

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

COMMUNITY STANDARDS BYLAW 2019 NO. 5448

CONSOLIDATED FOR CONVENIENCE ONLY

EXPLANATORY NOTE

Community Standards Bylaw 2019 No. 5448 is a bylaw to regulate, prohibit and impose requirements in relation to noise, untidiness, unsightliness and abandonment of property in the Township of Langley, and it repeals and replaces the Corporation of the Township of Langley Noise Control Bylaw 2015 No. 5172 and all amending bylaws, the Corporation of the Township of Langley Untidy and Unsightly Premises Bylaw 1982 No. 2092 and all amending bylaws, the Corporation of the Township of Langley Graffiti Bylaw 2008 No. 4627 and all amending bylaws, and the Corporation of the Township of Langley Abandoned Properties Bylaw 2005 No. 4401 and all amending bylaws.

Amending Bylaw 2024 No. 6050 – October 7, 2024

Bylaw 2024 No. 6050 amends the Community Standards Bylaw 2019 No. 5448 to increase the hours of construction on Saturday, reduce the required number of days for which noise exemption applications are to be received and reduce the timeline for the approval process for construction sound exemption applications.

THIS IS A CONSOLIDATED BYLAW PREPARED BY THE CORPORATION OF THE TOWNSHIP OF LANGLEY FOR CONVENIENCE ONLY. THE TOWNSHIP DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BYLAW PROVISIONS.

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

COMMUNITY STANDARDS BYLAW 2019 NO. 5448

The Municipal Council of the Corporation of the Township of Langley, in Open Meeting Assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as “Community Standards Bylaw 2019 No. 5448”.

WHEREAS the Corporation of the Township of Langley deems it necessary and desirable for the purpose of health, safety, protection, wellbeing and enhancement of the community to mitigate the adverse health effects of noise in the Township of Langley, prevent the unsightliness of property, and to regulate abandoned or unoccupied buildings on properties within its jurisdiction;

WHEREAS the *Community Charter* authorizes a municipality to adopt, for the purposes of ensuring health, safety and the well-being of its community, bylaws which regulate, prohibit and impose requirements in relation to noise;

WHEREAS the *Community Charter* authorizes a municipality to adopt, for the purposes of the protection and well-being of its community, bylaws which prohibit the untidiness and unsightliness of properties, including the placement of graffiti;

AND WHEREAS the *Community Charter* authorizes a municipality to adopt, for the purposes of ensuring health, safety and the protection of persons and property, bylaws which require the owner of property to take measures to safeguard abandoned or unoccupied buildings;

NOW THEREFORE, the Municipal Council of the Corporation of the Township of Langley, in Open Meeting Assembled, ENACTS AS FOLLOWS:

PART 1 – TITLE

- 1.1 This Bylaw may be cited for all purposes as “Community Standards Bylaw 2019, No. 5448”.
- 1.2 Schedule “A” is attached hereto and forms a part of this Bylaw.

PART 2 – INTERPRETATION AND DEFINITIONS

“**Abandoned Property**” means any *Building, Structure* or improvement which has remained unoccupied by the *Owner*, or *Occupant* lawfully entitled to occupy the *Building, Structure*, or improvement for a continuous period of over thirty (30) days.

“**Activity Zone**” means any area of land zoned to permit industrial or commercial use under the *Zoning Bylaw*, unless such land qualifies as a *Quiet Zone* under this Bylaw.

“**ALR**” means agricultural land designated as an agricultural land reserve under the *Agricultural Land Commission Act*, S.B.C. 2002, c. 36, as amended or replaced, and includes an agricultural land reserve under a former Act.

“Approved Sound Meter” means an acoustic instrumentation system which:

- (a) is comprised of a microphone, wind screen and recorder which conforms to class 1 or class 2 requirements for an integrating sound level meter, as defined under the current version of IEC 61672-1, or another standard as required by the *Manager of Bylaws*;
- (b) has been field calibrated before and after each sound measurement using a class 1 or class 2 field calibrator as defined under the current version of IEC 60942, or another standard as required by the *Manager of Bylaws*; and
- (c) has been calibrated, along with the field calibrator, within the past two years by an accredited lab to an identifiable national institute standard acceptable to the *Manager of Bylaws*.

“Building” has the same meaning as defined in the Langley Building Bylaw 2008 No. 4642, as amended or replaced.

“Building Inspector” means the person to whom the *Municipality* has assigned the responsibility for administering its *Building* regulation bylaws and their deputy or designate.

