

**CORPORATION OF THE CITY OF COURTENAY
COUNCIL MEETING AGENDA**

DATE: August 18, 2014
PLACE: City Hall Council Chambers
TIME: 4:00 p.m.

1.00 ADOPTION OF MINUTES

1. Adopt August 5, 2014 Regular Council meeting minutes

2.00 INTRODUCTION OF LATE ITEMS

3.00 DELEGATIONS

4.00 STAFF REPORTS/PRESENTATIONS

Pg #

(a) Community Services

- 1 1. Children's Recreation Program – Parent Saver

(b) CAO and Legislative Services

- 5 2. Gladstone Brewing Co. Lounge Endorsement

- 27 3. Public Nuisance Bylaw No. 1798

Development Services

- 105 4. Zoning Amendment – 425 Back Road

(d) Financial Services

(e) Engineering and Operations

5.00 EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

1. Tom Sparrow, Chief Project Officer, N.I. Hospital Project to update Council on the next several months
- 117 2. Heritage Advisory Commission Minutes of July 30, 2014

6.00 INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

7.00 REPORTS/UPDATES FROM COUNCIL MEMBERS INCLUDING REPORTS FROM COMMITTEES

8.00 RESOLUTIONS OF COUNCIL

9.00 UNFINISHED BUSINESS

10.00 NOTICE OF MOTION

11.00 NEW BUSINESS

12.00 BYLAWS

For First and Second

- 119 1. "Zoning Amendment Bylaw No. 2798, 2014"
(to rezone 425 Back Road from R-1 to R-1S)

For First, Second and Third Reading

- 121 1. "Tax Exemption 2015 Bylaw No. 2799, 2014"
- 127 2. "Churches Tax Exemption 2015 Bylaw No. 2800, 2014"
- 129 3. "2015-2019 Tax Exemption Bylaw No. 2801, 2014"
- 131 4. "2012-2021 Tax Exemption Bylaw No. 2802, 2014"

For Third Reading and Final Adoption

- 133 1. "Zoning Amendment Bylaw No. 2796, 2014"
(to rezone a portion of Crown Isle Boulevard from CD-1I to CD-1F and from CD-1F to CD-1I)

For Final Adoption

- 135 1. "Park Dedication Bylaw No. 2797, 2014"
(Vanier Park Dedication)

13.00 ADJOURNMENT



THE CORPORATION OF THE CITY OF COURTENAY
STAFF REPORT

To: Council
From: Chief Administrative Officer
Subject: Children's Recreation Programs- Parent Saver

File No.: 7710-01
Date: August 18, 2014

PURPOSE:

The purpose of this report is for Council to consider providing additional recreational services for children to assist parents during any prolonged teacher work stoppage.

CAO RECOMMENDATIONS:

That based on the August 18th 2014 staff report "Children's Recreation Programs- Parent Saver", Council approve OPTION 1, and approve Recreation staff providing additional children's programs to assist parents and families if the teacher work stoppage continues in September.

T. Manthey, Deputy CAO for:
David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

The City of Courtenay provides a wide variety of programs for all ages through its Recreation Division. Children's programming has been especially diverse, and staff work towards providing a balanced program delivery including sports, arts, dance, children's camps, gymnastics, adventure programs, music, special events, and family related activities. Courtenay has had a long history of providing quality recreation programs for children.

DISCUSSION:

With the current teacher work stoppage, recreation staff has developed a contingency program plan which will care for children and support parents who may be impacted. The Parent Saver Program will provide activities for children ages 6-12, Monday-Friday, 8:30-3:30 pm. Up to 30 children per day can be accommodated.

The program will benefit children by:

- getting them back into routine of a school day
- allowing them to interact with other children
- getting them out of the house and being active
- exposing them to activities they may not have otherwise had the chance to participate in

The reasons for providing additional programs:

- providing support to parents needing to find care for their children so they are able to work
- not enough resources in the community (ie day care) to host all of the children who will be needing care while school is out of session.
- increase revenue for children's programs
- promotion of recreation programs for upcoming season

The program is a contingency in case the teacher work action is not settled by the beginning of September. The program will continue to run until schools are back in session.

FINANCIAL IMPLICATIONS:

Revenues from the Parent Saver Program would be \$3,750 per week (30 x \$125 per week). A per day enrolment rate of \$40 will also be available as an option to provide maximum flexibility for parents.

Expenditures would be \$1,700 per week (based on 2 program staff, supplies and 1-2 volunteers) plus advertising costs of \$300. The program will be cancelled if there are insufficient registrations. There will be no negative financial impact on the Recreation Program operating budget.

ADMINISTRATIVE IMPLICATIONS:

The Recreation Program Coordinator will oversee the program implementation as part of her normal duties.

STRATEGIC PLAN REFERENCE:

Goal 1 – A safe and caring community

Goal 4 – An active community with cultural and recreational opportunities

OFFICIAL COMMUNITY PLAN REFERENCE:

Vision Statements:

- an inclusive, open and caring community
- commitment to serve youth and seniors

REGIONAL GROWTH STRATEGY REFERENCE:

Not applicable

CITIZEN/PUBLIC ENGAGEMENT:

Staff is in constant communication with parents and facility users regarding programs. Parents have expressed concern about the potential of a prolonged work stoppage within the schools.

OPTIONS:

- OPTION 1: That Recreation staff provide additional children's programs to assist parents and families if the teacher work stoppage continues in September.
- OPTION 2: That Recreation staff not provide any additional services.

Prepared by:



Randy Wiwchar
Director of Community Services



THE CORPORATION OF THE CITY OF COURTENAY
STAFF REPORT

To: Council
From: Chief Administrative Officer
Subject: Gladstone Brewing Co. Lounge Endorsement

File No.: 4320-20
Date: August 18, 2014

PURPOSE:

The purpose of the report is to respond to the application by the Gladstone Brewing Company for a Brewery Lounge Endorsement.

CAO RECOMMENDATIONS:

That, based on the August 18, 2014 staff report, "Gladstone Brewing Co. Lounge Endorsement", Council approve Option 1 and direct staff to publish notice for two consecutive weeks in a local newspaper and posted on the City's website requesting input on the proposed Brewery Lounge Endorsement for Council consideration at the regular meeting scheduled for September 8, 2014; and

That the Downtown Courtenay Business Improvement District (DCBIA) be specifically requested to provide comments regarding the application.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "T. Manthey".

T. Manthey, Deputy CAO for:

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

As per the attached request, the new Gladstone Brewing Company is planning to open at 244 4th Street in the downtown core, and is requesting a Brewery Lounge Endorsement.

DISCUSSION:

If Council wishes to comment on the application, the *Liquor Control and Licencing Regulations* require a local government detailed resolution as outlined in Appendix 1.

In addition, prior to recommending approval of an application, the local government must gather the views of residents if it considers the amendment may affect nearby residents and businesses.

Council has not considered this particular type of application in the past. With other types of liquor licence amendment applications, Council has resolved to publish a notice in a newspaper for two consecutive weeks and on the City's website.

Staff are of the opinion that notices in a local newspaper and on the City's website, along with a specific request for comment from the DCBIA, will satisfy the requirements of the Liquor Control and Licencing Branch.

Once Council receives public input on the applications, a resolution addressing the points outlined in Appendix 1 must be forwarded to the Liquor Control and Licencing Branch (LCLB). A proposed resolution in the correct format will be presented to Council for consideration at the regular meeting scheduled for September 8, 2014.

Council may choose to "opt out" of the process. This is a valid option only if Council feels the operation of the brewery lounge would not affect nearby residents (includes businesses).

FINANCIAL IMPLICATIONS:

Cost of advertising is anticipated to be in the range of \$250.00.

ADMINISTRATIVE IMPLICATIONS:

Administration of liquor licence amendments is included in the general statutory duties of the Legislative Services Department work plan.

STRATEGIC PLAN & PRIORITIES REFERENCE:

Statutory in nature.

OFFICIAL COMMUNITY PLAN REFERENCE:

Not referenced.

REGIONAL GROWTH STRATEGY REFERENCE:

Not referenced.

CITIZEN/PUBLIC ENGAGEMENT:

Public notice required if Council wishes to comment on the application.

OPTIONS:

- Option 1: Direct staff to publish notice for two consecutive weeks in a local newspaper and posted on the City's website requesting input on the proposed Brewery Lounge Endorsement for Council consideration at the regular meeting scheduled for September 8, 2014 along with a specific request to the DCBIA for comment (recommended).
- Option 2: Direct staff to obtain public input through an alternative method.
- Option 3: Opt out of the process and advise the LCLB.

Prepared by:



John Ward, CMC
Director of Legislative Services

APPENDIX 1

Excerpts from the Liquor Control and Licencing Act Regulations:

- (9) *In considering an application for which notice has been given under subsection (8), the local government or first nation must, in providing comments with respect to the application, take into account the following criteria:*
- (a) *the location of the winery lounge, brewery lounge, distillery lounge or special event area;*
 - (b) *the proximity of the winery lounge, brewery lounge, distillery lounge or special event area to other social or recreational facilities and public buildings;*
 - (c) *the person capacity and hours of liquor service of the winery lounge, brewery lounge, distillery lounge or special event area;*
 - (d) *the impact of noise on the community in the immediate vicinity of the winery lounge, brewery lounge, distillery lounge or special event area;*
 - (e) *the impact on the community if the application is approved.*
- (10) *If the operation of a winery lounge, brewery lounge, distillery lounge or special event area may affect nearby residents, the local government or first nation must gather the views of residents of an area determined by the local government or first nation.*
- (11) *If the local government or first nation wishes to provide comments to the general manager, it must provide the following in writing:*
- (a) *its comments addressing the criteria in subsection (9);*
 - (b) *if it has gathered the views of residents under subsection (10),*
 - (i) *the views of the residents,*
 - (ii) *the method used to gather the views of the residents, and*
 - (iii) *its comments and recommendations respecting the views of the residents;*
 - (c) *its recommendations with respect to whether the endorsement should be issued;*
 - (d) *the reasons for its recommendations.*
- (12) *The written comments referred to in subsection (11) must be provided to the general manager within 90 days after the local government or first nation receives notice*

under subsection (8), or any further period authorized by the general manager in writing.

