

NO. 03-12

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to consolidate and update the provisions of the Noise Abatement Bylaw, and to establish noise zones within the City within which certain noise levels may not be exceeded at certain times.

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Under its statutory powers, including sections 8(3)(b) & (h), 16, 17, 62, 64, 260 to 263 of the *Community Charter*, the Council of the City of Victoria enacts the following provisions:

PART 1 – INTRODUCTION

Title

- 1** This Bylaw may be cited as the “NOISE BYLAW”.

Interpretation of technical standards

- 2** Where an abbreviation or technical standard is used in this Bylaw but is not defined specifically or by context, it should be interpreted by reference to the definitions and technical standards published by the Canadian Standards Association (CSA), the American Standards Institute (ANSI), the International Organization for Standardization (ISO) or the International Electro-Technical Commission (IEC), as applicable and, unless the context otherwise requires.

Definitions

- 3** In this Bylaw,

“Activity District”

means those areas so described in this Bylaw and so indicated on the Noise District Map set out in Schedule A;

“approved sound meter”

means an instrument which is capable of measuring levels of sound pressure in accordance with the minimum requirements for either Type 1 (precision) or Type 2 (general purpose) sound level meters as specified in ANSI S1.4 [1983], IEC 651 [1979] and IEC 804 [1984] standards;

“A-weighted sound level”

means the sound pressure level measured (in units of A-weighted decibels, or dBA) using the “A” weighting network of an approved sound meter;

“construction”

includes

- (a) the erection, alteration, repair, relocation, dismantling, demolition and removal of a building;

- (b) structural maintenance, power-washing, painting, land clearing, earth moving, grading, excavating, the laying of pipe and conduit (whether above or below ground), street or road building and repair, concrete placement, and the installation, or removal of construction equipment, components and materials in any form or for any purpose;
- (c) any work being done in connection with any of the work listed in paragraphs (a) or (b);

“commercial premises”

means premises used to sell, or offer for sale, goods or services;

“C-weighted sound level”

means the sound pressure level measured (in units of C-weighted decibels, or dBC) using the “C” weighting network of an approved sound meter;

“daytime”

means

- (a) from 7:00 a.m. to 10:00 p.m. on a week day or Saturday;
- (b) from 10:00 a.m. to 10:00 p.m. on a Sunday or holiday;

“equivalent sound level or L_{eq} ”

means that constant or steady A-weighted sound level which, in a given situation and time period, conveys the same sound energy as does the actual time-varying A-weighted sound level, where L_{eq} is measured using an integrating approved sound meter meeting ANSI S1.4 [1983], IEC 651 [1979] and IEC 804 [1984] specifications;

“fast response”

means the predetermined meter response setting of an approved sound meter having a 0.125 second time constant and meeting the specifications of ANSI S1.4 [1983] or IEC 651 [1979];

“frequency analysis”

means the separation of sound into its various frequency components using an instrument such as a real-time analyzer;

“Harbour Intermediate District”

means those areas so described in this Bylaw and so indicated on the Noise District Map set out in Schedule A;

“holiday”

means

- (a) New Year’s Day, Good Friday, Easter Monday, Victoria Day, Canada Day, British Columbia Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and December 26, and
- (b) the day following a day that is named in paragraph (a) and that falls on a Sunday;

“impulsive sound”

means any sound that has the following defining characteristics:

- (a) the onset is abrupt and the decay rapid, and
- (b) the duration of individual impulses is
 - (i) less than one second, and
 - (ii) brief compared to the occurrence rate;

“Intermediate District”

means those areas so described in this Bylaw and so indicated on the Noise District Map set out in Schedule A;

“intermittent sound”

means any sound or noise which is subject to rapid fluctuations in level of 5 dBA or more with the fluctuations occurring with a degree of regularity or repetitiveness at intervals of from 3 minutes to and including 5 minutes;

“leaf blower”

means a portable machine, used for blowing or sucking up leaves, grass or debris including backpack, handheld or rolling units and those that accept vacuum attachments, but excluding vehicle-mounted units;