“Construction” means erecting, repairing, altering, adding, installing, demolishing, removing, excavating or shoring, conducted in accordance with the *Municipality’s Building* regulation bylaws.

“Construction Sound Sign” has the meaning ascribed to it under section 10.7 of this Bylaw.

“Council” means the council of the *Municipality*.

“Daytime” means from 7:00 a.m. to 10:00 p.m.

“dBA” means units of A-weighted decibels; the equivalent continuous *Sound* pressure level measured using the “A” weighting network on an *Approved Sound Meter*.

“dBC” means units of C-weighted decibels; the equivalent continuous *Sound* pressure level measured using the “C” weighting network on an *Approved Sound Meter*.

“Discarded Materials” means items of little or no apparent economic value, or in a dismantled or damaged condition, or not in use for the purpose for which they were manufactured or intended to be used, including, but not limited to, deteriorated lumber, broken concrete, old newspapers, furniture parts, household appliance parts and fixtures, hot tub covers and old hot tubs, pool liners, vehicle parts, shopping carts, abandoned, broken or neglected equipment, abandoned, broken or neglected boats or boat parts, or scattered remains of items.

“Domestic Equipment” means a domestic air conditioner or evaporative cooler, heat pump, swimming pool pump, spa pump, or domestic heating equipment (including central heating and hot water systems) on a residential *Property*.

“Emergency” means any situation where immediate action must be taken to preserve the environment, public health, safety or an essential service of the *Municipality*.

“Emergency Vehicle” means:

- (a) a *Vehicle* carrying rescue or first aid equipment if there is an *Emergency*;
- (b) a *Vehicle* driven by a member of a fire department in the discharge of their duties; and
- (c) a *Vehicle* driven by a peace officer, constable or member of the police branch of Her Majesty's Armed Forces in the discharge of their duties.

“Firearm” means a barrelled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such a barrelled weapon and anything that can be adapted for use as a firearm.

“Graffiti” means one or more letters, symbols or marks, howsoever made, on any *Building*, *Structure* or thing but does not include marks made accidentally or any of the following:

- (a) a sign, mural, public notice or traffic control mark authorized by the *Municipality*, a bylaw of the *Municipality*, or by Provincial or Federal legislation; and
- (b) in the case of private *Property*, a symbol or mark for which the *Owner* or *Occupant* of the *Property* on which the letter, symbol or mark appears has received prior written authorization from the *Municipality*.

“Highway” has the same meaning ascribed to it in the Highway and Traffic Bylaw 2010 No. 4758 as amended or replaced.

“Impulsive Sound” means a *Sound* that is characterized by brief bursts of *Sound* pressure, with the duration of each impulse usually less than 1 second, including without limitation, *Sounds* containing bangs, clicks, clatters, or thumps from hammering, banging of doors, and other metal impacts.

“Inspector” means:

- (a) a peace officer;
- (b) a bylaw enforcement officer designated by the *Municipality*;
- (c) a local assistant to the Fire Commissioner;
- (d) a *Building Inspector*, or their designate; and
- (e) any officer, employee or representative of the *Municipality* appointed under this Bylaw.

“Intermediate Zone” means any area of land included within any zone under the *Zoning Bylaw*, which is not otherwise defined as a *Quiet Zone* or an *Activity Zone* under this Bylaw.

“Manager of Bylaws” means the person appointed by Council to the position having that name, their designates and, except with respect to an Exemption Application under Part 11 of this Bylaw, their authorized agents.

“Manager of Permit, Licence & Inspection Services” means the person appointed by *Council* to the position having that name, their designates and, except with respect to an Exemption Application under Part 11 of this Bylaw, their authorized agents.

“Municipal Clerk” means the person appointed by *Council* to the position having that name, and their designates.

“Municipality” means the Corporation of the Township of Langley.

“Nighttime” means any time not defined as *Daytime*.

“Normal Farm Practice” has the meaning ascribed to it in the *Farm Practices Protection (Right to Farm) Act*, R.S.B.C. 1996, c. 131, as amended or replaced.

“Noxious Weeds” means the plants designated as weeds in the *Weed Control Act*, R.S.B.C. 1996, c.487 and Regulations, as amended or replaced, including but not limited to, blackberry bushes, morning glory, and English Ivy.