- (13) If under subsection (11) (c), the local government or first nation recommends that an endorsement be issued, the general manager must take that recommendation into account in deciding whether to issue the endorsement.*
- (14) Subject to subsection (15), the general manager must not approve an application that is not supported by the local government or first nation.*
- (15) The general manager need not comply with subsection (14) if the general manager is satisfied that*
 - (a) the local government or first nation did not comply with the requirements of this section, or*
 - (b) the recommendation provided by the local government or first nation is contrary to the public interest.*
- (16) If, after notice is provided to the local government or first nation under subsection (8), the local government or first nation informs the general manager that the local government or first nation will not provide input to the general manager in respect of the application or does not respond to the notice within the time allowed under subsection (12), the general manager may, in deciding whether or not to approve the application, take into account*
 - (a) the criteria in subsection (9), and*
 - (b) any other matters the general manager considers relevant.*



July 30, 2014

Job #23688898-2

via email: jward@courtenay.ca

John Ward
Director of Legislative Services
City of Courtenay
830 Cliffe Ave
Courtenay BC V9N 2J7

Dear Mr. Ward:

Re: Application Summary - Application for Brewery Lounge Endorsement
Applicant: Gladstone Brewing Co. Incorporated
Proposed Establishment Location: 244 4th Street, Courtenay
Proposed Establishment Name: Gladstone Brewing Co.

The applicant, Gladstone Brewing Co. Incorporated, has applied to the Liquor Control and Licensing Branch (the Branch) for a Brewery Lounge Endorsement to be located at the above-noted address. The Branch has completed the initial review of the application to determine applicant suitability and eligibility of the establishment type for licensing.

Having determined applicant eligibility, we are now proceeding to the Site and Community Assessment (SCA) stage which is the stage for local government input.

The City of Courtenay (Council) is requested to consider the application and provide the Branch with a resolution which includes comments and recommendation with respect to the licence application. To assist with Council's assessment of the application, the Branch has prepared a summary report (enclosed) for review and consideration by Council. The summary report is based on information provided by the applicant and by Branch staff.

Council has 90 days to either provide comments, in the form of a Council resolution, to the General Manager of the Branch, or to advise that they wish to "opt out" of the process. Additional time over the 90 days can be approved by the Branch if the request is received in writing prior to the end of the 90 day period.

Liquor Control and
Licensing Branch

Mailing Address:
PO Box 9292 Stn Prov Govt
Victoria BC V8W 9J8
Telephone: 250 952-5787
Facsimile: 250 952-7066

Location:
4th Floor, 3350 Douglas Street
Victoria, BC

<http://www.pssg.gov.bc.ca/lclb>

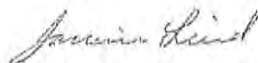
Upon receipt of a Council Resolution, the Branch will review the Resolution to determine if all the regulatory criteria have been met in accordance with section 10 of the Liquor Control and Licensing Regulation and, if recommended by local government, assess whether the granting of the Lounge Endorsement to the Brewery licence (if approved) would be contrary to the public interest. Should you gather the views of local residents and businesses as part of your consideration, please be reminded that the applicant cannot gather the views themselves. As part of your process, the gathering of the views must be administered by the local government. Following the rendering of a decision by the General Manager as to whether to grant Site and Community Approval, the applicant and the local government will be advised in writing.

Once granted SCA, the application proceeds to the building assessment stage of the process, where floor plans are reviewed and if approved in principle, the applicant may proceed with construction/renovation of the establishment, followed by the final stages of the licence endorsement process.

Further details of the liquor licensing application process can be found in the "Role of Local Government and First Nations in the Provincial Liquor Licensing Process" guidelines, enclosed for your reference and also available on the branch website at <http://www.hsd.gov.bc.ca/lclb/>.

If you have any questions regarding this application please contact me at 250 952-5767 or janine.lind@gov.bc.ca.

Sincerely,



Senior Licensing Analyst

Enclosure

copy: Terrance Trytten, Liquor Inspector
Daniel Sharratt, Gladstone Brewing Co. Incorporated



APPLICATION SUMMARY

For Applicant and Local Government/First Nation

Brewery Lounge Endorsement

Date: July 29, 2014

Job #23688898-2

Created by: Janine Lind
Senior Licensing Analyst

Re: Application for a Brewery Lounge Endorsement Area
Proposed Manufacturer Name: Gladstone Brewing Co.
Applicant Name: Gladstone Brewing Co. Incorporated
Location: 244 4th Street, Courtenay

1. APPLICATION INFORMATION

Date Application deemed complete: July 28, 2014

Local Government or First Nation Jurisdiction: City of Courtenay

The primary business focus of the proposed endorsement area: Food and Beverage

Person Capacity/Occupant Load Requested: Person 01 = 30 persons (interior lounge)
(person capacity is patrons plus staff)

Liquor Service Hours Requested:

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM
12:00	12:00	12:00	12:00	12:00	12:00	12:00
Midnight	Midnight	Midnight	Midnight	Midnight	Midnight	Midnight

Statutory Prohibitions to Consider: none identified

Terms and Conditions Requested: none

The Brewery Lounge Endorsement Area, if approved, will allow patrons to consume liquor in a designated interior lounge area on the manufacturing site. In the case of a brewery, the sale and service of liquor is restricted to beer registered to the licensee, by the glass (or other single serving). Food and non-alcoholic beverages must be available at reasonable prices to customers. Minors are permitted in a lounge endorsement area when accompanied by a parent or guardian.

2. APPLICATION SUITABILITY INFORMATION (Fit and Proper)

Applicant has met the eligibility and suitability requirements for this type of endorsement as stated in the *Liquor Control and Licensing Act*.

3. LOCATION/SITE FACTORS

The legal description of the site is: PID 006-264-999 Lot 1 Plan 3169 Sec 61 CDL49 PL 311. The proposed brewery lounge endorsement area is an interior area of the proposed manufacturing facility, overlapping the on-site store endorsement area (see attached site plan).

The following sections are compiled from information provided by the applicant except where indicated otherwise.

The Applicant's "Letter of Intent" (attached) provides information relative to the categories noted below. The information or statements included in the letter of intent have not been confirmed unless otherwise stated in this report.

- a) Purpose
- b) Target Market
- c) Composition of the Neighborhood
- d) Site factors
- e) Benefits to the Community
- f) Impact of Noise on the Surrounding Community
- g) Other impacts on the Surrounding Community

Community Indicators

Contravention Statistics

- The Liquor Control and Licensing Branch can provide contravention statistics for liquor primary and liquor primary club establishments within your area upon request.

POPULATION AND SOCIO-ECONOMIC INFORMATION :

- Circle population statistics for 2006 are available from BC Stats by emailing your request to BC.Stats@gov.bc.ca
- BC Stats Community Facts includes the BC Benefits recipient and EI Beneficiary statistics and is available at <http://www.bcstats.gov.bc.ca/data/dd/facsheet/facsheet.asp>
- Statistics Canada Population breakdown by categories is available at: <http://www12.statcan.ca/census-recensement/2006/dp-pd/prof/92-591/index.cfm?Lang=E>

4. PUBLIC INTEREST

In providing the resolution on the proposed Brewery Lounge application, Local Government must consider and comment on each of the regulatory criteria indicated below.

The written comments must be provided to the general manager by way of a resolution within 90 days after the Local Government receives notice of the application, or any further period authorized by the General Manager, Liquor Control and Licensing Branch, in writing.

Regulatory criteria Local Government or First Nation must consider and comment on:

- a) the location of the lounge;
- b) the proximity of the lounge to other social or recreational facilities and public buildings;
- c) the person capacity and hours of liquor service of the lounge;
- d) the impact of noise on the community in the immediate vicinity of the lounge;
- e) the impact on the community if the application is approved.

If the operation of the lounge is may affect nearby residents, the Local Government must gather the views of residents* in accordance with section 11.1 (2) (c) of the Act and include in the resolution:

- (i) the views of the residents*,
- (ii) the method used to gather the views of the residents*, and
- (iii) comments and recommendations respecting the views of the residents*;

* Note: "residents" includes business owners

For use by Liquor Control and Licensing Branch:

REGULATORY CONSIDERATIONS

Liquor Control and Licensing Act, sections: 11, 16 and 18

Liquor Control and Licensing Regulations sections: 4, 5, 6, 8, 9, 10

POLICY CONSIDERATIONS

Class of Licence

Applicant Eligibility Assessment

Site and Community Assessment

Building Assessment and Issue of a Licence

ATTACHMENT 1

APPLICANT'S LETTER OF INTENT

Letter of Intent (Lounge Endorsement)

The purpose of Gladstone Brewing Co.'s lounge will be to provide a seating area where patrons can purchase and consume pints of beer manufactured by Gladstone Brewing Co. We will serve the beer from our onsite bar and allow people to enjoy our space as a lounge.

We plan on having food available to our patrons, but the brewery will not make any food on site. Instead we plan on partnering with our neighbour (Mud Sharks Café) to supply food for our patrons, and also have a food truck on site for the evening hours.

5. Benefits to the Community

Gladstone Brewing Co. consulted with the Courtenay Downtown Business Association regarding our proposed project to build a micro-brewery with lounge in the downtown area. The association described a need to increase tourism to the area through the Comox Valley's reputation of provided local products. They feel that the Comox Valley is well represented in the areas of wineries, distilleries, and local food producers. What they said the Valley really needs was a local beer manufacturer. They feel that it will draw more people to the area, and with a lounge endorsement it will drive more people downtown, which will have a major positive impact on all downtown businesses.

