

CONSOLIDATED FOR CONVENIENCE PURPOSES
of Bylaw Nos. 933, 1003, and 1242
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THE CORPORATION OF THE DISTRICT
OF CENTRAL SAANICH

BYLAW NO. 933

A Bylaw for the Abatement and Control of
Noise in the Municipality of Central Saanich

The Municipal Council of The Corporation of the District of Central Saanich in open meeting assembled ENACTS AS FOLLOWS:-

1. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

- (a) "Daytime" means from 7:00 A.M. to 9:00 P.M. of the same day;
- (b) "Decibel" means the ratio between levels of sound pressure expressed as 20 times the logarithm to the base of 10 of the said ratio;
- (c) "Duly Authorized" means authorized by the Municipality;
- (d) "Farm Land" means land classified as a farm pursuant to the provisions of the Assessment Act;
- (e) "Heat Pump" means a device which has the capacity to transfer heat from the air outside a building or structure to the air inside a building or structure or vice versa, by means of a compressible refrigerant and includes an air conditioner, condenser, compressor, refrigeration unit and all equipment and devices accessory thereto;
- (f) "Municipality" means The Corporation of the District of Central Saanich;
- (g) "Night-Time" means from 9:00 P.M. on any day to 7:00 A.M. the next day;
- (h) "Residential Area" means any area of land or highway included within a single family dwelling zone, two family dwelling zone, **residential apartment zone, or residential attached zone**, under the provisions of the "LAND USE BYLAW" of the municipality in effect from time to time;"

- (i) "Sound" means the oscillation in pressure, stress, particle displacement or particle velocity, in a medium with internal forces (ie. elastic, viscous) or the superimposition of such propagated oscillations, which oscillations are capable of causing an auditory sensation;
- (j) "Sound Continuous" means any noise or sound continuing for a period or during periods totalling more than three minutes in any fifteen minute period of time;
- (k) "Sound Level" is the average 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 the slow response of a sound level meter; or where deemed necessary on the fast scale for impact;
- (l) "Sound Level Meter" means a sound measuring device designed to meet the C.S.A. Standard 2107.1 - 1973 as amended from time to time and specifically shall include:
 - (i) Bruel and Kjaer-Sound Level Meter Types 2205, 2208, 2213, and Types 2203, 2204, 2206, 2209.
 - (ii) General Radio-Sound Level Meter Model 156-B;1151-C and Model 1933calibrated with one of the following calibrators:
 - A. Bruel and Kjaer-Sound Level Calibrator Type 4230, or Pistonphone Type 4220;
 - B. General Radio-Sound Level Calibrator Model 1562-A.
 - (iii) or equivalent of the above, as approved by C.S.A.;
- (n) "Zone" means a zone designation contained in the municipality's land use Bylaw.

2. SOUND LEVELS

In this Bylaw, sound levels shall be measured as follows:

- (a) noise from a parcel or real property shall, for the purpose of Section 3, 4, and 5, be measured at any point outside the property line of the said real property, from which the noise is emanating;
- (b) noise emanating from a source on a street, wharf, pier, or other public place shall, for the purpose of Section 3, be measured at a distance of not less than 6 meters from the source of such noise or sound.

3. GENERAL PROHIBITION

- (a) No person shall make or cause to be made any noise or sound in or on a highway or elsewhere in the Municipality which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighborhood or of persons in the vicinity thereof.
- (b) No person shall shout, use a megaphone or make other noise in or at or on streets, wharves, docks, piers, railway stations, or other public places which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighborhood or of persons in the vicinity thereof.
- (c) No person shall make or cause to be made between the hours of 9:00 P.M. and 7:00 A.M. any continuous, persistent, or constantly repeated sound which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighborhood or of persons in the vicinity thereof.
- (d) In addition to (a), (b), and (c), no person shall carry on an industrial operation located within the I-1, Light Industrial Zone, in such a manner as to emit or cause, suffer, or permit the emission of any continuous, persistent, or constantly repeated sound resulting in a sound level measured on a sound level meter, at a point of reception in any zone, in excess of 60 decibels.

4. PRIVATE PROPERTY

No person, being the owner or occupier or being in possession or control of real property shall suffer or permit any person to make or cause to be made any noise or sound therein or thereon which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighborhood or of persons in the vicinity thereof.

5. HEAT PUMPS

- (a) The Council is of the opinion that the operation of a heat pump resulting in a sound level at a point of reception located in a residential area in excess of 45 decibels is objectionable and liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.
- (b) No person shall emit or cause, suffer or permit the emission of sound from the operation of a heat pump resulting in a sound level at a point of reception located in a residential area in excess of 45 decibels.