“Nuisance Service Calls” means a *Municipality* or RCMP response to abatement of any activity, conduct or condition occurring on or near property which substantially and unreasonably interferes with another *Person’s* use and enjoyment of a public place or of *Property* occupied by that *Person*, or which causes injury to health, comfort or convenience of an *Owner* or *Occupant* of *Property* and which is caused by or arises from a *Person’s* failure to comply with the requirements of this Bylaw.

“Occupant” means:

- (a) a *Person* residing on or in *Property*;
- (b) a *Person* entitled to the possession of *Property* if there is no *Person* residing on or in the *Property*; or
- (c) a leaseholder.

“Owner” has the same meaning as defined in the *Community Charter*, R.S.B.C. 2003, c.26, as amended or replaced.

“Person” includes a natural person, a company, corporation, partnership, firm, association, society, or party and the personal or other legal representatives of a *Person* to whom the context can apply according to law.

“Point of Reception” means a position that:

- (a) in the opinion of the *Inspector*, or other person authorized by the *Municipality*, best represents the location at which the Sound, emanating from another *Property*, is received and the resulting disturbance is experienced; and
- (b) is at least 1.2 m from the surface of the ground and any other sound reflecting surface.

“Power Equipment” means any equipment used in lawn and garden care or the maintenance and repair of a *Building*, *Structure* or residential *Property*, including, but not limited to, leaf blowers, trimmers, rototillers, chain saws, blowers, brush cutters, lawn mowers, snow blowers, pressure washers, carpet cleaning equipment and power tools.

“Property” means all real property including but not limited to *Buildings*, *Structures* and improvements situated on real property.

“Quiet Zone” means any area of land included within any zone under the Zoning Bylaw, which contains *Residential Premises*, except where any part of such land directly borders an *Activity Zone*.

“Representative Time Period” means the measurement period over which a sample of the level or character of the *Sound* under investigation will be taken as determined by an *Inspector*, or other person authorized by the *Municipality*, to best represent the *Sound* causing the disturbance.

“Residential Premises” means a *Property* used primarily for residential accommodation, and includes hotels and motels.

“Rubbish” means solid and semi-solid wastes including, but not limited to, paper, trash, refuse, garbage, cardboard, waste material, demolition material, compost, cans, bottles, yard clippings, wood, rubber, plastics, glass and bedding.

“Sound” means a fluctuation in pressure, particle displacement or particle velocity propagated in any medium, or the auditory sensation that may be produced by it.

“Sound Device” means any device that is designed to produce, play or amplify a *Sound*, except a device that is designed to assist the hearing-impaired; for certainty, a *Sound Device* shall include, but not be limited to, a musical instrument, radio, record player, cassette player, CD player, MP3 player, speaker, stereo, telephone, cell phone, television, microphone, megaphone, alarm, amplifier and other similar devices.

“Statutory Holiday” means

- (a) New Years Day, Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, British Columbia Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, and Boxing Day, or any other statutory holiday that may be declared by the Province of British Columbia; and
- (b) the day named in lieu of a day that is named in paragraph (a) and that falls on a Saturday, or Sunday.

“Structure” has the same meaning as defined in the Langley Building Bylaw 2008 No. 4642, as amended or replaced.

“Tonal Sound” means a *Sound* which contains one or more distinguishable, discrete, continuous tones or notes, including without limitation:

- (a) sound characterized by a whine, hiss, screech, or hum; and
- (b) music.

“Unsightly” means an accumulation of *Rubbish* or other *Discarded Materials*.

“Utility Service Provider” means a lawful provider of an electrical, water, natural gas or telecommunications service to consumers in the *Municipality*.

“Vehicle” has the same meaning as defined in the Langley Highway and Traffic Bylaw 2010 No. 4758, as amended or replaced.

“Wrecked Vehicle” has the same meaning as defined in the *Zoning Bylaw*.

“Zoning Bylaw” means the Township of Langley Zoning Bylaw 1987 No. 2500, as amended or replaced, or any registered land use contract, as applicable.

PART 3 – UNSIGHTLINESS

3.1 No *Owner* or *Occupant* of *Property* shall cause, permit or allow:

- (a) the *Property* to become or remain *Unsightly*;
- (b) the accumulation of cut tree branches, cut trees, cut bushes or other growth, unstacked firewood, dirt piles, or uncontained compost materials on the *Property*;
- (c) the accumulation of construction material not in reasonable use for the *Construction*, maintenance or as part of the reasonable equipment or furnishings of a *Building* on the *Property*, for more than 15 days, unless they are not visible from any other *Property*;
- (d) the storage of *Discarded Materials*, *Rubbish*, *Wrecked Vehicles*, *Vehicle* parts, household chattels and fixtures, furniture, appliances, and other household items of value on the *Property*, unless the item is in a closed *Building*, not including a temporary *Structure* such as a tent canopy or tarp, such that it is not visible from any other *Property*;
- (e) a fence or wood ties to be leaning or collapsed on the *Property*;
- (f) a *Vehicle*, boat, trailer or recreational *Vehicle* to be parked or stored on the landscape portion on a front yard of the *Property* that is visible from any other *Property*.