6. Impact of Noise on the Surrounding Community

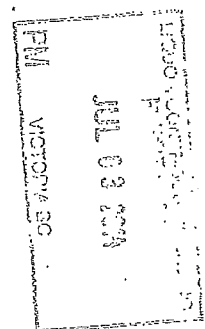
Noise should be minimal. The lounge area is all indoors at our site. There has been a restaurant in the site in the past that had over 30 seats and there were no noise complaints that I am aware of during that time.

7. Other Impacts on the Surrounding Community

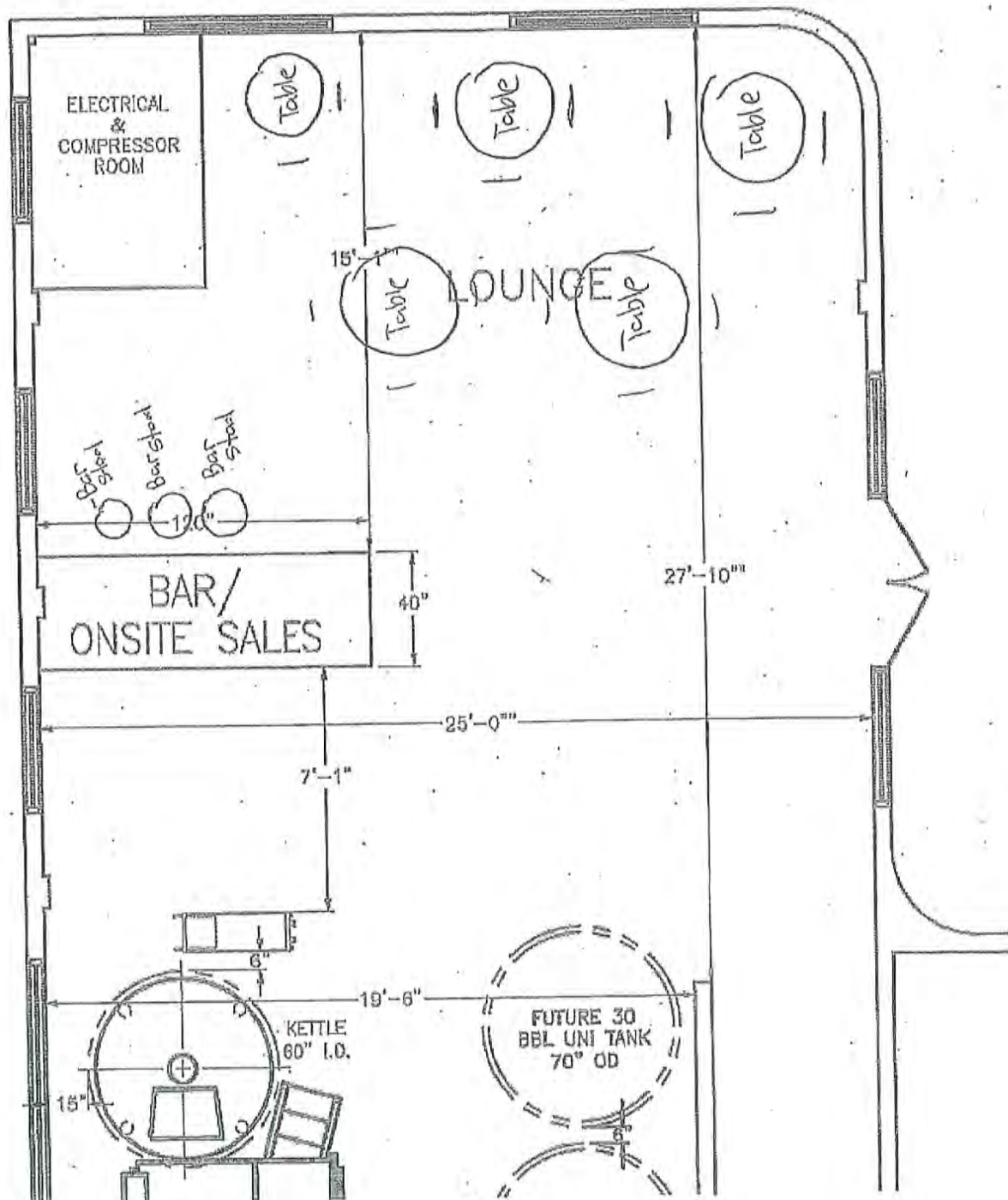
There will be more foot traffic in the 4th street and Cliff Ave areas, as more people will be drawn to that area with our new business.

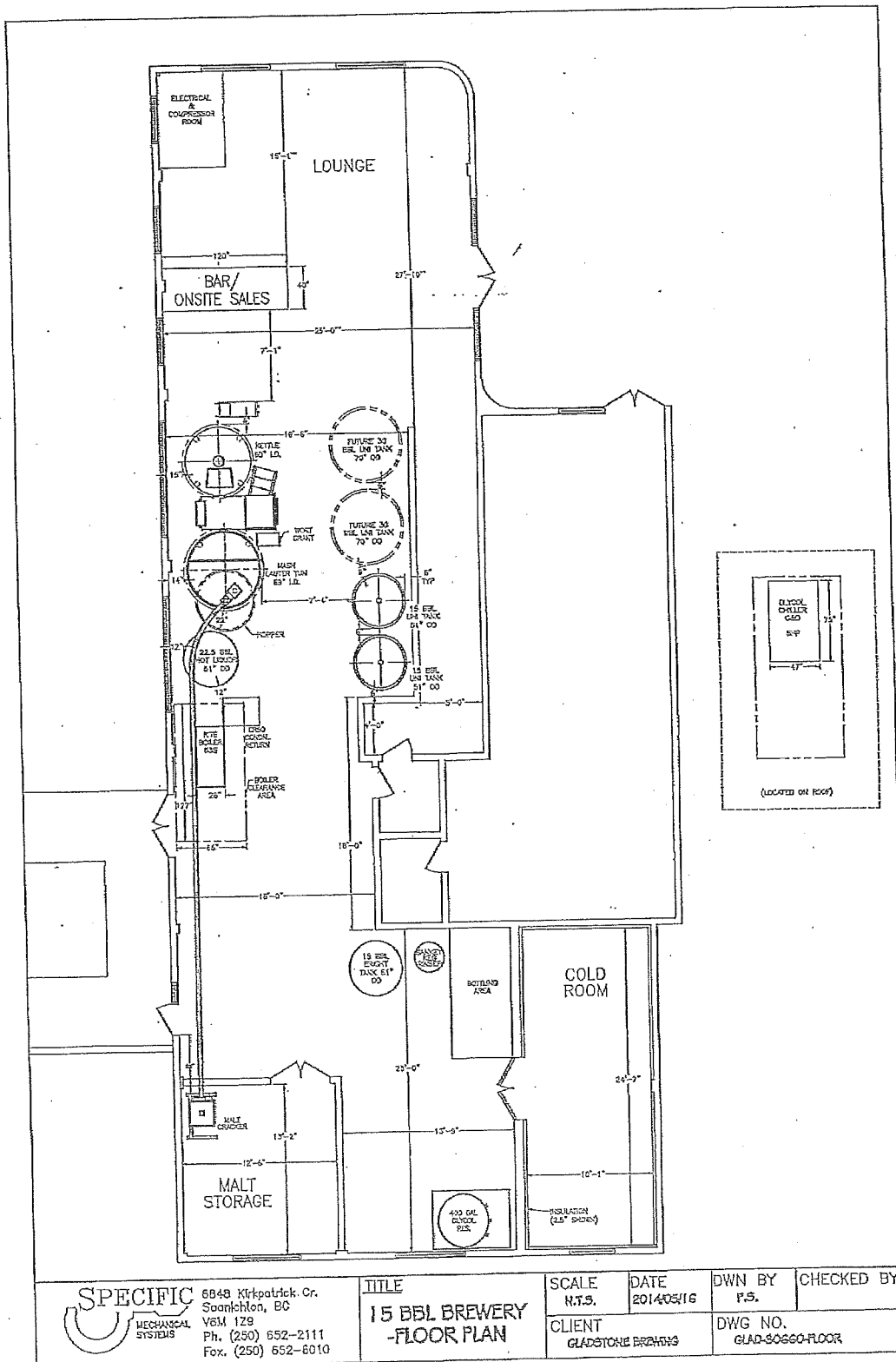
8. Other Information and Requests

We have consulted with the Downtown Business Association, all our future neighbours, the fire department, and the Chief Building Inspector, and everyone is very supportive of the brewery and on site lounge area.

