langford Noise Regulation Bylaw**" No. 2056, 2022.

2. REPEAL:

The "Noise Suppression By-law, 1981" and all related amendments, are repealed upon the adoption of this Bylaw No. 2056.

3. INTERPRETATION:

In this Bylaw:

"**Blasting**" means the use of explosives, or chemicals, for the purpose of moving, displacing, or breaking rock or other material.

"**Construction**" means the construction, demolition, or reconstruction of a building or structure, or a portion of a building or structure, with or without the use of Construction Equipment.

"**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.

"**Council**" means the Council of the City of Langford.

"**City**" means the City of Langford.

"**Motor Vehicle**" includes an automobile, motorcycle, and any other vehicle propelled or driven otherwise than solely by muscular power, but does not include locomotives, railway cars, or other motor vehicles running only upon rails, or traction engine, farm tractor, self-propelled implements of agriculture or husbandry, or road building machines.

"Peace Officer" means a constable or person having a constable's powers and includes a Bylaw Enforcement Officer pursuant to Section 5 of the City of Langford Officer and Peace Officer Bylaw, 2009

"Permit" means a permit issued by the City to temporarily exempt the permit holder from the provisions regulated within Section 6 of this bylaw.

"Point of Reception" means:

- a. any point on Premises where sound or vibration originating from any point located off of those Premises is received;
- b. any place on a highway, park, or other public place where sound is received from any source.

"Premises" means the area contained within the boundaries of a legal parcel of land, whether subdivided under the *Land Title Act* or the *Strata Property Act*, and includes any building situated on those premises.

"Public Festivities" means a City hosted, sponsored, or sanctioned public event, festivity, parade or performance, or an event approved through a special event permit.

"Site Preparation" means, land clearing, earth moving, grading, excavating, the laying of pipe and conduit whether above or below ground level, street and highway building and includes any work or operation of associated **Construction Equipment**.

4. GENERAL PROHIBITIONS:

- 4.1 A person shall not make or permit anyone for whom they are responsible for to make, any noise or sound in or on a highway, park or other public place which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the public or of persons in the vicinity.
- 4.2 A person who is either the owner or occupier of a Premises, or anyone for whom they are responsible including invited guests, shall not make, cause, or permit to be made any noise or sound which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the public or of persons in the vicinity.

5. OBJECTIONABLE NOISE:

- 5.1 In addition to the general prohibitions set out in Section 4.1, the City considers that the acts listed below cause noises or sounds which are objectionable and are liable to unreasonably disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public:
 - a. The playing or operating any radio, television or other instrument or any apparatus for the production or amplification of sound, where the noise or sound is clearly audible at a **Point of Reception** in a residential area between the hours of 11:00 PM. one day and 9:00 AM the following day.
 - b. On a **Construction** site, the playing or operating any radio or any apparatus for the production

or amplification of sound, where the noise or sound is clearly audible at a **Point of Reception**.

- c. The operation of any Motor Vehicle which by reason of disrepair, lack of a sufficient muffler, or any other cause emits noise which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the public or of persons in the vicinity.
- d. The operation of a heat pump or compressor which by reason of disrepair or improper installation emits noise which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the public or of persons in the vicinity.
- e. Use of vulgar, indecent, grossly insulting, or obscene language.
- f. The operation of an engine retardant brake while operating a motor vehicle within the boundaries within the City of Langford.

5.2 A person shall not make, cause, or permit to be made a noise or sound described in Section 5.1.

6. CONSTRUCTION / COMMERCIAL NOISE

6.1 Despite Section 4.1 and Section 4.2, the following activities may be performed during the times and days set out below unless further authorized by a permit.

Construction – Exterior or where windows and doors are not fully installed: <ul style="list-style-type: none">Monday to Friday between the hours of 7:00 AM to 7:00 PMSaturdays between the hours of 9:00 AM to 5:00 PMSunday and Statutory Holidays Prohibited unless authorized by a Permit
Site Preparation, Grading and Servicing work: <ul style="list-style-type: none">Monday to Friday between the hours of 7:00 AM to 7:00 PMSaturdays between the hours of 9:00 AM to 5:00 PMSundays and Statutory Holidays - Prohibited unless authorized by a Permit
Rock Breaking, Rock Drilling and Rock Crushing: <ul style="list-style-type: none">Monday to Friday between the hours of 8:00 AM to 5:00 PMSaturdays, Sundays, and Statutory Holidays - Prohibited unless authorized by a Permit
Blasting: <ul style="list-style-type: none">Monday to Friday between the hours of 8:00 AM to 5:00 PMSaturdays, Sundays, and Statutory Holidays - Prohibited unless authorized by a Permit
Loading, unloading, delivering, collection, packing, unpacking, or otherwise handling any containers, construction equipment, products, materials or refuse whatsoever in a residential area <ul style="list-style-type: none">Any day between the hours of 7:00 AM to 7:00 PM
Construction work inside a building with doors and windows installed and closed <ul style="list-style-type: none">Any day - no restriction

6.2 A person who undertakes any of the activities listed in the table above, except as expressly permitted in this Bylaw, commits an offence.