PART 4 – NOXIOUS WEEDS AND OVERGROWTH

4.1 No *Owner* or *Occupant* of *Property* shall cause, permit or allow on the *Property*:

- (a) *Noxious Weeds*;
- (b) the accumulation of uncontrolled growth, except where the *Property* is lawfully used for agricultural use under the *Zoning Bylaw*; or
- (c) grass, weeds or other similar ground cover to be over 20 centimeters in height, except where the *Property* is lawfully used for agricultural use under the *Zoning Bylaw*.

PART 5 – GRAFFITI

5.1 No *Person* shall:

- (a) place *Graffiti*, or cause or permit *Graffiti* to be placed on private *Property* so as to be visible from any other *Property*;
- (b) place *Graffiti* on a wall, fence, *Building* or *Structure* on public *Property*; or
- (c) fail to remove *Graffiti* from private *Property*, so as not to be visible from any other *Property*, when so instructed to do so by an *Inspector* or other *Person* authorized by the *Municipality*.

PART 6 – GENERAL REGULATIONS

- 6.1 An *Inspector*, or other *Person* authorized by the *Municipality*, may enter upon any *Property* at any reasonable time for the purpose of administering this Bylaw, including for the purpose of inspecting a *Property* to determine whether the *Property* is an *Abandoned Property* and whether an *Abandoned Property* has been or is being secured in accordance with Part 7 of this Bylaw.

PART 7 – ABANDONED PROPERTIES

- 7.1 The *Owner* of a *Property* that has or will become an *Abandoned Property* shall ensure the *Property* is made secure against unauthorized entry or occupation, vandalism or other intentional damage or fire hazard by one or more of the following methods in accordance with the *Municipality's* bylaws, to the satisfaction of an *Inspector* or other *Person* authorized by the *Municipality*:

- (a) securing all entries;
- (b) affixing structural barriers to doors, windows and other points of ingress using materials and installation effective to preclude entry and in a manner that does not denigrate views of the *Abandoned Property* from public places or any other *Property* and shall be installed and maintained in good condition and repair, including, but not limited to, as follows:
 - (i) if directed by an *Inspector* or other *Person* authorized by the *Municipality*, all boards will be painted or otherwise treated so that the colour of the plywood blends with the exterior of the *Building* or *Structure*,
 - (ii) all boards used in the covering of doors, windows and other points of ingress shall be installed from the exterior and shall be properly fitted in a watertight manner within the side jams, head jamb, and the exterior bottom sill of the door or window so that any exterior trim remains uncovered by the boarding, and
 - (iii) all boards shall be at minimum 12.7mm (0.5 inch) exterior grade sheet plywood secured with nails or screws spaced not greater than 304.8mm (12 inches) on centre;

- (c) installing fencing or other perimeter barriers, to the specifications of the *Municipality*.
- 7.3 If an *Inspector* or other *Person* authorized by the *Municipality* determines that a *Property* is an *Abandoned Property* that has not been or is not being secured in accordance with this Bylaw, the *Inspector* or other *Person* authorized by the *Municipality* may give notice to the *Owner* to secure the *Property* in accordance with this Bylaw.
- 7.4 The *Owner* will secure the *Abandoned Property* in accordance with the requirements of this Bylaw, or as otherwise contained in the notice, or as required by the *Inspector* or other *Person* authorized by the *Municipality*.
- 7.5 The *Owner* of an *Abandoned Property* that has been damaged because of unauthorized entry or occupation, or otherwise, will, within 10 days of service of notice of the damage from an *Inspector* or other *Person* authorized by the *Municipality*, effect such repairs as may be necessary or required by the *Inspector* or other *Person* authorized by the *Municipality*, and install or take such security measures as may be required by the *Inspector* or other *Person* authorized by the *Municipality* to secure the *Property* against further unauthorized entry or occupation or damage.
- 7.6 Service of the *Municipality's* notice under Part 7 of this Bylaw will be sufficient if the *Municipality's* notice:
- (a) in the case of service on an individual, is served personally or mailed by regular mail to an address of the *Owner*, including the address of the *Owner* shown on the registered title of the *Property*; or
 - (b) in the case of service on a corporation, is served personally on a director, officer or shareholder of the corporation or by leaving it at or mailing it by regular mail to the registered office of the corporation.
- 7.7 Notice under Part 7 of this Bylaw will be deemed served on the date that the notice is mailed or delivered in accordance with Section 7.6 of this Bylaw.