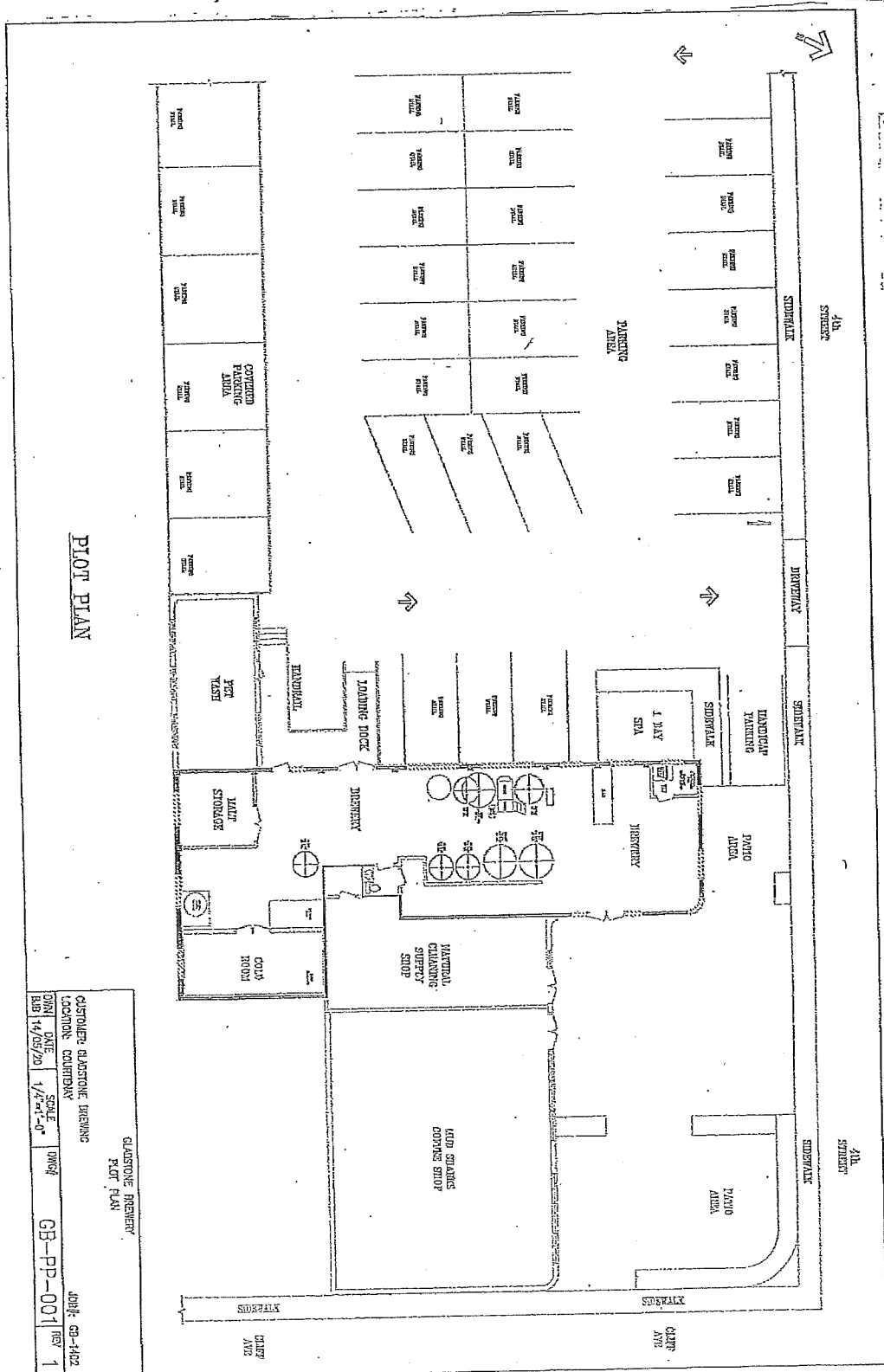


Preliminary Concept









PILOT PLAN

CASTLESTONE BREWERY				PILOT PLAN	
CASTLESTONE BREWERY					
LOCATION: COUNTRY					
DATE	DATE	SCALE	DATE	DATE	DATE
GB 14/05/20	14/05/20	1/4"=1'-0"	14/05/20	14/05/20	14/05/20
GB-PP-001				rev 1	

ATTACHMENT 2

Sample Resolution Template for a Winery Lounge or Special Event Area Endorsement

General Manager, Liquor Control and Licensing Branch

RE: Application for a winery lounge or special event area endorsement at: (address of proposed establishment)

At the (council/board) meeting held on (date), the (council/board) passed the following resolution with respect to the application for the above named Winery licence:

"Be it resolved that:

1. The (council/board) (recommends/does not recommend) the issuance of the winery lounge or special event area endorsement for the following reasons: (detail and explain reasons for recommendation)

2. The (council's/board's) comments on the prescribed considerations are as follows: (see the following page for sample comments for each criterion – a comment on each must be included in the resolution. Where a staff report has been prepared that addresses the criteria this can be used to provide Council's comments provided the staff report is referenced in the resolution and there is a clear statement that Council endorsed the comments in the report.)

- (a) The location of the winery lounge or special event area (provide comments)
- (b) The proximity of the winery lounge or special event area to other social or recreational facilities and public buildings (provide comments)
- (c) In the case of a winery lounge, the person capacity of the winery lounge (provide comments)
- (d) hours of liquor service of the winery lounge or special event area
- (e) traffic, noise, parking and zoning, and
- (f) The impact on the community if the application is approved (provide comments)

If the operation of the winery lounge or special event area may affect nearby residents, the local government must gather the views of residents of an area determined by the local government or first nation.

If the local government or first nation wishes to provide comments to the general manager, it must provide the following in writing:

- (a) Its comments addressing the criteria in subsection (9);
- (b) If it has gathered the views of residents under subsection (10),
 - (i) the views of the residents*
 - (ii) the method used to gather the views of the residents*, and
 - (iii) it's comments and recommendations respecting the views of the residents*
 - (iv) The reasons for its recommendations.

* Note: "residents" includes business owners

3. The (council's/board's) comments on the views of residents are as follows: (describe the views of residents, the method used to gather the views and provide comments and recommendations with respect to the views. If the views of residents were not gathered,

provide reasons).

The undersigned hereby certifies the above resolution to be a true copy of the resolution passed by the (council/board) of (local government/First Nation) on (date).

Sincerely,

(signature)

(name and title of official)

(local government/First Nation)

Note:

- All of the items outlined above in points 1, 2 (a) through (f) and 3 must be addressed in the resolution in order for the resolution to comply with section 10 of the Liquor Control and Licensing Regulation.
- Any report presented by an advisory body or sub-committee to the council or board may be attached to the resolution.

ATTACHMENT 3

Sample Resolution for a Winery Lounge or Special Event Area Endorsement Application

The following are examples that illustrate the type of comments that local government and First Nations might provide to demonstrate they have taken into consideration each of the criterion in reaching their final recommendation. Comments may be a mix of positive, negative and neutral observations relevant to each criterion. The final recommendation is the result of balancing these 'pros and cons'.

The list is not intended to illustrate every possible comment as the variations are endless, given the wide range of applications and local circumstances.

It is important that the resolution include the comment and not refer to a staff report, as the general manager cannot suppose that the local government considered all the criteria unless comment on each criterion is specifically addressed in the resolution itself.

Local government or First Nation staff may wish to contact the Liquor Control and Licensing Branch for assistance on drafting the content of a resolution before it is presented to local government or First Nation to avoid resolutions that do not comply with the regulations.

(a) The location of the winery lounge or special event area:

The location of the winery lounge is within the primary manufacturing facility. It has an interior and a patio area. It is located in a remote location and is suitable for such an endorsement.

(b) The proximity of the winery lounge to other social or recreational facilities and public buildings:

The only nearby social, recreational and public buildings do not conflict with the operation of a winery lounge.

— or —

The proposed location of the winery lounge is across a lane from a church with an attached retirement facility and church hall routinely used for youth group gatherings. The proximity of the proposed winery lounge is considered compatible with the neighbouring facilities.

(c) The person capacity of the winery lounge:

The maximum person capacity of the winery lounge is 65 persons as per building authorities.

(d) Hours of liquor service of the winery lounge:

Hours of liquor service are proposed to be from 4 PM to 10 PM daily. A larger capacity or later hours is not supported given the few number of police on duty to respond to concerns.

(e) Traffic, noise, parking and zoning:

Traffic in the area is not an issue. The road is located away from the main road resulting in noise not being an issue. Ample parking is available at the winery. Zoning permits a winery lounge for the sale and service of wine by the glass or bottle.

(f) The impact on the community if the application is approved:

If the application is approved, the impact is expected to be positive in that it will support the growth in tourism and offer a new social venue for residents.

The Council's comments on the views of residents are as follows:

The views of residents within a half mile* of the proposed winery lounge area were gathered by way of *written comments that were received in response to a public notice posted at the site and newspaper advertisements placed in two consecutive editions of the local newspaper. Residents were given 30 days from the date of the first newspaper advertisement to provide their written views. Residents were also given an opportunity to provide comments at the public meeting of Council held on date.

A total of 63 responses were received from businesses and residents. Of the responses received, 21 were in support of the application citing the creation of additional jobs and a new entertainment venue for the area as their primary reasons. A total of 42 letters were received in opposition to the application. The primary reason cited by those in opposition was the proposed closing hours. A number of business residents in the area also cited the lack of parking as an area of concern.

The following examples illustrate one option that Council may complete their comments on the views of residents based upon the preceding fact pattern.

Based upon the input received by residents within a half mile of the proposed winery lounge there is a two to one ratio of opposed residents to residents that support the application. The opposition to this endorsement comes from both homeowners and businesses. Council is of the view that with both the residential and business communities' opposition to this proposed establishment that the issuance of a winery lounge endorsement would be contrary to the community standard for this area.

