

## **University Neighbourhoods Association (“UNA”) Noise Control Bylaw (“Bylaw”)**

1. Adopted by the Board of Governors of the University of British Columbia (“University”) on the date set out below.
2. Defined terms not expressly defined in this Bylaw have the meaning assigned to them in the Neighbours’ Agreement 2008 between the University and the UNA.
3. This Bylaw is designed to regulate noise within the Designated Local Areas, as that term is defined and identified in the Neighbours’ Agreement 2008 and as may be amended from time-to-time under that agreement.

### **Abbreviations and Definitions**

4. In this Bylaw any abbreviation or technical standard which is not defined specifically or defined by context, shall be interpreted by reference to the definitions and technical standards last published by the Canadian Standards Association (“CSA”), the American Standards Institute (“ANSI”), the International Organization for Standardization (“ISO”), or the International Electro-Technical Commission (“IEC”), as applicable and, unless the context otherwise requires:

“Approved Sound Meter” means any instrument that is in fact used by the UNA, or person appointed by the UNA, to measure levels of sound pressure;

“Board” means the Board of the UNA;

“Cause” means to make, cause or allow, or to permit to make, cause or allow. A person who rents to a person, or issues a license or permit to a person, is responsible for that person’s conduct;

“Commercial Premises” means Premises used to sell or offer to sell goods or services;

“Construction” includes the erection, alteration, repair, relocation, dismantling, demolition and removal of a building, and all processes ancillary or related thereto, structural maintenance, painting, land clearing, earth moving, trucking to and from (including before and after operating hours), grading, excavating, the laying of pipe and conduit (whether above or below ground level), building of parks or recreation space and all processes ancillary or related thereto, street building, concreting and the installation, alteration or removal of construction equipment, components and materials in any form or for any purpose, and includes any work being done in connection therewith;

“Continuous Sound” means any Noise occurring for a duration of more than three minutes, or occurring continually, sporadically or erratically but totaling more than three minutes in any 15 minute period of time;

“Daytime” means from 0700 hours to 2200 hours on any week day, and from 1000 hours to 2200 hours on any Saturday, Sunday or statutory holiday;

“dBC” means the sound pressure level in decibels measured using the “C” weighting network setting of an Approved Sound Meter and with slow response;

“Enforcement Officer” means any person so appointed by the Board and as referred to in the University Neighbourhoods Association (“UNA”) Enforcement and Appeals Bylaw;

“Leaf Blower” means a portable machine, including backpack units or handheld units, used for blowing or sucking up leaves, grass, or debris including leaf blowers that accept vacuum attachments but excluding vehicle-mounted units;

“Nighttime” means any time not included within the definition of Daytime;

“Noise” means noise or sound;

“Non-Continuous Sound” means any Noise other than Continuous Sound;

“Operating Hours” means the hours established by section 21;

“Organization” means an indigenous local organization such as an association of tenants, a strata council, a landlord, etc.;

“Point of Reception” means:

(a) a point in a lane or a street, adjacent to but outside of the property occupied by the recipient of the Noise, that represents the shortest distance between that property and the source of the Noise; or

(b) where no lane, street, or other public property exists between the recipient and the source, any point outside the property line of the real property from which the Noise emanates; and

(c) in either case at least 1.2 metres above the surface of the ground;

“Power Equipment” means any equipment or machinery used in lawn or garden care, or both, or in building or property maintenance, or both, and includes but is not

limited to Leaf Blowers, edge trimmers, line trimmers, rototillers, lawnmowers, pressure washers, carpet cleaning equipment, generators, and hand-operated power tools;

“Premises” means the area contained within the apparent boundaries of any legal parcel of land and any building situated within such boundaries, provided however that where a building contains more than one unit of commercial, industrial or residential occupancy each unit, the common areas of the building, and the land within the apparent boundaries of the lot, shall each be deemed to be separate premises;

“Quiet” means quiet, peace, rest, enjoyment, comfort or convenience;

“Residents” means those people who own or reside in strata lots, or who are tenants of rental housing or commercial space, located within Designated Local Areas, excluding individuals residing in student residences that are directly owned and operated by the University or by an affiliated theological college;

“Residential Premises” means any parcel of real property utilized primarily for residential accommodation;

“Slow Response” means the pre-determined setting of a sound level meter, which setting meets the minimum specifications set out in ANSI SI.4 or IEC 123;

“Sound Level” means the sound pressure level in decibels measured using the “A” weighting network setting of an Approved Sound Meter and with Slow Response.