FEES FOR ATTENDANCE

- 7.8 In accordance with Schedule "A" of this Bylaw, an *Owner* shall be responsible for paying, immediately upon receipt of an invoice from the *Municipality*, all costs of attendance of a *Building Inspector*, *Inspector*, RCMP, *Municipal* fire department personnel, or other *Persons* authorized by the *Municipality*, howsoever or whensoever incurred, if the *Property* is an *Abandoned Property* and has not been secured or repaired in accordance with this Bylaw.
- 7.9 Any costs not paid by the *Owner* pursuant to an invoice served in accordance with Section 7.6 of this Bylaw shall, if unpaid as at December 31 in any year, be added to and collected in the same manner as property taxes within the *Municipality*, in accordance with Section 399 of the *Local Government Act*, R.S.B.C 2015, c.1, as amended or replaced

MUNICIPAL WORK IN DEFAULT

- 7.10 If the *Owner* fails within 10 days to secure or repair an *Abandoned Property* in compliance with a notice received pursuant to Sections 7.3 or 7.5 of this Bylaw, or otherwise fails to comply with any provision of this Bylaw, then the *Municipality*, or its contractors, employees or agents, may enter onto the *Property* and perform the required work to secure or repair the *Property* in accordance with this Bylaw, or to otherwise comply with this Bylaw.
- 7.11 The *Owner* shall reimburse the *Municipality* for any expenses incurred by the *Municipality* as a result of any attendances at the *Abandoned Property* by an *Inspector* or other *Person* authorized by the *Municipality* under this Bylaw, as well as any other work undertaken pursuant to Section 7.10 of this Bylaw, including reasonable clean-up costs, immediately upon receipt of an invoice from the *Municipality*.
- 7.12 Any amounts imposed, charged or incurred by or on behalf of the *Municipality* pursuant to Sections 7.10 and 7.11 of this Bylaw shall, if unpaid as at December 31 in any year, be added to and collected in the same manner as property taxes within the *Municipality*, in accordance with Section 399 of the *Local Government Act*, as amended or replaced.

PART 8 – REPEAT NUISANCE SERVICE CALLS

- 8.1 Where there are 3 or more *Nuisance Service Call* responses at the same *Property* within a 12 month period, the *Municipality* may impose upon the *Owner* of that *Property* the nuisance abatement fees set out in Schedule “A” to this Bylaw, for each additional *Nuisance Service Call* response within the 24 month period following the date of the first *Nuisance Service Call*, and issue a notice in accordance with Section 8.2.
- 8.2 A notice issued by the *Municipality* in accordance with section 8.1 shall state at least the following:
- (a) the particulars of the nuisance;
 - (b) that the nuisance must cease or non-compliance must be remedied within the time prescribed in the notice;
 - (c) that if the *Owner* fails to comply with the notice, the *Municipality* may impose the nuisance abatement fees in accordance with Section 8.1 of this Bylaw; and
 - (d) that the imposition of the nuisance abatement fees are in addition to the *Municipality’s* right to seek other remedies or actions available for abatement of the nuisance.
- 8.3 Service of the *Municipality’s* notice pursuant to Sections 8.1 and 8.2 of this Bylaw will be sufficient if the *Municipality’s* notice:
- (a) in the case of service on an individual, is served personally or mailed by regular mail to an address of the *Owner*, including the address of the *Owner* shown on the registered title of the *Property*; or
 - (b) in the case of service on a corporation, is served personally on a director, officer or shareholder of the corporation or by leaving it at or mailing it by regular mail to the registered office of the corporation.