6.3 Sections 6.1 and 6.2 do not apply to home repairs or home maintenance, or to the construction of accessory buildings and structures on residential property when carried out by the owner or occupier of the property on a Sunday or Statutory Holiday between the hours of 10:00 AM and 5:00 PM.

7. EXEMPTIONS

7.1 The emissions of noise or sound in connection with the following are excluded from the prohibitions, regulations and penalties contained in this Bylaw:

- a. Activities on Sundays and Statutory Holidays for which a Permit has been issued under Section 6.1 by the City of Langford
- b. Police, Fire Department or Emergency vehicles when engaged upon a service of public convenience or necessity.
- c. Horn or signalling device on a boat, train or vehicle when used as a danger or warning signal.
- d. The activities of a local government, other government or utility company or their contractor(s) when providing a service to the public, including but not limited to the construction or repair of a highway or other public work, or while engaged upon a service of public convenience or necessity.
- e. Bells or chimes from churches or public institutions.
- f. The unloading, loading, pick up or delivering of containers, products, materials, or any other item or thing that is necessary for the maintenance or the moving of household effects.
- g. Noise or sound created in connection with emergency measures undertaken for the immediate health, safety, or welfare of individuals or for the preservation or restoration of property.
- h. Noise or sound created from Public Festivities authorized by the City.
- i. Rifle ranges and trap shoots between 8:00 AM and 8:00 PM.

8. INSPECTION

A Peace Officer may enter, at all reasonable times, on any premises to ascertain whether the requirements of this Bylaw are being met or the regulations contained in this Bylaw are being observed.

9. OFFENCE AND FINE

9.1 A person who contravenes a provision of this Bylaw is guilty of an offence and is liable:

- a. upon summary conviction, to a penalty of not less than \$200.00 and not more than \$10,000.00; or,
- b. if an information is laid by means of a Municipal Ticket Information in accordance with the *Municipal Ticket Information Bylaw*, to a fine as stipulated in Schedule 'A' of this Bylaw; or,

- c. if a penalty is issued by means of a Bylaw Enforcement Notice in accordance with the Bylaw Enforcement Notice Bylaw, to a penalty as stipulated in Schedule 'B' of this Bylaw.

9.2 Each day that a contravention of this Bylaw occurs or continues shall constitute a separate offence.

10. SEVERABILITY

If any section or subsection of this Bylaw is found to be invalid by a Court of competent jurisdiction, the section or subsection may be severed from the Bylaw without affecting the validity of the remainder of the Bylaw.

READ A FIRST TIME THIS 2nd DAY OF May, 2022

READ A SECOND TIME THIS 2nd DAY OF May, 2022

READ A THIRD TIME THIS 2nd DAY OF May, 2022

ADOPTED BY THE COUNCIL OF THE CITY OF LANGFORD THIS 16th DAY OF May, 2022

MAYOR

**STEWART YOUNG
MAYOR**

CORPORATE OFFICER

Hatsathorn Ying-udomrat

**Will Ying-Udomrat
Deputy Corporate Officer**

SCHEDULE 'A'

FINE SCHEDULE

Fines for a Municipal Ticket Information issued for an offence under this Bylaw, shall be as follows:

<u>Description of Offence</u>	<u>Section</u>	<u>Fine Amount</u>
Noise in public place which disturbs	4.1	200.00
Noise from private premises which disturbs	4.2	200.00
Objectionable noise	5.1	250.00
Construction / Commercial Noise	6.2	700.00

SCHEDULE 'B'

PENALTY SCHEDULE

Bylaw Enforcement Notice penalties issued for a violation under this Bylaw, shall be as follows:

<u>Description of Offence</u>	<u>Section</u>	<u>Penalty Amount</u>
Noise in public place which disturbs	4.1	200.00
Noise from private premises which disturbs	4.2	200.00
Objectionable noise	5.1	250.00
Construction / Commercial Noise	6.2	500.00