“motorcycle”

means a motorized vehicle mounted on two or three wheels and, without restricting the generality of the foregoing, includes those motor vehicles commonly known as motorcycles, scooters and power bicycles;

“motor vehicle”

means a vehicle propelled by any power other than muscular power except motorcycles, aircraft or motor vehicles that run only upon rails;

“nighttime”

means any time not included within the definition of daytime under this Bylaw;

“point of reception”

means a position that is located at least 1.2 m above the surface of the ground, and that is

- (a) a position on, or just inside, the property line of the real property occupied by the recipient of a noise or sound, that represents the shortest distance between that property and the other property from which that noise or sound emanates, or
- (b) a position within the property line of the real property occupied by the recipient of a noise or sound that best represents the location at which that noise or sound, emanating from another property, is received and the resulting disturbance experienced;

“power equipment”

means any equipment or machinery used in lawn and garden care or in building and property maintenance, including but not limited to leaf blowers, edge trimmers, rototillers, lawn mowers, pressure washers, carpet cleaning equipment and hand-operated power tools;

“premises”

- (a) means the area contained within the boundaries of a legal parcel of land and any building situated within those boundaries, and
- (b) means that each unit, the common areas of the building, and the land within the apparent boundaries of the lot are each separate premises where a building contains more than one unit of commercial, industrial or residential occupancy;

“Quiet District”

means those areas so described in this Bylaw and so indicated on the Noise District Map set out in Schedule A;

“representative time period” and “RTP”

means the noise measurement period over which a sample of the level or character of the sound under consideration will be taken for the purposes of sections 5 to 8, according to the following categories of sound:

- (a) for constant sounds, such as, without limitation, those sounds produced by fixed-speed fans, heat pumps, pool pumps or other steadily-operating machinery, the RTP is 1 minute;

- (b) for sounds that fluctuate in level or character in a repeatable fashion over periods of from three seconds to one minute, such as, without limitation, those sounds produced by industrial or manufacturing processes, the RTP is 5 minutes;
- (c) for sounds that fluctuate in level or character in a repeatable fashion over periods of from 1 to 5 minutes, such as, without limitation, sounds produced by an air compressor or other cyclical noise sources, the RTP is 15 minutes;
- (d) for sounds that fluctuate in level and/or character in a repeatable fashion over periods of between 5 and 10 minutes, the RTP is 30 minutes;
- (e) where several noise sources operate simultaneously, each with its own patterns of operation and or movement, such as, without limitation, in a shipyard or a recycling/materials-handling operation, the RTP is 30 minutes;
- (f) for a noise source that exhibits significant variations in output over a time period of one hour or more, the RTP is the period known to, or expected to, generate the maximum overall noise levels at the point of reception;

“residential premises”

means any parcel of real property utilized primarily for residential accommodation, and includes hotels and motels;

“tonal sound”

means any sound which contains one or more pure tone components including without limitation the “hum” or a fan or heat pump or the “whine” of a hydraulic pump or power saw.

Determining presence of tonal sound

4 For the purposes of the administration and enforcement of this Bylaw, the presence of tonal sound may be determined by conducting a one-third octave band frequency analysis of the noise (from 31.5 Hz. to 16 kHz.) and applying the following criteria if tonal sound is suspected but is not obvious:

- (a) the level of the one-third octave band under consideration, or, in the case of a pair of bands, the arithmetic average of the levels of these two bands, is more than 1 dB higher than the level of each of the adjacent bands on either side of the band, or pair of bands, under consideration, and
- (b) the difference between the level of the one-third octave band under consideration, or, in the case of a pair of bands, the arithmetic average of the levels of the two bands, and the arithmetic average of the two adjacent bands on either side of the band or pair of bands under consideration, is 3 dB or more.