- 8.4 Notice under Sections 8.1 and 8.2 of this Bylaw will be deemed served on the date that the notice is mailed or delivered in accordance with Section 8.3 of this Bylaw.
- 8.5 If any fees imposed pursuant to this Bylaw are unpaid as of December 31st in the year that they are imposed, they shall be added to and collected in the same manner as property taxes within the *Municipality*, in accordance with Section 399 of the *Local Government Act*, as amended or replaced.
- 8.6 Nuisance abatement fees may be imposed by the *Municipality* even if no *Person* has been charged with an offence relating to a nuisance, a *Person* charged with an offence relating to a nuisance was acquitted of all charges before a court, or the charges are withdrawn, stayed or otherwise do not proceed.
- 8.7 Nothing contained in Sections 8.1 to 8.6 of this *Bylaw* shall be construed to limit the *Municipality's* other remedies or actions available for violation of this Bylaw or any other bylaw of the *Municipality*.

PART 9 – SOUND CONTROL

- 9.1 Subject to the exemptions set out in this Bylaw, no *Person* shall make, cause, or permit to be made or caused, a *Sound*, which exceeds:
- (a) 55 *dBA* or 70 *dB*C when received at a *Point of Reception* in a *Quiet Zone* during the *Daytime*;
 - (b) 45 *dBA* or 60 *dB*C when received at a *Point of Reception* in a *Quiet Zone* during the *Nighttime*;
 - (c) 60 *dBA* or 75 *dB*C when received at a *Point of Reception* in an *Intermediate Zone* during the *Daytime*;
 - (d) 50 *dBA* or 65 *dB*C when received at a *Point of Reception* in an *Intermediate Zone* during the *Nighttime*; or
 - (e) 70 *dBA* or 85 *dB*C when received at a *Point of Reception* in an *Activity Zone*.
- 9.2 For the purposes of section 9.1 of this Bylaw, a *Sound* under investigation shall be measured:
- (a) by an *Inspector*, a qualified professional engineer specializing in acoustics, or other *Person* authorized by the *Municipality*;
 - (b) from a *Point of Reception*;
 - (c) over a *Representative Time Period*; and
 - (d) with an Approved Sound Meter.
- 9.3 For a measurement under section 9.2 of this Bylaw, the measured *Sound* level pressure of a *Sound* may be adjusted to account for *Impulsive Sound*, *Tonal Sound*, or other special qualities.

9.4 Subject to the exemptions set out in this Bylaw, where a *Sound* cannot be reliably, accurately, or quickly measured under sections 9.1 and 9.2 of this Bylaw, or where in the discretion of the *Inspector*, the disturbance caused by the *Sound* is unreasonable, a measurement under sections 9.1 and 9.2 of this Bylaw is not required, and the following general prohibition applies:

- (a) a *Person* must not make or cause a *Sound* in a *Highway*, park, greenway, plaza or other public place, which disturbs, or tends to disturb, the quiet, peace, rest, enjoyment, comfort, or convenience of *Persons* in the neighbourhood or surrounding *Properties*; and
- (b) an Owner or Occupier of private *Property* must not make, cause, or permit any other *Person* to make or cause, a *Sound* on that *Property*, which can be heard by a *Person* not on the same *Property*, and which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of persons in the neighbourhood or surrounding *Properties*.

PROHIBITED TYPES OF SOUND

9.7 Subject to the exemptions set out in this Bylaw, the following types of *Sound* are specifically prohibited anywhere in the Municipality:

- (a) *Sound* made by a combustion engine that is operated without using an effective exhaust muffling system in good working order; and
- (b) *Sound* made by music from a Sound Device, whether pre-recorded or live, after 2:00 a.m. and before 7:00 a.m. on any day.

PART 10 – GENERAL SOUND CONTROL EXEMPTIONS

POWER EQUIPMENT

- 10.1 A *Person* may make, cause, or permit to be made or caused, a *Sound* from *Power Equipment* during the *Daytime*, as long as the *Sound* does not exceed 75 dBA when received from a *Point of Reception*.
- 10.2 No *Person* shall make, cause, or permit to be made or caused, a *Sound* from *Power Equipment* during the *Nighttime*.

CONSTRUCTION

- 10.3 A *Person* may make, cause or permit to be made or caused, a *Sound* from *Construction*:
 - (a) between the hours of 7:00 a.m. and 8:00 p.m. on weekdays, except for *Statutory Holidays*; and
 - (b) between the hours of 7:00 a.m. and 8:00 p.m. on Saturdays.
- 10.4 No *Person* shall make, cause or permit to be made or caused, a *Sound* from *Construction* on a Sunday or a *Statutory Holiday*.
- 10.5 A *Person* who has been issued a permit to undertake *Construction* whose value exceeds \$250,000 shall, forthwith after receipt of the permit, post or cause to be posted a sign on

the *Property* where the *Construction* will be undertaken which complies with the requirements of Section 10.6 of this Bylaw.