“University Policy” means a current policy of the University.

## **General**

5. The University hereby confirms that the Board has been and is appointed by the University to perform the duties under this Bylaw pursuant to the *University Act*, R.S.B.C. 1996, c. 468 generally, and in particular, sections 27(2)(c) and 34, as recognized in the Neighbours’ Agreement 2008, section 5.5.

6. No person shall Cause any Noise in a street, park or similar public place which disturbs or tends to disturb unreasonably the Quiet of any person.

7. No person being the owner or occupant of any premises shall Cause the Noise of a barking dog or the cry of an animal or bird which can easily be heard by a person not on the same premises and which disturbs or tends to disturb unreasonably the Quiet of that person.

8. The ordinary and usual sounds and noises incidental to the occupation and use of Premises, when conducted in accordance with usual standards or practices and in a manner that will not unreasonably disturb the peace and comfort of adjacent residences or which will not detrimentally affect the operators of adjacent places of business, are not intended to be subject to the provisions of this Bylaw.

9. In addition to the provisions set out in this Bylaw, no person shall Cause a Noise that is contrary to any University Policy or to the Neighbours' Agreement 2008.

### **Specific**

10. Notwithstanding any other provision of this Bylaw the following are declared to be Noises which are objectionable or liable to disturb the Quiet of any person and are hereby prohibited and no person being the owner or occupant of any premises shall Cause:

(a) the Noise resulting from any person or persons at any time, where one or more human voice is raised beyond the level of ordinary conversation, or

(b) the Noise of a radio, television, record, CD, DVD or other player or other sound playback device, public address system, or any other music or voice amplification equipment, musical instrument whether recorded or live, whether amplified or not, provided that the Noise does not emanate from a Commercial Premises which can easily be heard by an individual or member of the public who is not on the same premises, notwithstanding that such a Noise might not constitute a breach of any other provision of this Bylaw; or

(c) Noise from vehicle-mounted carpet cleaning equipment made before 0800 hours and after 1800 hours on any weekday, before 1200 hours and after 1700 hours on a Saturday, or at any time on a Sunday or holiday;

(d) the operation of a Leaf Blower at any time unless the Leaf Blower has attached to it a manufacturer's decal certifying that the Leaf Blower meets the Category 1 - db(a) # A65 equipment standard set out in ANSI B175.2 - 2000, published by the Portable Power Equipment Manufacturers Association;

(e) the operation of Power Equipment within the Designated Local Areas that is within 50 metres of the boundaries of any Residential Premises, except between 0800 hours to 1800 hours on any week day or between the hours of 0900 hours to 1700 hours on any Saturday.

11. No person shall Cause Continuous Sound the sound level of which:

- (a) during the Daytime exceeds a rating of 55 on an Approved Sound Meter when received at a Point of Reception; or
- (b) during the Nighttime exceeds a rating of 45 on an Approved Sound Meter when received at a Point of Reception.

12. No person shall Cause Non-continuous Sound which disturbs or tend to disturb unreasonably the Quiet of any person.

13. Sections 6, 10(e), 11 and 12 of this Bylaw shall not apply to Noise created:

- (a) as a consequence of the emergency Construction, cleaning, or other maintenance of any building, street, sewer, water main, electrical duct, or other public utility; or
- (b) by the sound of chimes or carillons, whether amplified or not; or
- (c) as a consequence of the lawful testing of an emergency generator provided that it is not operated more than once a week during the Daytime, and for a maximum of 5 minutes and its Continuous Sound level does not exceed a rating of 80 on an Approved Sound Meter when measured at the Point of Reception or at least 6.1 metres from its source whichever is the greater.