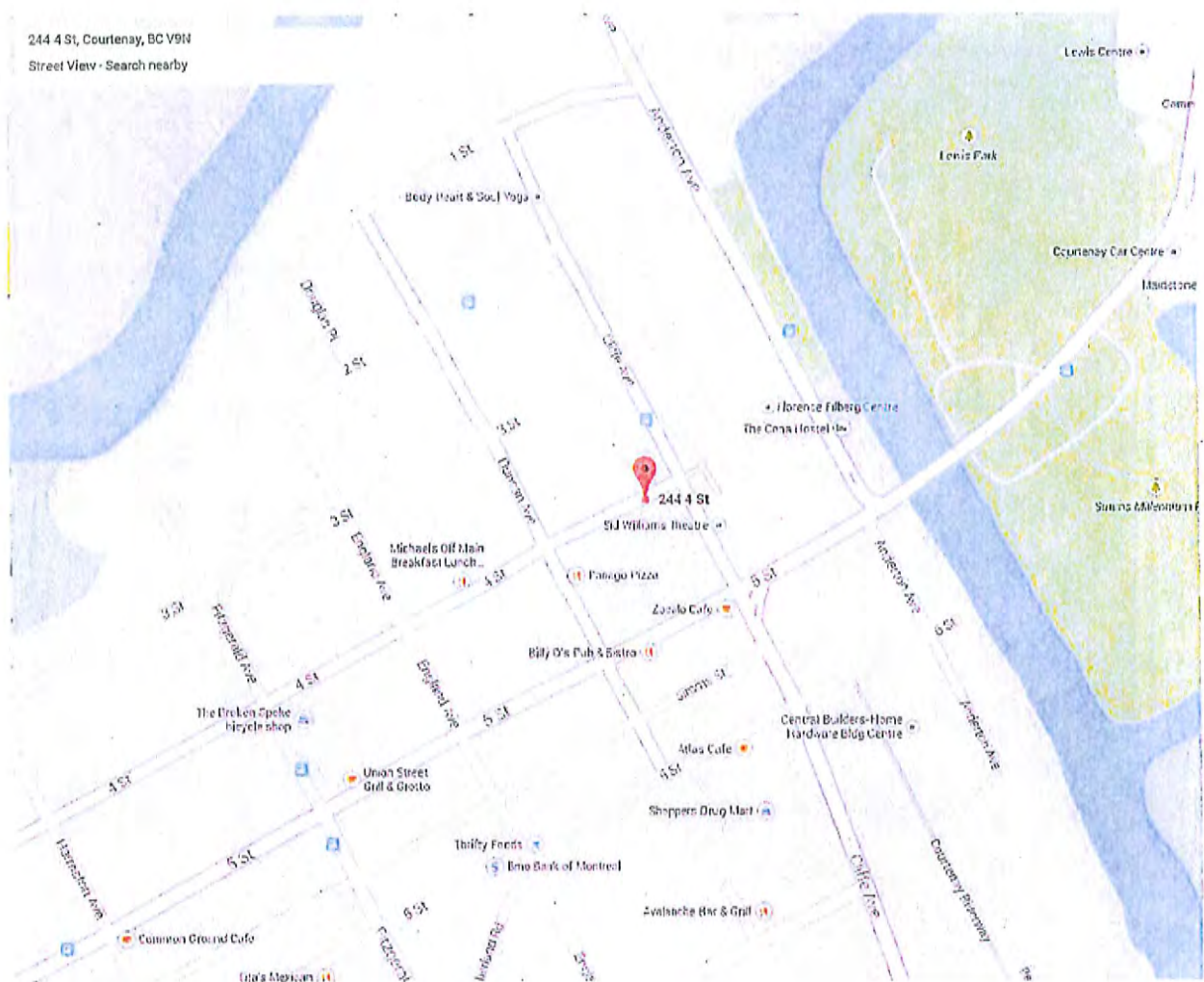
Despite the potential creation of additional jobs and a new entertainment venue for the area Council is unable to support the issuance of the endorsement. Council recommends that a licence not be issued.

*** The local government or First Nation determines the appropriate area to be included and the method for gathering those views**









Map data ©2014 Google 50 m



THE CORPORATION OF THE CITY OF COURTENAY
STAFF REPORT

3

To: Council
From: Chief Administrative Officer
Subject: Public Nuisance Bylaw No. 1798

File No.: 3900-00
Date: August 18, 2014

PURPOSE:

The purpose of this report is to provide options to Council with the goal of ensuring the City has the most effective noise bylaw possible.

POLICY IMPLICATIONS:

The City's current approach to dealing with noise complaints is governed by Bylaw No. 1798 (relating to nuisance and disturbances and to the care, maintenance and regulation of property within the City of Courtenay). This bylaw is twenty years old and needs to be revised to comply with current practices and standards, and to address sections that need greater clarity. Council has requested a bylaw that is more "effective".

While there are some relatively straight forward amendments to the current bylaw that will provide greater effectiveness, there is also an opportunity for Council to determine what level of service it desires to see the City provide. Any increase to the level of service will need to be considered along with the associated human, capital, and operational resources required to implement an increased level of service.

CAO RECOMMENDATIONS:

That based on the August 18, 2014 staff report "Public Nuisance Bylaw No. 1798, Council DECIDE on a course of action regarding potential changes to the Public Nuisance Bylaw No. 1798 and direct staff accordingly.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

In November 2011 Council passed the following resolution:

WHEREAS citizens are raising questions about why their complaints sometimes appear to not result in enforcement proceedings and question the adequacy of the noise bylaw to see measures implemented to reduce the sound level in noisy operations;

AND WHEREAS there are a variety of approaches to noise bylaws and guidance from the courts regarding community standards for noise tolerance;

THEREFORE BE IT RESOLVED that Council direct staff to provide a report to ensure the city has the most effective bylaw possible.

DISCUSSION:

City staff deal with an estimated average of 10 noise related complaints each month. The vast majority of the complaints are resolved through the following system of enforcement:

1. Complaint received.
2. Compliance requested verbally with a written letter follow up.
3. If no compliance, then a municipal ticket may be issued with a fine of \$500.
4. If the ticket is disputed, then the City may proceed to Supreme Court.
5. Supreme Court long form prosecution remains an option to seek larger judgements and/or enforcement orders.

In addition to City staff, the Comox Valley RCMP members also deal with noise complaints outside of regular business hours. These complaints often involve loud music, parties, etc. The RCMP are very effective partners in this regard, and take noise complaints seriously. Members have dealt with numerous complaints over the years, and have issued many MTI tickets with \$500 fines.

Although the City's current bylaw is open to some level of interpretation and can be somewhat subjective, history has shown that it generally allows staff to provide a satisfactory level of service to our citizens to mitigate excessive noise. There are some rare notable exceptions which will be discussed later in this report.

One particular provision of the current bylaw which commonly causes confusion is section 5. This section may be interpreted as allowing any sort of noise as long as it is between 7:00 a.m. and 8:00 p.m. This is not the case, and needs to be amended. Suggested wording is attached, along with some other amendments for Council's consideration.

One amendment in particular is the new provision for commercial and industrial operations. Staff believe that the changes shown in the attached draft bylaw would provide some clarity and options to provide resolution to potential conflicts.

Also, please find attached examples of bylaws from other communities which contain various provisions regarding decibel readings. Staff have reviewed these bylaws, and given their complexity, should Council wish to pursue this type of bylaw, it is recommended that a professional review be undertaken.

The City has been the subject of two investigations from the office of the Ombudsperson over the past two years relating to the enforcement of the noise bylaw. In particular, noise relating to commercial and industrial activities adjacent to residential areas. The office of the Ombudsperson reviewed all the actions taken by City staff within the provisions of the City's bylaw as well as all documentation from the complainants and staff in order to determine if the complainants were treated fairly. In both cases, after a considerable amount of time (approximately 20 hours) was spent by City staff providing documentation and subsequently discussing the files with the Ombudsperson staff, both investigations were closed without any recommendations.

Regardless of which direction Council chooses regarding the noise bylaw, staff believe it is crucial for the City to consider and address the mitigation of potential noise conflicts prior to the approval of new commercial or industrial developments. A good example of this is the new Crown Isle Plaza shopping centre, where a new commercial development was built adjacent to an existing residential neighbourhood.

Proper noise mitigation studies were performed and implemented, and this has resulted in no noise complaints from the neighbourhood.

FINANCIAL IMPLICATIONS:

The initial cost of a full professional review and partial implementation of the City's noise bylaw is in the range of \$50,000. A partial review would be substantially less; however would still be approximately \$22,000.

This is a significant investment; however it is potentially only a small portion of the ongoing costs which will be incurred in future enforcement of a new bylaw. Currently, the City has sufficient human resources to adequately enforce the City's bylaws to a level which Council has deemed appropriate. Generally staff receive positive feedback from residents that we are able to address their concerns in an effective and timely manner.

We do not have sufficient resources to enforce a bylaw containing sound level measurements. This would require additional staff as well as related equipment and training. The full impact of future resource requirements would need to be determined by consulting with other jurisdictions and with a sound consultant.

ADMINISTRATIVE IMPLICATIONS:

Administration of the Public Nuisance Bylaw is included in the Legislative Services Work Plan. Based on the current approach to enforcement, it is estimated that bylaw enforcement staff spend approximately 25% of their hours per year receiving and investigating routine noise complaints. This does not include the Comox Valley RCMP or ongoing complicated investigations. Going forward staff will be able to more accurately track time spent through the new workplan software program.

Should Council decide to proceed with an increased level of service for the enforcement of a new noise bylaw similar to the examples attached to this report, the City would need to hire an Independent Sound Consultant to assist in determining the additional human resources required.

FINANCIAL IMPLICATIONS:

Should Council decide to proceed with an increased level of service for the enforcement of a new noise bylaw similar to the examples attached to this report, the City would need to hire an Independent Sound Consultant to assist in determining the additional capital and operational resources required.

STRATEGIC PLAN REFERENCE:

N/A

OFFICIAL COMMUNITY PLAN REFERENCE:

N/A

REGIONAL GROWTH STRATEGY REFERENCE:

N/A

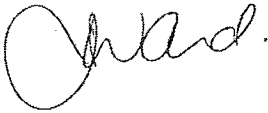
CITIZEN/PUBLIC ENGAGEMENT:

Citizen engagement would be dependent on the strategy Council ultimately chooses.

OPTIONS:

- OPTION 1: Approve amendments to the Public Nuisance Bylaw No. 1798 as attached to the report:
- OPTION 2: Direct staff to incorporate additional provisions in the bylaw, and report back on the associated estimated additional human and financial implications.
- OPTION 3: Postpone consideration of any bylaw changes to allow Council time to consider options.
- OPTION 4: Maintain the status quo.

Prepared by:

A handwritten signature in black ink, appearing to read "J. Ward", with a large loop at the beginning.