10.6 A *Construction Sound Sign* required under section 10.5 of this Bylaw shall:

- (a) be posted in a prominent location on the *Property* where the *Construction* will be undertaken and be clearly visible from at least one highway adjacent to that *Property*;
- (b) have a maximum height of 3.65m above grade;
- (c) have a maximum area of 3.0m²;
- (d) contain script that is at least 5.08cm high and is a colour that contrasts with the background colour of the *Construction Sound Sign*; and
- (e) state at least the following:
 - (i) the permitted *Construction* hours, and any exemptions to the permitted *Construction* hours,
 - (ii) the name of the general contractor for the *Construction*,
 - (iii) the name and telephone number of a representative of the general contractor who can be contacted about the *Sound* generated by the *Construction*,
 - (iv) the telephone number for the *Municipality's* bylaw enforcement department, and
 - (v) any other information as required by the *Municipality*.

GENERAL

10.7 Notwithstanding any other provision in this Bylaw, Parts 9 and 10 of this Bylaw do not apply to:

- (a) the lawful use and operation of the Langley Regional Airport;
- (b) the lawful use and operation of:
 - (i) the Langley Events Centre; or
 - (ii) a community centre or recreation centre owned or operated by the Municipality;
- (c) Normal Farm Practices, including, but not limited to, the use of a bird scare device as defined in the Audible Bird Scare Devices Farm Bylaw 2013 No. 5005, as amended or replaced;

- (d) the lawful operation of a licensed business or non-profit organization in accordance with a noise mitigation plan, or noise mitigation recommendations, prepared by a professional engineer specializing in acoustics, and approved by Council in conjunction with the adoption of a bylaw or the issuance of a permit;
- (e) the discharge of fireworks authorized by and in compliance with a permit issued under the Fire Prevention Bylaw 2014 No. 4965, as amended or replaced;
- (f) the discharge of a Firearm by a government official or employee in the lawful discharge of their duties, including, but not limited to, the discharge of a Firearm at the Fort Langley National Historic Park Site;
- (g) an *Emergency Vehicle*;
- (h) work undertaken by or on behalf of the *Municipality* including, but not limited to:
 - (i) the *Construction*, installation, operation, inspection, maintenance, repair or replacement of *Municipal Highways* and utilities;
 - (ii) the maintenance of *Municipal* parks and greenways;
 - (iii) residential waste collection, including the collection of garbage, organics, recycling and other items that have been discarded after primary use;
- (i) the use of bells, chimes, or other calls to worship by religious institutions, and the use carillons, where such carillons have been lawfully erected in accordance with the *Municipality's* bylaws;
- (j) by works and activities authorized by the British Columbia School Board 35 (Langley) and conducted by its employees, agents and contractors on *Property* owned or operated by the British Columbia School Board 35 (Langley);
- (k) by lawful outdoor athletic and recreational activity that takes place during the *Daytime*, except where such activity involves the use of a *Sound Device*, *Firearm*, *Vehicle*, recreational *Vehicle*, boat, or other electronic or motorized equipment;
- (l) engine brakes in a *Vehicle* for the purpose of safely operating a *Vehicle*;
- (m) the sounding of a horn or other signaling device in a *Vehicle*, boat, recreational *Vehicle*, or train, where such sounding is properly and necessarily used as a danger or warning signal;
- (n) *Sound* from a security alarm in a *Vehicle*, provided the *Sound* does not continue for more than 10 minutes;
- (o) *Sound* from a home or business security alarm, provided the *Sound* does not continue for more than 10 minutes;
- (p) the *Emergency* repair of a utility or Highway by a *Utility Service Provider* or by the *Municipality* or its employees, agents, or contractors.; and
- (q) filming or a special event authorized by the *Municipality* and in compliance with all requirements of the *Municipal* authorization.

10.8 In the event of a conflict between Part 9 and Part 10 of this Bylaw, Part 10 shall prevail.

PART 11 – PERMITTED SOUND CONTROL EXEMPTIONS

EXEMPTION APPLICATION

11.1 A Person may submit an application for an exemption from Parts 9 and/or 10 of this Bylaw (an “Exemption Application”):

- (a) to the *Manager of Permit, License & Inspection Services* regarding *Sound* generated by *Construction*; and
- (b) to the *Manager of Bylaws* regarding *Sound* generated by an activity other than *Construction*.

