

CITY OF PARKSVILLE

BYLAW NO. 1432

Consolidated to include Bylaw No. 1432.1

A BYLAW TO REGULATE NOISE

WHEREAS Sections 64 and 260 of the *Community Charter* authorizes Council to regulate noise;

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

PART 1 - INTERPRETATION

Title and Application

- 1 (1) This Bylaw may be cited for all purposes as the "Noise Control Bylaw, 2007, No. 1432".
- (2) This Bylaw applies to all land within the City of Parksville.

Definitions

- 2 In this Bylaw:

Bylaw No. 1432.1 adopted July 7, 2025, replaced the definition of "Administrator" with the following:

"Administrator" means the City of Parksville Chief Administrative Officer or their designate.

Bylaw No. 1432.1 adopted July 7, 2025, added the following definition of "Approved Sound Meter":

"Approved Sound Meter" means an instrument calibrated to measure levels of sound pressure in accordance with the minimum specifications for type 2 general purpose sound level meters set out under ANSI S1.4 or IEC 61672 as amended from time to time.

"Bylaw Enforcement Officer" means the City of Parksville Bylaw Compliance Officer and includes a Peace Officer or their designate.

"City" means the City of Parksville.

"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 Parksville.

Bylaw No. 1432.1 adopted July 7, 2025, deleted the definition of "Director of Engineering and Operations":

~~"Director of Engineering and Operations" means the person appointed as the Director of Engineering and Operations, and includes any person appointed or designated by the Director to act on his behalf.~~

Bylaw No. 1432.1 adopted July 7, 2025, replaced the definition of "Highway" with the following:

"Highway" means all public streets, roads, ways, trails, lanes, bridges and any other public way or right-of-way open to public use.

"Persistent/Persistently" means enduring or regularly repeated.

Bylaw No. 1432.1 adopted July 7, 2025, replaced the definition of "Point of Reception" with the following:

"Point of Reception" means a position that

- (a) is the property line of the real property occupied by the source of a noise or sound,
or
- (b) best represents the location at which the noise or sound, emanating from another property, is received and the resulting disturbance experienced;

Bylaw No. 1432.1 adopted July 7, 2025, replaced the definition of "Residential Area" with the following:

"Residential Area" means any area designated to permit residential use in the City of Parksville "Zoning and Development Bylaw, 1994, No. 2000" and any subsequent amendments or successor bylaws.

"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.

PART 2 – SPECIFIC REGULATIONS

General Prohibitions

Bylaw No. 1432.1 adopted July 7, 2025, amended Section 3(1) to read as follows:

- 3 (1) 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 City, which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity; or
- (a) Which exceeds the sound levels prescribed in this bylaw.
- (2) 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:

Bylaw No. 1432.1 adopted July 7, 2025, amended Section 3(2)(a) to read as follows:

- (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 exceeds the acceptable sound levels outlined in section 3(2)(i) at a Point of Reception in a Residential Area between the hours of 11:00 pm and 7:00 am daily.

Bylaw No. 1432.1 adopted July 7, 2025, amended Section 3(2)(b) to read as follows:

- (b) Harboursing or keeping any animal or bird which persistently cries, barks, or howls.
- (a) continuously for ten minutes or more without significant periods of rest; or
- (b) sporadically for a cumulative total of 15 or more minutes within 1 hour.
- (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 (492 feet) 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 building 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 City or the excavating or filling of any, highway, 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 6:00 p.m., on Sundays and Statutory Holidays.

- (f) Using lawn and/or yard maintenance equipment before 7:00 a.m. or after 9:00 p.m. daily.
- (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. daily 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.