PART 2 –NOISE LEVELS

Quiet District permitted noise levels

- 5** In a Quiet District a person must not make, cause or permit to be made or caused, any sound or noise that, when measured with an approved sound meter over a representative time period, has an equivalent sound level, or L_{eq} , which
- (a) during the daytime exceeds
 - (i) 55 dBA when received at a point of reception in a Quiet District;
 - (ii) 55 dBA when received at a point of reception in an Intermediate District;
 - (iii) 55 dBA when received at a point of reception in a Harbour Intermediate District;
 - (iv) 60 dBA when received at a point of reception in an Activity District, or
 - (b) during the nighttime exceeds
 - (i) 45 dBA when received at a point of reception in a Quiet District;
 - (ii) 50 dBA when received at a point of reception in an Intermediate District;
 - (iii) 50 dBA when received at a point of reception in a Harbour Intermediate District;
 - (iv) 60 dBA when received at a point of reception in an Activity District.

Intermediate District permitted noise levels

- 6** In an Intermediate District a person must not make, cause or permit to be made or caused, any sound or noise that, when measured with an approved sound meter over a representative time period, has an equivalent sound level, or L_{eq} , which
- (a) during the daytime exceeds
 - (i) 60 dBA when received at a point of reception in a Quiet District;
 - (ii) 60 dBA when received at a point of reception in an Intermediate District;
 - (iii) 60 dBA when received at a point of reception in a Harbour Intermediate District;
 - (iv) 65 dBA when received at a point of reception in an Activity District, or
 - (b) during the nighttime exceeds:
 - (i) 50 dBA when received at a point of reception in a Quiet District;

- (ii) 55 dBA when received at a point of reception in an Intermediate District;
- (iii) 55 dBA when received at a point of reception in a Harbour Intermediate District;
- (iv) 65 dBA when received at a point of reception in an Activity District.

Harbour Intermediate District permitted noise levels

7 In a Harbour Intermediate District a person must not make, cause or permit to be made or caused, any sound or noise that, when measured with an approved sound meter over a representative time period, has an equivalent sound level, or L_{eq} , which

- (a) during the daytime exceeds
 - (i) 60 dBA when received at a point of reception in a Quiet District;
 - (ii) 60 dBA when received at a point of reception in an Intermediate District;
 - (iii) 60 dBA when received at a point of reception in a Harbour Intermediate District;
 - (iv) 65 dBA when received at a point of reception in an Activity District, or
- (b) during the nighttime exceeds
 - (i) 50 dBA when received at a point of reception in a Quiet District;
 - (ii) 55 dBA when received at a point of reception in an Intermediate District;
 - (iii) 55 dBA when received at a point of reception in a Harbour Intermediate District;
 - (iv) 65 dBA when received at a point of reception in an Activity District.

Activity District permitted noise levels

8 In an Activity District a person must not make, cause or permit to be made or caused, any sound or noise that, when measured with an approved sound meter over a representative time period, has an equivalent sound level, or L_{eq} , which

- (a) during the daytime exceeds
 - (i) 60 dBA when received at a point of reception in a Quiet District;
 - (ii) 65 dBA when received at a point of reception in an Intermediate District;
 - (iii) 67.5 dBA when received at a point of reception in a Harbour Intermediate District;
 - (iv) 70 dBA when received at a point of reception in an Activity District, or

- (b) during the nighttime exceeds
 - (i) 55 dBA when received at a point of reception in a Quiet District;
 - (ii) 60 dBA when received at a point of reception in an Intermediate District;
 - (iii) 60 dBA when received at a point of reception in a Harbour Intermediate District;
 - (iv) 70 dBA when received at a point of reception in an Activity District.

Summary of Districts' permitted noise levels

- 9** For convenience, the noise limits set out in sections 5 to 8 are summarized in the Table in Schedule B.

Correction factors for sound levels

- 10** For all purposes under this Bylaw, when assessing a sound relative to the limits set out in sections 5 to 8 and summarized in Schedule B, the following correction factors must be applied to the measured equivalent sound level whenever the sound has, as a defining characteristic, impulsiveness, tonality, or persistent intermittency:

Impulsiveness

- (a) a +5 dB correction if the sound under consideration is impulsive in character;

Tonality

- (b) a +5 dB correction if the sound under consideration is tonal (i.e., it contains one or more pure tone components);
- (c) 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 containing 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 dB or more for tones in the 500 Hz. to 16 kHz. bands,
 - (ii) by 5 dB or more for tones in the 160 to 400 Hz. bands,
 - (iii) and by 10 dB or more for tones in the 31.5 to 125 Hz. bands;

Intermittency

- (d) a +5 dB correction if the sound under consideration is persistently intermittent;

Multiple Corrections

- (e) a correction equal to the sum of the corrections applicable under paragraphs (a) to (d) for each of the characteristics, described in those paragraphs, that the sound possesses to a maximum of 10 dB.