John Ward, CMC
Director of Legislative Services

CONSOLIDATED VERSION

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 1798

A bylaw relating to nuisance and disturbances and to the care, maintenance and regulation of property within the City of Courtenay

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

DEFINITION:

1. In this bylaw, unless the context otherwise requires:
 - (a) **Authorized Person** includes the following:
 - (i) a member of the Royal Canadian Mounted Police;
 - (ii) a Bylaw Enforcement Officer;
 - (iii) the Building Services Manager and his duly authorized representatives;
 - (iv) any other peace officer.
 - (b) **"Boulevard"** means the area between the curb lines, the lateral lines or the shoulder of a roadway and the adjacent property line.
 - (c) **"City"** means the City of Courtenay.
 - ~~(e)~~(d) **"Continuous Noise"** means any noise continuing for a period of five minutes or more in any fifteen minute period.
 - (e) **"Graffiti"** means drawing, printing or writing scratched, sprayed, painted or scribbled on a wall or other surface, but does not include a sign for which a permit has been issued by the municipality.
 - ~~(d)~~(f) **"Independent Sound Consultant"** means a professional engineer, licenced to practice in the Province of British Columbia, with acoustical expertise.
 - (g) **"Intersection"** means the area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of the 2 highways which join one another at or approximately at right angles, or the area within which vehicles travelling on different highways joining at any other angle may come in conflict, and, for the purpose of this definition "highway does

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not include a lane or way less than 5 metres in width separating the rear property lines of parcels of land fronting on highways running more or less parallel to and on each side of the lane or way.

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~~(e)~~(h) "Noise" includes any loud outcry, clamour, shouting, disturbance or movement or any sound that is loud or harsh or undesirable.

~~(f)~~(i) "Noxious Weeds" includes the plant *lythrum salicaria* (Purple Loosestrife) as well as weeds designated as noxious pursuant to the Weed Control Act.

~~(g)~~(j) "Person" includes any corporation, partnership or party and the personal or other legal representatives of a person, to whom the context can apply according to the law and also includes an owner, the agent of an owner, or the occupier of, or the holder of a purchaser's interest in an Agreement for Sale, of any real or personal property within the City.

~~(h)~~(k) "Real Property" means land, with or without improvements so affixed to the land as to make them in fact and law a part of it.

~~(i)~~(l) "Roadworthy" means, when applied to motor vehicles, capable of normal physical operation.

~~(j)~~(m) "Sidewalk" means the area between the curb lines or lateral lines of a roadway and the adjacent property lines improved for use of pedestrians.

~~(k)~~(n) "Unsightly" includes dirt, gravel, bark mulch or refuse and all discarded, broken or useless items and without restricting the generality of the foregoing, includes old paper or wood products no longer in use or motor vehicles that are no longer roadworthy or parts thereof, and:

- (i) The storage of building materials on a site where the owner or occupier of the property is not in possession of a valid City building permit.
- (ii) The storage, cleaning, repairing or servicing of motor vehicles, hauling or construction equipment except where the same is carried out entirely within a building.
- (iii) Accumulation on residential property of any goods or merchandise which is offered or intended to be offered for sale.

GRAFFITI, RUBBISH AND LITTER CONTROL

2. (a) No person shall cause or permit stagnant water, rubbish, or any noxious, offensive, or unwholesome matter or substance to collect, or accumulate on or around his real property.

- (b) No person shall deposit or throw bottles, broken glass, or other rubbish, in any open place within the City.
- (c) No person shall place graffiti on walls, fences or elsewhere on or adjacent to private property or a public place in the City.

UNSIGHTLY PREMISES

- 3. (a) No owner or occupier of real property shall allow such property to become or to remain unsightly by the accumulation thereon of any filth, discarded materials, rubbish or graffiti of any kind.
- (b) An owner or occupier of real property shall forthwith, upon receipt of notice given pursuant to this bylaw, remove all accumulation of filth, discarded materials, rubbish or graffiti.
- (c) Where an owner or occupier of real property fails to comply with a requirement for removal referred to in subsection (b) above, the City by its employees or other persons, at reasonable times and in a reasonable manner, shall enter on the property and effect the removal at the expense of the person who has failed to comply, and that where a person at whose expense removal is carried out does not pay the cost of removal on or before December 31st in the year that the removal was done, the cost shall be added to and form part of the taxes payable on the property as taxes in arrears.
- (d) It shall be a good and sufficient defence to any prosecution commenced for violations of paragraph 3(a) hereof, for an owner or occupier of any commercial real property to prove that the storage of materials or the accumulation and storage of unroadworthy motor vehicles or parts thereof, is an essential part of a legally licensed business carried on at that real property.

NOXIOUS WEEDS OR INSECT INFESTATION:

- 4. An owner or occupier of real property shall:
 - (i) keep such property clear of noxious weeds, wild grass and other untended growth.
 - (ii) prevent infestation by caterpillars and other noxious or destructive insects, and clear such property of caterpillars and other noxious or destructive insects.

NOISE

- 5. (a) No person shall, ~~between the hours of 8 o'clock in the afternoon and 7 o'clock of the following morning,~~ make, cause or allow or permit to be made or caused, any

noise or sounds in or on a highway or elsewhere in the City which disturb or tend to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of one or more persons in the vicinity. ~~provided, however, that this paragraph shall not apply to:~~

- (b) No person shall, before 7:00 a.m. on any day from Monday to Saturday when such day is not a Statutory Holiday, or before 8:00 a.m. on any Sunday or Statutory Holiday, and after 10:00 p.m. on any day, construct, erect, reconstruct, alter, repair or demolish any building, structure or thing or excavate or fill in land in any manner which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of persons in the vicinity.
- (c) No person shall, before 8:00 a.m. and after 10:00 p.m. on any day, use or operate any power gardening tool or other power tool or machine. Formatted: Tab stops: Not at 2.54 cm
- (b) (d) No person shall keep or harbour any animal or bird which disturbs or tends to disturb the peace, quiet, rest, enjoyment, comfort or convenience of the neighbourhood by its repeated making of noise. Formatted: Indent: Left: 0 cm, Hanging: 2.54 cm, No bullets or numbering
- (e) (e) No person shall feed pigeons on or about private property and no person shall keep pigeons. Formatted: Indent: Left: 0 cm, Hanging: 2.54 cm, No bullets or numbering
- (d) (f) No person shall play or operate any radio, stereophonic equipment, outdoor public address system or other instrument or apparatus for the production or amplification of sound either in or on private premises or any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity. Formatted: Indent: Left: 0 cm, Hanging: 2.54 cm, No bullets or numbering
- (e) ~~No person shall for profit or gain on a Sunday construct, erect, reconstruct, alter, repair or demolish any building or thing, or excavate or fill in land in any manner which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of the persons in the vicinity.~~ Formatted: Indent: Left: 0 cm, Hanging: 2.54 cm, No bullets or numbering
- (f) (g) Where it is impossible or impractical to comply with this section, the Council may upon application, give written approval to carry on work that is found to be necessary during designated hours. Formatted: Indent: Left: 0 cm, Hanging: 2.54 cm, No bullets or numbering
- Responsibility for obtaining written approval lies with the person carrying on the work.
- (h) No person shall operate any outdoor public address system in the City without first having obtained permission in writing. Formatted: Indent: Left: 0 cm, Hanging: 2.54 cm, No bullets or numbering
- (i) Section 5 does not apply to:

- (i) any act of repair or maintenance being carried out by employees of contractors of the City, the Ministry of Highways Transportation and Infrastructure or its contractors, or any public utility;
 - (ii) any duly authorized person operating an emergency vehicle or the sounding of a horn or other signaling device upon any vehicle, boat or train where such sounding is properly used as a danger or warning signal;
 - (iii) emergency repairs to buildings, which cannot reasonably be delayed to normal working hours;
 - (iv) the use of bells or chimes by churches, and the use of carillons where such carillons have been lawfully erected;
 - (v) any garbage collection service between the hours of 7:00 a.m. and 8:00 p.m. on each day except Sunday;
 - (vi) any parade, procession, performance, concert, ceremony, gathering or meeting in or on any street, or public place, when duly authorized or permitted under the provisions of any bylaw, statute or ordinance in force in the City;
 - (vii) snow clearing;
 - (viii) any person functioning within the limits imposed by a permit issued by the City, including a Special Event Permit. Mayor or such other person he may designate, said permit to be in a form approved by Council from time to time;
6. No person shall create a nuisance to any person who contends their interest in property is affected, including the surrounding residents and general public, by reason of unsightliness, odour emission, dust, noise, smoke, or electrical interference.
7. It shall be a good and sufficient defence to any prosecution commenced for a violation of paragraph 5(a)(b) and paragraph 6, hereof for an owner or occupier of any commercial establishment, including shopping malls, with areas provided for the parking of that general public with a total capacity in excess of 50 parking spaces to establish that:
- (a) The noise or sounds complained of were made in the course of snow clearing or dust clearing operations in the parking areas;
 - (b) That the snow clearing or dust cleaning operations were commenced as soon as practicable after the close of business for the day;

- (c) That the snow clearing or dust cleaning was conducted in such manner as to minimize the disturbance of the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants of neighbouring residential properties.

COMMERCIAL OR INDUSTRIAL OPERATIONS

8. Every owner, occupier or operator of an industrial or commercial business which generates a Continuous Noise of a level that disturbs the occupants of the neighbourhood or persons in the vicinity shall, at the request of the City, supply the City with:
- (a) a report prepared by an Independent Sound Consultant recommending methods to abate the noise; and
 - (b) a letter of certification sealed by the Independent Sound Consultant that the recommended abatement methods have been fully implemented.

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SIDEWALK CLEANLINESS

- 9.9. Every owner or occupier of real property within the City shall keep any sidewalk adjoining such real property in a proper state of cleanliness, and shall not place rubbish from the sidewalk onto any highway in the City.

ROOF SNOW REMOVAL

- 9.10. As owner or occupier of real property shall remove snow, ice and rubbish from any roof or other part of any structure therein adjacent to any portion of any highway if the snow, ice or rubbish constitutes a hazard to persons or property.

FENCES

- 10.11. (a) In any zone, where an owner or occupier of property adjacent to a highway has erected a fence adjacent to that highway, the owner or occupier shall not allow that fence to fall into a state of disrepair.
- (b) An owner or occupier of real property whose fence erected adjacent to a highway has fallen into a state of disrepair shall repair it forthwith upon a receipt of notice given pursuant to this bylaw.