14. Noise emanating from a source on a street shall, for the purposes of sections 11-12, be measured at the Point of Reception or at least 6.1 metres from the source of the Noise, whichever is the greater.

15. Where Noise emanating from a source on a Residential Premises is received on a street the Noise shall, for the purposes of sections 10-11, be measured at the Point of Reception or at least 6.1 metres from the source of the Noise, whichever is the greater.

16. No person shall in any Commercial Premises Cause Continuous or Non-continuous Sound or sound of a radio, television, player or other sound playback device, public address system, or any other music or voice amplification equipment, musical instrument, whether recorded or live, whether amplified or not, the level of which during the Daytime exceeds a rating of 70 dBC on an Approved Sound Meter, or during the Nighttime exceeds a rating of 65 dBC on an Approved Sound Meter when measured at the Point of Reception.

17. (1) No person shall in a Commercial Premises Cause Continuous or Non-continuous Sound of music, whether recorded or live, whether amplified or not, the sound level of which

exceeds a rating of 90 on an Approved Sound Meter when measured within the Commercial Premises at a distance of not less than 6.1 metres from the source unless a notice in the form prescribed in subsection (2) is posted in a prominent location at the entry to the premises.

(2) The notice referred to in subsection (1) shall contain the word “CAUTION” in bold face, followed by the words “THE SOUND LEVEL WITHIN THESE PREMISES MAY BE HAZARDOUS TO YOUR HEARING” in capital letters and the notice shall be constructed and placed so that it is easily and prominently readable.

18. Notwithstanding any other provision of this Bylaw, a person may Cause a Noise which exceeds the sound levels set out in this Bylaw, when performing works of an emergency nature for the preservation or protection of property, life or health.

19. Notwithstanding any provision of this Bylaw, but subject to sections 10(c)-(e) and 21-24, a person may Cause a Noise which exceeds the sound levels set out in this Bylaw, provided the sound level does not exceed a rating of 77 on an Approved Sound Meter when received at the greater of 50 feet (15.2 metres) or at the Point of Reception and the Noise is caused by the use or operation of Power Equipment during the Daytime.

20. Notwithstanding any provision of this Bylaw, a person may Cause a Noise which exceeds the sound levels set out in this Bylaw where such Noise is made by a participant in and as a consequence of a nuisance abatement program, festival, race, parade or other special event provided:

- i. such program, festival, race, parade or event has been authorized by either the Board or the Board of Governors of the University;
- ii. the Noise originates from the specific area authorized by either the Board or the Board of Governors of the University; and
- iii. the authorized program, festival, race, parade or event concludes no later than 2100 hours.

### **Construction**

21. No person shall, in or adjacent to Residential Premises, but not including a street, Cause Noise resulting from Construction the Continuous Sound level of which exceeds a rating of 85 on an Approved Sound Meter when measured at the Point of Reception or 15.2 metres from its source, whichever is the greater.

22. No person shall carry on any Construction to the disturbance of the Quiet of the public (including Residents), except:

- (a) between the hours 0730 hours to 1900 hours on any week day that is not a statutory holiday and between 0900 hours to 1700 hours on any Saturday that is not a holiday (“operating hours”); and
  - (b) no such activity shall be conducted on a Sunday or a statutory holiday
23. (1) In any case where it is impossible or impractical to comply with sections 21 or 22(a) or where, as the result of a special event, sections 6 or 10-12 cannot be complied with, an application, in the form prescribed in subsection (2) below may be made to the Board (who may in turn provide the application to a person identified by the Board to administer such applications) (in either case, and for the purposes of this section 23 and sections 25 and 32(4), the “Board/Person”) for an exception, and the Board/Person may, in its, his or her absolute discretion, give consent in writing to carry on any such works or events outside the prescribed limits and upon such terms as the Board/Person determines.
- (2) The application shall be in writing and submitted to the Board/Person at least five working days prior to the date of the proposed activity, and shall contain:
- (a) the name, address and telephone number of the applicant;
  - (b) the address of the site of the works or events;
  - (c) the building permit number, if applicable;
  - (d) the reason(s) the exception is sought;
  - (e) a description of the source(s) of Noise in respect of which the exception is sought;
  - (f) the exact period of time for which the exception is desired;
  - (g) the reason(s) why the exception is desired;
  - (h) a statement of the measures planned or presently being taken to minimize the Noise;
  - (i) a non-refundable application fee of \$100.00; and
  - (j) a description of the communication strategy the applicant proposes to alert those who may be affected if the application is granted, and any consent will be conditioned on the applicant fulfilling its proposal.