PART 3 – TYPES OF NOISE**Noise disturbing neighbourhood**

- 11** (1) Subject to the other provisions of this Bylaw,
- (a) a person must not make or cause a noise or sound in a street, park, plaza or similar public place which disturbs or tends to disturb the quiet, peace rest, enjoyment, comfort or convenience of persons in the neighbourhood or vicinity;
- (b) a person who is the owner or occupier of, or is in possession or control of, real property must not make, suffer, or permit any other person to make, a noise or sound, on that real property, which can be easily heard by a person not on the same premises and which disturbs or tends to disturb the quiet, peace rest, enjoyment, comfort or convenience of persons in the neighbourhood or vicinity.
- (2) Subsection (1) does not apply to a person who makes, causes, or permits to be made or caused, a sound or noise in compliance with the provisions of sections 5 to 8.

Prohibited types of noise

- 12** (1) Without limiting the generality of section 11, the following conduct is specifically prohibited:
- (a) shouting, using a megaphone or sound amplification device or making other noise in, at or on streets, parks, wharves, docks, piers, boat landings, ferry-landings, railway or bus stations or other public places;
- (b) the playing of any radio, phonograph, cassette or CD player, television, musical instrument or sound amplification device whether in or upon a private premises or in any public place at such a volume (loudness) as to disturb or tend to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;
- (c) within a Quiet District, the keeping or harbouring of any dog, bird or other animal, which barks or emits cries or other noises in a persistent manner that may easily be heard by a person not on the same premises and which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;

- (d) the operation of any automobile, truck, motorcycle, bus or other motorized vehicle which by reason of disrepair, the use of a muffler that fails to cool and expel exhaust gases from the engine without excessive noise, mode of operation of the vehicle (squealing of tires except during emergency braking to avoid accidents, over-revving of engine or excessive acceleration of vehicle) or any other cause, creates noise or sound which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;
 - (e) the production of amplified sound from a radio, cassette tape or CD player or other playback device or amplification equipment, or the sound of a musical instrument, that emanates from a motor vehicle and can easily be heard by a person of normal hearing acuity at a distance of 5 m (16.4 ft.) or more from the vehicle;
 - (f) the idling or other continuous running of the engine of a truck or bus for more than three minutes at the same location, except where the truck or bus is located within a garage or depot intended to be used for the long term parking of that vehicle.
- (2) Subsection (1) does not apply to a person who makes, causes, or permits to be made or caused, a sound or noise in compliance with the provisions of sections 5 to 8.

Exemptions specified

13 This Bylaw does not apply to:

- (a) a vehicle of the Police or Fire Department of the City, or an ambulance or other public service or emergency vehicle while engaged in a service of the public convenience or necessity;
- (b) the sounding of a horn or other signaling device upon any vehicle, boat or train where such sounding is properly and necessarily used as a danger or warning signal;
- (c) the use, in a reasonable manner, of an apparatus or mechanism for the amplification of the human voice or music in a public park, public facility or square in connection with a public meeting, public celebration, athletic or sports event or other public gathering, if
 - (i) that gathering is held under a permit issued under the authority of the Parks Regulation Bylaw, or
 - (ii) that gathering has received prior approval under section 20,
 - (iii) if the noise produced by that gathering does not exceed 90 dB when received at a Point of Reception or such other lower sound level specified in the permit or approval.