- (c) In every zone where the keeping of livestock is permitted, every owner or occupier of real property abutting upon any highway shall forthwith, upon receipt of notice given pursuant to this bylaw, erect fences along the boundary of that property abutting on the highway for the purpose of preventing his livestock from straying upon said highway.

BOULEVARDS/SIDEWALKS

14. 12 (a) No person shall willfully damage:
- (i) any boulevard, trees, shrubs, plants, bushes or hedge adjacent to any highway;
 - (iii) anything erected or maintained adjacent to a highway for the purpose of lighting the highway;
 - (iv) any fence erected or maintained adjacent to any highway.
13. Owners or occupiers of real property shall maintain boulevards to the following standards:
- (a) keep free of noxious weeds,
 - (b) keep grass trimmed,
 - (c) keep shrubs and trees from overhanging pedestrian walkways so as not to interfere with pedestrian and vehicular traffic.

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VISION CLEARANCE

14. No person who owns or occupies real property located at any intersection, shall place or permit to be or grow any tree, shrub, plant, fence or other structure with horizontal dimension exceeding .46 metres (1.5 feet) within the triangular area formed by two intersecting lot lines and the line joining the points on such lot lines 2.4 metres (7.87 feet) from the point of intersection, between an elevation such that an eye 1 to 2.4 metres (3.28 feet to 7.87 feet) above the surface elevation of one road, cannot see an object 1 to 2.4 metres (3.28 feet to 7.87 feet) above the surface of the other road.

STREET SIGNS

15. No person shall remove, deface or damage any street name sign or any other sign or marker erected upon any highway by or at the direction of the City.

HAZARDOUS TREES AND SHRUBS

15. 16 (a) If in the opinion of Council, any trees, hedges, bushes or shrubs growing or standing on any real property are:

- (i) a hazard to the safety of persons;
- (ii) likely to damage public property, or
- (iii) seriously inconveniencing the public.

Council may order such trees, hedges, bushes or shrubs to be trimmed, removed or cut down at the expense of the owners or occupiers of real property on which they grow or stand.

- (b) Before proceeding to exercise the powers conferred by subsection (a), Council shall give notice in writing, by registered mail to the most recent address shown on the current assessment roll requiring the owner or occupier of the lands to remove, cut down, or trim the trees, shrubs, hedges or bushes designated in the notice within fourteen (14) days from date thereof.
- (c) If Council is unable to serve the owner or occupier of real property with the notice under subsection (b), Council may apply to the Supreme Court for an order to serve the notice by substituted service.
- (d) If the person given notice does not take the required action within the time period referred to in subsection (b), the City by its employees or others, may enter the real property and effect that action at the expense of the person given notice.
- (e) If the person referred to in subsection (d) does not pay the costs of the action under that subsection on or before December 31 in the year in which the costs were incurred, the costs shall be added to and form part of the taxes payable on the real property as taxes in arrears.

HOUSE NUMBERING

- | ~~16~~ 17. All owners and occupiers of buildings shall display in a conspicuous place on the property on which the building is located, the street number assigned by the City to such building so that the same is readable from the highway.

DEMOLITION SITES

- 18. On any property where the demolition of any building or structure has taken place:
 - (a) all debris and material whether to be discarded or retained shall be removed forthwith;
 - (b) any basement or other excavation shall be filled in or covered over to lot grade level forthwith.

RIGHT OF ENTRY

19. An authorized person may at all reasonable times, enter upon any property in the City of Courtenay in order to ascertain whether the regulations contained within this bylaw are being obeyed.

NOTICES

20. Any notice to be given to this bylaw may be given by an authorized person and shall be sufficiently delivered if personally served upon a person apparently aged 16 years or more and apparently occupying the real property affected by such notice, or if sent to the owner of the real property by double registered mail to his address appearing upon the last revised assessment roll. All notices hereunder shall be in the form of a letter or shall be in such other forms as the Council may from time to time approve by resolution.

FAILURE TO COMPLY

21. If, after receipt of a notice hereunder excluding notification with regard to snow and ice, the work required to be performed by such notice remains either wholly or partially incomplete, the City may, by its workmen or by any other means it deems fit, enter upon the real property affected by such notice and perform or complete such work at the expense of the owner of such property. The cost incurred by the City in any exercise of its powers hereunder, shall, if not paid by the 31st day of December in the year in which they were incurred, be added to and form a part of the taxes payable in respect of that real property as taxes in arrears.

PENALTIES

- BL2565 22. Every person who contravenes this bylaw commits an offence against this bylaw, and if the offence is a continuing offence, each day that the offence continues constitutes a separate offence against this bylaw.
- BL2565 23. Every person who commits an offence against this bylaw is liable upon summary conviction to a fine not more than \$10,000.00.
24. This bylaw shall come into full force and effect upon its final passage and adoption.
25. ~~Courtenay Dangerous Tree Removal Bylaw No. 910, The Noise Control Bylaw No. 1343 and Property Maintenance Bylaws No. 1555 and 1633 are hereby repealed.~~
26. ~~This bylaw may be cited for all purposes as "Prevention of Public Nuisances Bylaw No. 1798, 1994".~~

Read first time on this 3rd day of October, 1994

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Read a second time on this 3rd day of October, 1994

Read a third time on this 3rd day of October, 1994

Finally passed and adopted on this 17th day of October, 1994.

Ronald Vern Webber

Mayor

John E. Wilson

Clerk



CITY OF CAMPBELL RIVER
PROVINCE OF BRITISH COLUMBIA
BYLAW NO. 3310, 2007

A BYLAW OF THE CITY OF CAMPBELL RIVER RELATING TO NUISANCE AND DISTURBANCES AND TO THE CARE, MAINTENANCE AND REGULATION OF PROPERTY WITHIN THE CITY OF CAMPBELL RIVER.

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

Title

This Bylaw may be cited for all purposes as the **Public Nuisance Bylaw No. 3310, 2007**.

Definitions

In this Bylaw, unless the context otherwise requires:

"Bylaw Enforcement Officer"	means a Peace Officer, as defined in the <i>British Columbia Interpretation Act</i> and those Persons designated Bylaw Enforcement Officers in the City's Municipal Ticket Information Bylaw to enforce the provisions of this Bylaw;
"City"	means the City of Campbell River or the area within the municipal boundaries as the context may require;
"Council"	means the Council of the City of Campbell River;
"Graffiti"	includes one or more letters, symbols, writing, pictures or marks, however made, posted, scratched, painted or drawn on any structure or thing but does not include any of the following: <ul style="list-style-type: none">a) a sign, public notice or traffic control mark authorized by the Director of Engineering, a City bylaw or Provincial or Federal legislation; orb) in the case of private property, a letter, symbol or mark for which the owner of the property on which the letter, symbol or mark appears has given prior, written authorization;
"Highway or Other Public Place"	includes every street, road, land, boulevard, sidewalk, lane, bridge, viaduct and any other way open to public use and any park, building, conveyance, private place or passageway to which the public has, or is permitted to have access or is invited;
"Noxious Weed"	means any weed designated as noxious pursuant to the Weed Control Act.
"Peace Officer"	has the same meaning as in the <i>British Columbia Interpretation Act</i> and includes a Bylaw Enforcement Officer;
"Pedestrian Facility"	means a structure for pedestrian use including a walkway, sidewalk, stairs, ramp, and curb letdown;
"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;
"Real Property"	means land, with or without improvements so affixed to the land as to make them in fact and in law a part of the Real Property;
"Roadway"	means a portion of a Highway improved for use for vehicular travel; and
Traffic Control Signal"	means a Traffic Control Signal as defined in the British Columbia <i>Motor Vehicle Act</i> .
<u>In Part II of this Bylaw, unless the context otherwise requires:</u>	
"Automated Teller Machine"	means a device linked to a financial institution's account records which is able to carry out transactions, including, but not limited to, account transfers, deposits, withdrawals, balance inquiries, and mortgage and loan payments;
"Bus Stop"	means a section of Street which is reserved for the loading and unloading of buses and where parking and stopping of all other vehicles is prohibited;
"Panhandle"	means to beg for, or, without consideration ask for, money, donations, goods or other things of value whether by spoken, written or printed word or bodily gesture for one's self or for any other Person but does not include soliciting by the holder of a permit issued by the City of Campbell River;
"Street"	means any Highway, Roadway, sidewalk, boulevard, place or way which the public is ordinarily entitled or permitted to use for the passage of vehicles or pedestrians and includes a structure located in any of those areas; and
"Trust Company"	means an office or branch of a Trust Company to which <i>The Trust and Loans Companies Act</i> (Canada) applies and in which deposit accounts are held.

In Part III of this Bylaw, unless the context otherwise requires:

"Dog"	means any animal of the canine species;
"Faeces"	means excrement of a Dog; and
"Owner"	includes any Person who owns, has in their custody or control, or harbours any Dog, or is an occupant of a premise where a Dog is kept.

In Part IV of this Bylaw, unless the context otherwise requires:

"Continuous Noise"	means any Noise or sound continuing for a period of five minutes or more in any 15-minute period;
"Independent Sound Consultant"	means a professional engineer, licensed to practice in the Province of British Columbia, with acoustical expertise;
"Noise"	includes any loud outcry, clamour, shouting, disturbance or movement or any sound that is loud or harsh or undesirable;
"Road Surface"	means gravel, asphalt, cement or material of any kind whatsoever placed upon any street, road, Highway, bridge, viaduct, lane, or any other way designed or

intended for use by the general public for the passage of vehicles, and every private place or passageway to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited.