11.2 An Exemption Application must comply with the requirements of any applicable Council policy.

11.3 Unless expressly permitted by the *Manager of Permit, License & Inspection Services* or the *Manager of Bylaws*, an Exemption Application must be received by the *Municipality* at least 5 business days prior to the commencement of the *sound* in respect of which the exemption is sought.

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GRANT OR DENIAL OF AN EXEMPTION

11.4 Within 2 business days of receiving a completed Exemption Application, the *Manager of Permit, License & Inspection Services* or the *Manager of Bylaws* shall:

- (a) grant an exemption from one or more provisions of Parts 9 and/or 10 of this Bylaw, with any terms and conditions they deem reasonable; or
- (b) deny an exemption from one or more of the provisions of Parts 9 and/or 10 of this Bylaw on reasonable grounds.

11.5 An exemption granted under Section 11.4(a) of this Bylaw must be in writing and must state at least the following:

- (a) the provision or provisions of this Bylaw in relation to which the exemption is granted;
- (b) the time period during which the exemption is effective; and
- (c) any terms or conditions of the exemption.

11.6 An exemption denied under Section 11.4(b) of this Bylaw must be in writing and must state at least the following:

- (a) the reason for refusing the exemption; and
- (b) the applicant’s right to request that *Council* reconsider the decision to deny the exemption.

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- 11.7 An applicant who has been denied an exemption pursuant to Section 11.4 of this Bylaw may request that *Council* reconsider the decision to deny the exemption in accordance with the following procedures:
- (a) the applicant may apply for reconsideration by providing written notice to the *Municipal Clerk* within 14 business days of receiving this decision; and
 - (b) the applicant may make written submissions to *Council* in respect of the decision.
- 11.8 Within 30 days of receiving an application under Section 11.7 of this Bylaw, *Council* shall:
- (a) grant an exemption from one or more provisions of Parts 9 and/or 10 of this Bylaw, with any terms and conditions it deems reasonable; or
 - (b) uphold the decision to deny the exemption.
- 11.9 An exemption granted pursuant to Section 11.8(a) of this Bylaw must be in writing and must specify:
- (a) the provision or provisions of this Bylaw in relation to which the exemption is granted;
 - (b) the time period during which the exemption is effective; and
 - (c) any terms or conditions of the exemption.
- 11.10 A decision made under section 11.8(b) of this Bylaw must be in writing and must specify the reason for upholding the decision.
- 11.11 An exemption granted pursuant to Sections 11.4(a) or 11.8(a) of this Bylaw may be revoked by the decision-maker who granted the exemption, if the decision-maker is of the opinion that the *Person* benefiting from the exemption:
- (a) contravened a term of the exemption or did not comply with a condition of the exemption; or
 - (b) contravened a bylaw of the *Municipality*.

PART 12 – PENALTY

- 12.1 A *Person* who contravenes or violates any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or violation of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, commits an offence and shall be liable to a fine under the Township of Langley Bylaw Notice Enforcement Bylaw 2008 No. 4703, as amended or replaced.
- 12.2 Each day that an offence under this Bylaw is continued will constitute a separate and distinct offence.

PART 13 – SEVERABILITY

- 13.1 If any provision of this Bylaw is found or determined by a court of competent jurisdiction to be invalid, illegal or unenforceable, such provision or portion of the provision will be severable from this Bylaw, and the balance of this Bylaw will continue in full force and effect.

PART 14 – REPEAL

- 14.1 The following bylaws of the Township and their amendments are repealed:

- (a) Noise Control Bylaw 2015 No. 5172;
- (b) Abandoned Properties Bylaw 2005 No. 4401;
- (c) Graffiti Bylaw 2008 No. 4627; and
- (d) Untidy and Unsightly Premises By-Law, 1982 No. 2092.

READ A FIRST TIME the	27	day of	May	, 2019.
READ A SECOND TIME the	27	day of	May	, 2019.
READ A THIRD TIME the	27	day of	May	, 2019.
ADOPTED the	10	day of	June	, 2019.

“JACK FROESE”

Mayor

“WENDY BAUER”

Township Clerk

SCHEDULE "A"

Fee Type	Description	Fees
Attendance	Investigation and inspection of Property including attendance by any Inspector.	Actual costs incurred by the Municipality for all related labour, materials, or equipment, as well as all charges contained in any other bylaw of the Municipality.
Repeat Nuisance Service Call	Nuisance abatement fee	\$100 for each additional Nuisance Service Call.