6. SOUND LEVEL MEASUREMENTS

- (a) A sound level measurement shall be sufficient for all purposes if it is carried out in accordance with the following:
 - i) Sound level measurements shall be taken with a sound level meter;

- ii) Sound levels shall be measured on the A-weighted network and the slow meter response;
- iii) The sound level meter shall be complete with calibrator and windscreen and shall be operated in the following manner:
 - A. Sound level meters shall be used and operated in accordance with manufacturers' instructions. The sound level meter shall be calibrated before and after readings have been taken.
 - B. When determining the sound level from a source, the ambient or background noise or sound level shall be established at the appropriate position and during the relevant period of time wherever possible before taking sound measurements from the source. No measurement should be attempted if the difference is 3 decibels or less.
- (b) Sound measurements shall be made at a height of approximately 3 feet from ground level and a distance of approximately 10 feet from any wall, buildings or other reflecting structures with the microphone appropriately oriented to eliminate as much as possible all reflected sound.

7. INTERPRETATION

Where any word or term or name or abbreviated word or abbreviated term or abbreviated name that is not defined in this Bylaw, or, where any technical standard or abbreviated technical standard that is not set out in this Bylaw, is used in this Bylaw, such word, term, name, abbreviated word, abbreviated term, abbreviated name, technical standard or abbreviated technical standard shall be interpreted by reference to the definitions and technical standards last published by the Canadian Standards Association (C.S.A.), as the context of this Bylaw and the case may require.

8. EXEMPT NOISES

The provisions of this Bylaw shall not apply to:

- (a) The use, in a reasonable manner, of any apparatus or mechanism for the amplification of the human voice or of music in a public park or square in connection with any duly authorized public meeting, public celebration or other public gathering.
- (b) Any duly authorized parade or performance by a military or other band.
- (c) Any vehicle of the Police or Fire Departments of the Municipality or of any other public body or any ambulance or any public service or emergency vehicle which answering a call or while engages upon a service of the public convenience and necessity.

- (d) 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.
 - (e) The erection, demolition, construction, reconstruction, altering or repairing of any building or other structure within the Municipality or the excavating of any street, highway, lane or any other land between the hours of 7:00 A.M. and 9:00 P.M. on each day except Sunday, or in the case of urgent necessity, at any other time during the week if such work is essential to the health, safety or protection of the public.
 - (f) Persons and their agents, servants, and employees or independent contractors under contract therewith and their agents, servants, and employees who are engaged in work of an essential or emergency nature and being done for the primary purpose of ensuring the health, safety or welfare of the residents of the Municipality.
 - (g) The use of bells or chimes on churches or any public body.
 - (h) Any delivery or collection services between the hours of 6:00 A.M. and 9:00 P.M. on each day except Sunday and any Statutory Holiday in any commercial, industrial and institutional and public utility district, as defined in the Zoning Bylaws of the Municipality, and between the hours of 7:00 A.M. and 8:00 P.M. on each day except Sunday and any Statutory Holiday in all other districts defined in the said Zoning Bylaw.
 - (i) Any sound or noise caused by a farming activity carried out in a reasonable manner on farmland between the hours of 10:00 P.M. and 6:00 A.M.
 - (j) Any sound or noise caused by a farming activity carried out in a reasonable manner on farmland between the hours of 10:00 P.M. and 6:00 A.M. if:
 - i) in the circumstances it is essential that the activity take place during such hours; or
 - ii) the activity must, in accordance with sound farming practice, take place between such hours.
 - (k) The use of a lawnmower between the hours of 8:00 A.M. and 9:00 P.M. on any day.
9. Notwithstanding anything else contained in this Bylaw, the lands and premises described as:

Lot 1, Section 13 and 14, South Saanich District, Plan 14667
(Butchart Gardens)

shall be exempt from the provisions of this Bylaw between the hours 7:00 A.M. and 11:00 P.M. on each day.

10. A Peace Officer, the Municipal Engineer and any of his Inspectors, and any other person appointed by the Municipality to measure sound levels are hereby authorized to enter, at any reasonable time, upon any property in order to ascertain whether the provisions of this Bylaw are being obeyed.

11. OFFENCE

Any person who violates any provision of this Bylaw is guilty of an offence and liable upon summary conviction to a fine of not less than \$100 or more than \$500 for a first offence and not less than \$250 or more than \$1,000 for a second or subsequent offence. For the purposes of this Section, an offence shall be deemed upon each day during or on which a violation occurs or continues.

12. DATE OF APPLICATION

This Bylaw shall come into force and take effect 6 months from the date of final passage.

13. REPEAL

Bylaw No. 682, being the "Central Saanich Noise Control Bylaw, 1982" is hereby repealed except insofar as it repeals all or part of any other Bylaw.

14. This Bylaw may be cited for all purposes as the "CENTRAL SAANICH NOISE SUPPRESSION BYLAW NO. 1, 1989".