- (d) the use of bells or chimes by churches, and the use of carillons where such carillons have been lawfully erected;
- (e) a parade, procession, performance, concert, ceremony, event, gathering or meeting in or on a street or public space, if that is permitted in the City under a bylaw or statute;
- (f) a sound or noise resulting from the use, in a reasonable manner, of the premises of a Community Care Facility duly licensed under the *Community Care Facility Act*, or from the use of a similar institution;
- (g) a garbage collection service
 - (i) between 6:00 a.m. and 8:00 p.m. within an Activity District;
 - (ii) between 7:00 a.m. and 8:00 p.m. on a weekday;
 - (iii) between 10:00 a.m. and 8:00 p.m. on a Saturday, Sunday or holiday;
- (h) the noon cannon at Laurel Point;
- (i) municipal works including, but not limited to, the construction and repair of streets, sewers and other underground services;
- (j) the City's Parks Division maintenance work between 7:00 a.m. and 5:00 p.m. on any day;
- (k) the nightly cleaning of streets and sidewalks and the collection of garbage from sidewalk refuse bins within the downtown core area by the City's Public Works staff;
- (l) emergency repairs to buildings which cannot reasonably be delayed until normal working hours.

Advertising

- 14** A person who is the owner, occupier or in possession of any real property must not cause or permit audio advertising which
- (a) is directed at pedestrians or motorists on any street or sidewalk, or
 - (b) can be heard on any street or sidewalk.

Commercial premises

- 15** In commercial premises a person must not make, cause, or permit to be made or caused, noise or sound from a radio, television, tape or 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 C-weighted equivalent sound level of which exceeds the following limits when measured at a point of reception:

- (a) 70 dBC during the daytime;
- (b) 65 dBC during the nighttime.

Power equipment

16 Despite any other provision of this Bylaw, but subject to sections 17 and 18, a person may, when using or operating power equipment between 8:00 a.m. and 8:00 p.m., make or cause a sound or noise that exceeds the sound level limits set out in sections 5 to 8 if the equivalent sound level does not exceed 75 dBA on an approved sound meter when received at the greater of the following distances from that power equipment:

- (a) at the point of reception;
- (b) 15.2 m (50 ft.).

Leaf blowers

17 Despite any other provision of this Bylaw

- (a) a person may operate a leaf blower in or adjacent to a residential area, or a mixed residential and commercial area, only
 - (i) between 8:00 a.m. and 8:00 p.m. on a weekday;
 - (ii) between 9:00 a.m. and 5:00 p.m. on a Saturday, Sunday or holiday;
- (b) after December 31, 2005 a person may operate a leaf blower only if it meets the Category 1 – dBA ≤ 65 (at 15.2 cm) equipment standard when tested at full throttle, as set out in ANSIB 175-2-20001 published by the Portable Power Equipment Manufacturers Association.

Chainsaws

18 Despite any other provision of this Bylaw

- (a) subject to subsection (b), a person may operate a chainsaw in or adjacent to a residential area or mixed residential and commercial area only
 - (i) between 8:00 a.m. and 8:00 p.m. on a weekday;
 - (ii) between 9:00 a.m. and 5:00 p.m. on a Saturday, Sunday or holiday;
- (b) a person must not at any time operate a chainsaw the equivalent sound level of which exceeds 85 dBA on an approved sound meter when measured at the greater of the following distances from that chainsaw:
 - (i) at the point of reception;

- (ii) 15.2m (50 feet).

Construction

- 19** (1) A person must not at any time, in or adjacent to residential premises, make or cause sound or noise resulting from construction, the equivalent sound level of which exceeds 85 dBA on an approved sound meter when measured at the greater of the following distances from that source of sound or noise:
- (a) at the point of reception;
 - (b) 15.2 m (50 ft.).
- (2) Subsection (1) does not apply to construction work carried out within a street.
- (3) Subject to subsection (1), a person may carry out any construction that disturbs the quiet, peace, rest or enjoyment of the public, only
- (a) between 7:00 a.m. and 7:00 p.m. on a weekday that is not a holiday;
 - (b) between 10:00 a.m. and 7:00 p.m. on a Saturday that is not a holiday.