Bylaw No. 1432.1 adopted July 7, 2025, added the following as Section 3(2)(i):

- (i) In addition to the noises or sounds described in sections 3(2)(b) through (h):
 - (i) any continuous sound that exceeds the following sound levels (as measured by an approved sound meter) at the point of reception:
Sound Level
 - (1) between the hours of 7:00 am and 11:00 pm: 75 dBA
 - (2) between the hours of 11:00 pm and 7:00 am: 60 dBA
 - (ii) any non-continuous sound that exceeds the following sound levels (as measured by an approved sound meter) at the point of reception:
Sound Level
 - (1) between the hours of 7:00 am and 11:00 pm: 95 dBA
 - (2) between the hours of 11:00 pm and 7:00 am: 75 dBA
 - (iii) any noise generated by the use of power equipment, during permitted hours that exceeds a sound level of 85 dBA (as measured by an approved sound meter) at the point of reception, is limited to a maximum use time period as follows:
Sound Level
 - (1) 85 - 90 dBA is limited to 1 hour per day
 - (2) 91 - 99 dBA is limited to 30 minutes per day
 - (3) 100 dBA or over is prohibited
- (3) No person shall make or cause or permit to be made a noise described in Subsection (2).
- (4) No person being the owner or occupier of real property shall allow or permit such real property to be used so that noise described in subsection (2) emanates from it.

Exemptions

- 4** (1) The emission of noise or sound in connection with the following are excluded from the prohibitions, regulations and penalties contained in this Bylaw:

- (a) Police, Fire Department or Emergency vehicles when engaged upon a service of public convenience or necessity.
- (b) Horn or signaling device on a boat, train or vehicle when used as a danger or warning signal.
- (c) City, other government or utility companies when engaged upon a service of the public or while engaged upon a service of public convenience or necessity.
- (d) Bells or chimes from churches or public institutions.
- (e) 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.
- (f) 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.
- (g) Noise or sound created from parades, sporting events or public festivities authorized by Council.
- (h) Noise or sound created by extraordinary construction projects which have been authorized to take place by the Council.

Bylaw No. 1432.1 adopted July 7, 2025, added the following subsection to Section 4(1):

- (i) Heating and cooling systems including heat pumps or air conditioners resulting in a sound power level measured from a point of reception in excess of:
 - (1) 50 dB(A) between 7:00 am and 10:00 pm on any day, or
 - (2) 45 dB(A) between 10:00 pm and 7:00 am of the following day.

Bylaw No. 1432.1 adopted July 7, 2025, amended Section 4(2) to read as follows:

- (2) Where it is impractical or impossible to comply with the General Regulations, the Administrator or their designate may, upon receiving written application, give approval to carry on any work or activity that is necessary. The approval may stipulate hours of operation, operating methods, type of machinery, maximum noise levels in decibels, period of operation and any other matter relevant to the particular circumstances. Where the approval specifies any limitation or restriction such as noise level, it will be the applicant's responsibility to demonstrate compliance with the conditions of the approval.

PART 3 – ADMINISTRATION AND ENFORCEMENT

Inspection

- 5** 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.

Penalty

- 6 (1) 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:

Bylaw No. 1432.1 adopted July 7, 2025, deleted Section 6(2) in its entirety:

~~(2) 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.~~

Offence

- 7 No person shall violate the provisions of this Bylaw.

Severability

- 8 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.

Repeal

- 9 The Town of Parksville, "Noise Control Bylaw 1982 No. 753" and all amendments thereto are hereby repealed.

READ A FIRST TIME this 18th day of June 2007

READ A SECOND TIME this 18th day of June 2007

READ A THIRD TIME this 18th day of June 2007

ADOPTED this 4th day of July 2007

Original signed by S. Herle

Mayor

Original signed by L. Taylor

Corporate Administrator

Consolidated under the provisions of the *Community Charter* to include Bylaw 1432.1. Printed under the authority of the Deputy Corporate Officer of the City of Parksville this 8th day of July, 2025.

Original signed by Sarah E. Ross

Deputy Corporate Officer

Bylaw No. 1432.1 adopted July 7, 2025, deleted Schedule "A" in its entirety.

SCHEDULE "A" — BYLAW NO. 1432

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(1)	_____ \$100.00
_____ Objectionable noise	_____ 3(3)	_____ \$100.00