

**"NOISE CONTROL BYLAW 1994 NO. 4750"**

*Consolidated Version*

1997-JUN-17

Includes amendments: 4887, 5248

CITY OF NANAIMO

BYLAW NO. 4750

A BYLAW TO REGULATE OR PROHIBIT  
THE MAKING OR CAUSING OF NOISES OR SOUND IN THE MUNICIPALITY

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WHEREAS the Council of the City of Nanaimo believes:

- (a) that certain noises or sounds are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public, and
- (b) that it is desirable to regulate or prohibit the making or causing of noises or sounds in the municipality.

NOW, THEREFORE, the Council of the City of Nanaimo in open meeting assembled HEREBY ENACTS AS FOLLOWS:

1. This Bylaw shall be cited as City of Nanaimo "NOISE CONTROL BYLAW 1994 NO. 4750".

2. INTERPRETATION

In this Bylaw:

"Bylaw Enforcement Officer" means a person appointed by the Municipal Council as a Bylaw Enforcement Officer and includes a Peace Officer.

"Construction" includes erection, alteration, repair, 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 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.

"Council" means the Council of the City of Nanaimo.

"Director of Public Works" means the person appointed as the Managing Director of Public Works from time to time, and includes any person appointed or designated by the Managing Director to act on his behalf. (Bylaw 5248)

"Highway" includes every highway within the meaning of the *Highway Act*, 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 place or passage way to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited; and every place or passage way owned or operated by the City of Nanaimo for the purpose of providing off-street parking.

"Municipality" means the City of Nanaimo.

"Noise" includes sound.

"Persistent/Persistently" means enduring or constantly repeated.

"Point of Reception" means any point on the premises of a person where sound or vibration originating from other than those premises is received or any place on a highway sound is received.

"Residential Area" means those areas so designated on the map attached hereto as Schedule "A".

"Truck" means any motor vehicle with a licenced gross vehicle weight over 8,600 kg.

"Vehicle" includes an automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or traction engine, farm tractor, self-propelled implement of husbandry or road building machine.

### 3. GENERAL PROHIBITIONS

No person shall make, cause or permit to be made any noise or sound in or on a highway or elsewhere, in a private or public place, in the Municipality, which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.

- 4.(1) Council considers that the acts listed below cause noises or sounds which are objectionable or are liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public:
- (a) Playing or operating any radio, stereophonic equipment, television receiving set 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 p.m. one day and 9:00 a.m. the following day.
  - (b) Harboursing or keeping any animal or bird which persistently cries, barks, or howls.
  - (c) Being in the care or control of any vehicle, except for buses and trucks, which creates or emits a noise or sound which is audible beyond 150 metres in any direction from the vehicle.

- (d) Idling or continuously running of a diesel engine, a truck or bus for more than 15 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.
  - (e) Erecting, demolishing constructing, reconstructing, altering or repairing of any building or other structure within the Municipality or the excavating of any street, highway, lane or other land before 7:00 a.m. or after 9:00 p.m., Monday to Saturday and before 9:00 a.m. or after 9:00 p.m., on Sundays and Statutory Holidays.
  - (f) Using a lawnmower or rototiller before 7:00 a.m. or after 9:00 p.m.
  - (g) Loading, unloading, delivering, collection, packing, unpacking, or otherwise handling any containers, products, materials, or refuse whatsoever before 7:00 a.m. or after 9:00 p.m. in any residential area.
  - (h) Creating noise or sound by blasting or the operation of drills, compressors or other equipment used to prepare land for blasting before 7:00 a.m. or after 5:00 p.m., Monday to Saturday and at all times on Sundays and Statutory Holidays.
- 4.(2) No person shall make or cause or permit to be made a noise or sound described in Subsection (1).

## 5. EXEMPTIONS

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

- (1) Police, Fire Department or Emergency vehicles when engaged upon a service of public convenience or necessity.
- (2) Horn or signaling device on a boat, train or vehicle when used as a danger or warning signal.
- (3) Municipal, other government or utility companies when engaged upon a service of the public or while engaged upon a service of public convenience or necessity.
- (4) Bells or chimes from churches or public institutions.
- (5) The firing of the cannon located at the Bastion site for ceremonial purposes.
- (6) The unloading, loading, pick up or delivering of containers, products, materials, or whatsoever that is deemed necessary for the maintenance of essential services or the moving of household effects.
- (7) 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.
- (8) Noise or sound created from parades or public festivities authorized by Council.

- (9) Noise or sound created by extraordinary construction projects which have been authorized to take place by the Managing Director of Public Works.

6. INSPECTION

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

7. PENALTY

A person who contravenes a provision of this Bylaw is guilty of an offence and is liable, upon summary conviction, to a penalty of not less than \$100.00 and not more than \$2,000.00; or, if an information is laid by means of a ticket, in accordance with the procedure set out in the *Offence Act*, a fine as stipulated in Schedule 'B' of this Bylaw. (Bylaw 4887)

8. JURISDICTION

This Bylaw is applicable to and enforceable in the Municipality.

9. 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.

10. REPEAL

The City of Nanaimo "NOISE CONTROL BYLAW 1987 NO. 3193" is hereby repealed.

**SCHEDULE 'A'**

**(City of Nanaimo Zoning Map)**

**SCHEDULE 'B'**

**FINE SCHEDULE**

Fines for tickets issued pursuant to this Bylaw, shall be as follows:

<u>Description of Offence</u>	<u>Section #</u>	<u>Amount of Fine</u>
Noise causing disturbance	3	\$100.00
Objectionable noise	4(2)	\$100.00