- (3) In any case where, because of an emergency or other unforeseen circumstance, an application for an exception cannot be submitted within the time limit prescribed in subsection (2), the Board/Person may waive that limitation.
- (4) For Construction activities which shall not Cause a disturbance to occupiers of other lands in the immediate vicinity, a person may apply in writing to the Board/Person for a permit upon 24 hours prior notice to extend the operating hours for a period which is specified in the notice. If the Board/Person, in its, his or her sole and absolute discretion, agrees that the Construction activity specified in the notice shall not cause a disturbance then the Board/Person may issue a permit specifying the periods of time in which the operating hours have been extended. If the Board/Person decides to issue a permit, the applicant shall pay a permit fee, in the amount established by the Board/Person in its, his or her absolute discretion, as required by the Board/Person from time to time. Any permit fee received by the Board/Person shall be paid forthwith to the UNA.

24. All developers shall install a sign on any Construction site. The sign shall legibly bear reference to this Bylaw, the name and current address of both the developer and the Construction manager or general contractor, and the name and telephone number of a person from both the developer and either the Construction manager or the general contractor who may be contacted from 0700 hours to 2200 hours each day (including weekends and holidays) during the time that the project is undertaken.

### **Construction Noise Penalties**

25. Notwithstanding section 32, if a party violates any of the provisions in sections 21-24, and specifically does not comply with the operating hours or any permits issued by the Board/Person to extend the operating hours, the party shall be liable to pay additional rent, or a fine, to the UNA, as follows:

- (a) not more than \$2,000.00 for a first offence,
- (b) not more than \$4,000.00 for a second offence,
- (c) not more than \$6,000.00 for a third offence,
- (d) not more than \$15,000.00 for a fourth offence or any offence past a fourth offence,

26. Failure to comply with the established operating hours on any day, counts as an offence. For each full 60 days between offences, the offence level that the applicant may be at, shall be reduced by one offence.

### **Refuse Collection**

27. (1) No person involved in the collection of refuse shall Cause any noise which can be avoided to emanate from the collection process itself including a motor vehicle while the vehicle is being used to collect refuse by any means including by means of a mechanical or hydraulic lift from a bulk refuse container in or adjacent to a Residential Premises.
- (2) No person involved in the collection of refuse shall do so except from 0800 hours to 1800 hours Monday to Friday unless in regards to a Commercial Premises for which the hours will be 0800 hours to 2200 hours every day.

### **Penalties and Enforcement**

28. Where a Resident has a noise complaint against another Resident, the complaining Resident shall follow the process set out below:

- (a) Stage 1: Wherever reasonably possible, the complaining Resident, unless the complaining Resident bona fide concludes it is unsafe to do so, must speak directly to the malefactor in an attempt to resolve any problem and, in either case if the problem remains unresolved, the Resident must refer the matter to the applicable property or strata manager who, unless the property or strata manager concludes it is unsafe to do so, must speak to the malefactor in an attempt to resolve any problem and, if necessary, proceed to stage 2;
- (b) Stage 2: Next, wherever reasonably possible, the complaining Resident and the Executive Director of the UNA (or a person nominated by the Executive Director (in either case and for the purposes of this section 28 and section 29, the “Executive Director”)), unless the Executive Director concludes it is unsafe to do so, must speak to the malefactor in an attempt to resolve any problem and, if necessary, proceed to stage 3;
- (c) Stage 3: Next, wherever reasonably possible, the Executive Director must meet with the parties, together or separately, adjudicate and obtain consensual enforcement of the established rules. The UNA shall provide a mediator at this stage. Following this the complaining Resident shall, if necessary, proceed to stage 4;
- (d) Stage 4: In the absence of satisfactory resolution at any of the prior stages, the UNA Board or its designate shall, follow those procedures set out in the University Neighbourhoods Association’s Enforcement and Appeals By-law.

