

Dieter H. Reeh

Nanaimo, BC

To Nanaimo Mayor and Council  
Nanaimo City Hall  
Nanaimo, BC, V9R 5J6

Ref.: Request for Amending City Noise Bylaw 1994 NO. 4750

Mr. Mayor, Ladies and Gentlemen.

On the slope behind us, on Granite Park Road, where I live there is major home construction going on, of which I was told to expect this to be going-on for the better part of two years. Due to the type of terrain - granite rock - there is a considerable amount of noise created by the necessary drilling and blasting. This noise invades any activity and conversation, and it is becoming especially troublesome as one is approaching Summer. This should be the time of open windows as well as being able to enjoy one's own outdoors. These factors brought me to look at what the Nanaimo noise bylaw offers as some guidelines for contractors as well as protection for the enjoyment of one's home.

Looking at the current version of the noise bylaw as well as the method of enforcing it, not much help appears to exist. The time-limits for contractors are very generous into what should be quiet time for the neighbourhood. As well, since the city does not own any noise/sound sensing/recording equipment, nor guidelines, it also appears to be left to the contractor to decide what is acceptable and what is not.

I do realise that our growing city needs more living spaces as well as business locations. However, I feel that from today's expectation of enjoying one's home

the details of § 3. **GENERAL PROHIBITIONS** (Page 3 of the bylaw pages) are good:

**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.**

but the associated time lines detailed in the subsections of §4.1 (pages 3&4) do no longer answer these needs of the community.

**For this reason, and after discussing this with my neighbours I am proposing that the following changes should be made:**

Please see the following pages.

**ITEM 1 (for change):**

Page 2, §2. INTERPRETATION, (In this Bylaw):

**Current Version:**

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

**To be changed to:**

"Bylaw Enforcement Officer" means a person appointed by the Municipal Council as a Bylaw Enforcement Officer and includes a Peace Officer. **This Officer shall take noise sensing equipment, at intervals, to noise emitting sites, such as construction sites for example and as referenced (150 metres) in §4.1(c). This noise sensing equipment shall be owned by the city, and the officer shall be properly trained in the use of that equipment.**

Also, Page 3. **§3. GENERAL PROHIBITIONS** (of this Bylaw): state that:

**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 public.**

and in §4.(1) it states that:

**Council considers that the acts listed below cause noises or sounds which are objectionable or are liable to to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.**

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**ITEM 2 (for change):**

**... acts of noise-making are listed below ..**

Page 3, §4.(1) (c) (in thisBylaw):

**Current Version:**

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.

**To be changed to:**

Being in the care or control of, *or operating* any vehicle **or construction equipment** (see page 2, §. INTERPRETATION in this Bylaw: "Construction Equipment"), except for buses, which creates or emits a noise or sound which is audible beyond 150 metres in any direction from the vehicle *or equipment*.

**The City's Bylaw Enforcement Officer will verify compliance by using noise recording sensors placed strategically near the site on the 150 metres perimeter.**

**ITEM 3 (for change):**

Page 4, §. 4. (1) (e)

**Current Version:**

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 Sunday and Statutory Holidays.

**To be changed to:**

Erecting, demolishing, constructing, reconstructing, altering or repairing of any building or other structure or the excavating of any street, highway, lane or other land **in NON-RESIDENTIAL areas within the Municipality, before 7:00a.m. or after 9:00p.m., Monday to Saturday, and before 9:00a.m. and after 7:00 p.m. on Saturdays, Sundays and Statutory Holidays.**

**Erecting, demolishing, constructing, reconstructing, altering or repairing of any building or other structure or the excavating of any street, highway, lane or other land in or near a RESIDENTIAL-NEIGHBOURHOOD in the Municipality before 7:00 a.m. and after 5:00 p.m. Monday to Friday, before 9:00 a.m. or after 5:00p.m. on Saturday.**

**No work is to be done on Sundays and Statutory Holidays.**

**ITEM 4 (for change):**

Page 4, §4, (1) (f)

(f) Using a lawnmower or rototiller before 7:00 a.m or after 9:00 p.m.

**To be changed to:**

Using a lawnmower or rototiller before 7:00 a.m. and after 8:00 p.m.

Thank you for giving me your valuable time for presenting this matter.

Dieter H. Reeh



**"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              |