PART 4 – GENERAL

Exemptions by permission

- 20** (1) A person may submit an application for an exemption from the provisions of this Bylaw
- (a) to the Chief Building Inspector regarding construction issues if it is impossible or impractical to comply with section 19(1) or (3), or
 - (b) to the Director of Parks & Community Services regarding outdoor special events on public or private property if that person cannot comply with section 5 to 8, 11 or 12 as a result of an outdoor special event.
- (2) The Chief Building Inspector may
- (a) exempt construction work from the provisions of section 19(1) or (3), and
 - (b) determine the terms of an exemption under this subsection.
- (3) The Director of Parks & Community Services
- (a) may exempt an outdoor special event from the provisions of sections 5 to 8, 11 or 12;
 - (b) must not authorize an exemption for an outdoor special event that will produce a sound level that exceeds 90 dB when received at a point of reception;

- (c) may determine the terms of an exemption under this subsection.
- (4) An application for an exemption must be in writing and must contain all of the following:
- (a) the name, address and telephone number of the applicant;
 - (b) the civic address of the location of the works or events;
 - (c) the building permit number, if applicable;
 - (d) the reasons for the requested exemption;
 - (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 requested;
 - (g) a statement of the measures planned or presently being taken to minimize the sound or noise created;
 - (h) a non-refundable application fee of \$50.00.
- (5) An application for an exemption must be submitted to the City within the following time limits for the following work or event for which the exemption is requested:
- (a) at least 10 business days before construction work;
 - (b) at least 6 weeks before an outdoor special event that does not require street closures;
 - (c) at least 4 months before an outdoor special event, at which more than 1,000 individuals are expected to attend, that requires street closures.
- (6) The Director of Parks & Community Services may seek the direction of Council before consenting to an exemption for an outdoor special event.
- (7) The Mayor may reduce the time limit within which an application is required to be made under subsection (5) in the event of an emergency or other unforeseen circumstance.
- (8) The Chief Building Inspector and the Director of Parks & Community Services must advise a person who is denied an exemption of that person's right of reconsideration by Council.
- (9) A person who has been refused an exemption by a decision of the Chief Building Inspector or the Director of Parks & Community Services may apply to have Council reconsider that decision in accordance with the following procedures:
- (a) the person may apply by notice to the Corporate Administrator within 14 days of the decision;

- (b) the person may address Council in writing or in person concerning the request for the exemption;
- (c) the Council may allow or refuse the exemption.

Objectionable noises

21 The noises and sounds prohibited by Sections 5 to 8, 11, 12, and 15 to 19 of this Bylaw are considered by Council for the City of Victoria to be objectionable and liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.

Severability

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

Offences and penalties

- 23** (1) A person who contravenes a provision of this Bylaw is guilty of an offence and liable upon conviction to the penalties imposed by the *Offence Act* and this Bylaw.
- (2) The minimum penalty for a contravention of a provision of this Bylaw is a fine of \$200.

Repeal

24 Bylaw No. 90-160, the Noise Abatement Bylaw is repealed.

READ A FIRST TIME the **26TH** day of **JUNE**, 2003

READ A SECOND TIME the **26TH** day of **JUNE**, 2003

READ A THIRD TIME the **11TH** day of **MARCH**, 2004

ADOPTED on the **25TH** day of **MARCH**, 2004

“ROBERT G. WOODLAND”
CORPORATE ADMINISTRATOR

“ALAN LOWE”
MAYOR

Schedule A
Noise District Map

Schedule B

Summary of Districts' Permitted Noise Levels

		NOISE RECEIVER DISTRICT							
		QUIET		INTER-MEDIATE		HARBOUR INTER-MEDIATE		ACTIVITY	
		Day	Night	Day	Night	Day	Night	Day	Night
NOISE SOURCE DISTRICT	QUIET	55	45	55	50	55	50	60	60
	INTER-MEDIATE	60	50	60	55	60	55	65	65
	HARBOUR INTER-MEDIATE	60	50	60	55	60	55	65	65
	ACTIVITY	60	55	65	60	67.5	60	70	70

Table 1: Equivalent Sound Level (L_{eq}) Limits (expressed in dBA) for sound or noise created and received in the "Quiet", "Intermediate" and "Activity" Noise Districts