29. Subject only to section 28 above, a person may report any offense to the Executive Director and may use the contact procedure in the UNA website [www.myuna.ca](http://www.myuna.ca).

30. Where, during week day operating hours, a Resident has a noise complaint against a non-Resident, the complaining Resident, unless the complaining Resident bona fide concludes it is unsafe to do so, must speak directly to the malefactor in an attempt to resolve any problem. If the noise persists after the complaining Resident has spoken directly to the non-Resident, the complaining Resident may contact the UNA at the following address to resolve the complaint, as necessary in the circumstances:

Attention: UNA Executive Director,  
University Neighbourhoods Association  
Old Barn Community Centre  
6308 Thunderbird Blvd.  
Vancouver, British Columbia V6T 1Z4  
Tel: 604.827.5158  
Fax: 604.827.5375  
E-mail: [reception@myuna.ca](mailto:reception@myuna.ca)

31. Where a Resident has a noise complaint after week day operating hours or the complaining Resident bona fide concludes it is unsafe to speak directly to the malefactor, the complaining Resident may (1), as regards Construction Noise, contact the person identified on the UNA website [www.myuna.ca](http://www.myuna.ca) at the provided 24-hour cellular phone number and (2), as regards other complaints, contact the RCMP detachment at UBC at the following address to resolve the complaint, as necessary in the circumstances:

Attention: Staff Sergeant in Charge,  
UBC RCMP Detachment  
2990 Wesbrook Mall  
Vancouver, British Columbia V6T 2B7  
Tel: 604.224.1322  
Fax: 604.224.4759

### **Applicable Penalties under the Noise Bylaw**

32. (1) Every person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw (and such specifically includes any strata corporation or other owner who has any commercial relationship with such person), or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, is guilty of an offence against this Bylaw and liable to the penalties hereby imposed. Each day that a violation of a continuing nature is permitted to exist

shall constitute a separate offence.

- (2) Every person who commits an offence against this Bylaw is liable to a fine and penalty of not more than \$2,000.00 and not less than \$100.00 for each offence.
- (3) Every person who commits an offence of a continuing nature is liable to a fine not exceeding \$50.00 for each day such offence is continued.
- (4) Notwithstanding subsections (1) through (3), if a person, including any strata corporation or other owner who has any commercial relationship with such person, does not comply with operating hours or any permits issued by the Executive Director of the UNA (or his or her nominee) to extend the operating hours, the person shall be liable to pay additional rent, or a fine, issued by the UNA, in its sole and absolute discretion, as follows:
  - (a) not more than \$1,000.00 nor less than \$100.00 for a first offence,
  - (b) not more than \$3,000.00 nor less than \$1,000.00 for a second offence,
  - (c) not more than \$5,000.00 nor less than \$3,000.00 for a third offence,
  - (d) not more than \$10,000.00 nor less than \$5,000.00 for a fourth offence or for any offence past a fourth offence.

33. Failure to comply with the operating hours on any day counts as an offence. The applicable penalty is reduced by one day for each full 60 days between offences.

34. A person may dispute any ticket, fine or other penalty issued by an Enforcement Officer for a contravention of this Bylaw pursuant to the process set out in the UNA's Enforcement and Appeals Bylaw.

**Severance**

35. Each separate provision of this Bylaw shall be deemed independent of all other provisions herein and if any provisions of this Bylaw are declared to be invalid, all other provisions thereof shall remain valid and enforceable.

This Bylaw comes into force and takes effect on the date of its passing.

DONE AND PASSED by the University Board of Governors on \_\_\_\_\_  
\_\_\_\_\_, 2009.

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Chair of the University Board of Governors