In Part V of this Bylaw, unless the context otherwise requires:

"Arterial Road"	means an arterial Highway as classified under the British Columbia <i>Highway Act</i> ;
"Boulevard"	means the area of a Highway between the edge of the pavement or curb of the Roadway and the adjacent property line of the Highway;
"Discarded Materials"	include all materials not in use for the construction or maintenance of a building situated on that property, appliances, unlicensed or inoperable motor vehicles or motor vehicle parts, machinery, firewood, unless it is neatly piled or stacked against a wall or fence, and all other chattels in a dismantled state or not in use for the purpose for which the manufacturer intended.
"Drainage Facility"	includes Boulevard drainage inlet, catch basin grate, culvert headwall or lawn basin inlet;
"Herbicide"	means any kind of material that is used to control Noxious Weeds;
"Intersection"	means the area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of the 2 highways which join one another at or approximately at right angles, or the area within which vehicles traveling on different highways joining at any other angle may come in conflict; and, for the purpose of this definition "highway" does not include a lane or way less than 5 metres in width separating the rear property lines of parcels of land fronting on highways running more or less parallel to and on each side of the lane or way.
"Occupier"	means a Person who occupies Real Property but does not include the Occupier of a unit in an apartment, hotel or institution;
"Pesticide"	means any kind of material that is used to control pests, fungi, and insects;
"Residential Premises", "Residential Property" and "Tenancy Agreement"	shall have the same meanings as in the <i>Residential Tenancy Act</i> of British Columbia; and
"Sight-Distance"	means a clear line of vision between conflicting motorists, cyclists and pedestrians that allows sufficient time for safe maneuvers to be made without significantly affecting the conflicting traffic.

PART I - INTERPRETATION

- 1.1 Words or phrases defined in the British Columbia Interpretation Act, Motor Vehicle Act or Community Charter (or any successor legislation, shall have the same meaning when used in this Bylaw unless otherwise defined in this Bylaw or the context otherwise requires.
- 1.2 In this Bylaw, unless the context otherwise requires, the singular shall include the plural and the masculine includes the feminine gender.
- 1.3 The headings contained in this Bylaw are for convenience only and are not to be construed as defining, or in any way limiting, the scope or the intent of the provisions of this Bylaw.
- 1.4 If any part of this Bylaw is for any reason held invalid by any court of competent jurisdiction, the invalid portion shall be severed and the severance shall not affect the validity of the remainder.

PART II-STREET NUISANCES**Restrictions on Panhandling**

- 2.1 No Person shall Panhandle within 10 meters of:
- (a) an entrance to a bank, credit union or Trust Company;
 - (b) an Automated Teller Machine;
 - (c) a Bus Stop;
 - (d) a bus shelter; or
 - (e) the entrance to any liquor store.
- 2.2 No Person shall Panhandle from an occupant of a motor vehicle which is:
- (a) parked;
 - (b) stopped at a Traffic Control Signal; or
 - (c) standing temporarily for the purpose of loading or unloading.
- 2.3 No Person shall Panhandle after sunset on any given day.
- 2.4 No Person shall sit or lie on a Street for the purpose of Panhandling.
- 2.5 No Person shall continue to Panhandle from a Person, or follow a Person, after that Person has made a negative response.

Use of Highways

- 2.6 No Person shall:
- (a) urinate or defecate on a Highway or Other Public Place;
 - (b) impede or obstruct any other Person on a Highway or Other Public Place, excluding lawful picketing as provided in the BC Labour Code;
 - (c) stand or congregate on a Highway or Other Public Place in such a manner as to impede or obstruct the free movement of other Persons or vehicular traffic;
 - (d) camp or erect a tent or other camping facilities on a Highway or Other Public Place;
 - (e) sleep in any vehicle located on a Highway or Other Public Place;
 - (f) swear or use indecent, obscene, blasphemous or grossly insulting language on or about a Highway or Other Public Place; or
 - (g) carry on any obscene, lewd or indecent activity on a Highway or Other Public Place.

PART III - LITTERING**Dog Faeces**

- 3.1 No Owner, except those certified as being legally blind, shall cause, allow or suffer any Dog to leave or deposit Faeces on any Highway or Other Public Place or private property other than the property of the Owner, without immediately taking action to remove such Faeces and to dispose of the Faeces in an approved and sanitary manner on the property of the Owner.

Litter

- 3.2 No Person shall deliver circulars, pamphlets, handbills or papers to or within any Real Property or building located on the Real Property, unless such deliveries are deposited within a receptacle provided by the owners or occupiers of the Real Property or building.
- 3.3 No Person shall deposit or throw bottles, broken glass, circulars, pamphlets, handbills, paper or other litter, rubbish or trash in any open place.

PART IV - NOISE REGULATION**Exemption**

- 4.1 This Part shall not apply to:
- (a) the operation of emergency vehicles;
 - (b) the emergency repair of a public Highway;
 - (c) operations of a public utility;
 - (d) Peace Officers acting in the course of their duties;
 - (e) lands within the boundaries of the Campbell River Airport;
 - (f) events held under authority of a Special Event Permit issued by the City Clerk;
 - (g) the operation of farm vehicles during planting and harvesting;
 - (h) any person functioning within the limits imposed by a permit issued by the City Clerk or such other person he may designate, said permit to be in a form approved by Council from time to time; and
 - (i) snow clearing.
- 4.2 No Person shall make or cause, or permit to be made or caused, any Noise in or on a public or private place which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any Person or Persons in the neighbourhood or vicinity.
- 4.3 No Person, who is the owner or occupier of Real Property, shall allow or permit such Real Property to be used in such a manner that Noise emanating from the Real Property disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any Person or Persons in the neighbourhood or vicinity.
- 4.4 No Person shall operate any radio, stereophonic equipment or other instrument, or any apparatus for the production or amplification of sound either in or on private premises or in any Highway or public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of Persons in the vicinity.
- 4.5 No Person shall own, keep, or harbour any animal or bird which, by its cries, unduly disturbs the peace, quiet, rest, enjoyment, comfort, convenience or tranquility of the surrounding neighbourhood, Persons in the vicinity or the public at large.

Construction and Garbage Collection Noise

- 4.6 No Person shall, before 7:00 am on any day from Monday to Saturday when such day is not a Statutory Holiday, or before 8:00 a.m. on any Sunday or Statutory Holiday, and after 10:00 p.m. on any day, construct, erect, reconstruct, alter, repair or demolish any building, structure or thing or excavate or fill in land in any manner which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of Persons in the vicinity.
- 4.7 No Person shall, before 7:00 am on any day from Monday to Saturday, or before 8:00 a.m. on any Sunday and after 10:00 p.m. on any day, operate a garbage truck which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of Persons in the vicinity

Power Tools and Model Airplanes

- 4.8 No Person shall, before 8:00 a.m. and after 10:00 p.m. on any day, use or operate any power gardening tool or other power tool or machine or any model airplane, boat or car powered by an internal combustion, turbine or rocket engine.

Public Address Systems

- 4.9 Except for sports announcements at the grounds where such sports are being played, no Person shall operate any outdoor public address system at any time from any vehicle, Real Property, place or premises without the permission of the Bylaw Enforcement/Property Services Manager.

Commercial or Industrial Operations

- 4.10 Every owner or operator of an industrial or commercial business which generates a Continuous Noise of a level that disturbs the occupants of the neighbourhood or Persons in the vicinity shall, at the request of the City, supply the City with:
- (a) a report prepared by an Independent Sound Consultant recommending methods to abate the Noise; and
 - (b) a letter of certification sealed by the Independent Sound Consultant that the methods approved by the Bylaw Enforcement/Property Services Manager for the abatement of Noise have been fully implemented.

Motor Vehicle Noise

- 4.11 The following Noises are, in the opinion of the Council of the City of Campbell River, unnecessary, objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public:
- (a) the squeal of a tire on a Road Surface made by a motor vehicle which is accelerating, stopping or changing direction;
 - (b) a loud, roaring or explosive sound emitted by a motor vehicle;
 - (c) the amplified sound of a radio, television, CD-player or other sound playback device or amplification equipment, or the sound of a musical instrument, that emanates from a motor vehicle and can easily be heard by someone outside the motor vehicle;
 - (d) the sound of the diesel engine of a bus, truck or other vehicle which has been idling or otherwise running continuously for more than five minutes at the same location, except that this clause shall not apply where the bus is located within a garage or depot intended for its long-term parking;
 - (e) the sound of an automobile security system which is made, either continuously or intermittently, for a period exceeding five (5) minutes or

- the sound of an automobile security system, but not including its activation status signal, which is made more than three (3) times in a 24-hour period;
- (f) the sound of a horn or other warning device on a motor vehicle used for any purpose other than as an audible warning incidental to the safe operation of the motor vehicle;
 - (g) the sound of a brake or other type of engine brake on a motor vehicle used or operated for any purpose other than as an emergency braking device incidental to the safe operation of the motor vehicle.
- 4.12 No Person shall make or cause to be made, any objectionable, unnecessary or disturbing Noise set forth in Section 4.11 or operate a motor vehicle so as to cause any objectionable, unnecessary or disturbing Noise set forth in Section 4.11 contrary to Division 7A of the *Motor Vehicle Act Regulations*, B.C. Reg. 26/58.
- 4.13 The prohibitions contained in Section 4.11 shall not apply to participants in a special event or parade provided it has first been authorized under a permit issued by the City Clerk.

PART V - PROPERTY MAINTENANCE

Graffiti

- 5.1 No Person shall place Graffiti, or cause Graffiti to be placed, on any wall, fence or other structure or thing in any Highway or Other Public Place.
- 5.2 No Person shall place Graffiti, or cause Graffiti to be placed, on any wall, fence, building or structure that is located on Real Property and adjacent to a Highway or Other Public Place.

Boulevard Maintenance

- 5.3 Every owner or Occupier of Real Property shall maintain in a clean, tidy and well-kept condition every Boulevard fronting on the Real Property and, without limiting the generality of the foregoing, shall:
- (a) remove accumulations of filth, rubbish, Discarded Materials, hazardous objects and other materials which obstruct a Drainage Facility;
 - (b) keep grassed areas trimmed and free of Noxious Weeds;
 - (c) keep landscaping trimmed so that driveway and intersection vision clearances are unobstructed;
 - (d) keep landscaping from encroaching over paved Roadways or gravel shoulders;

except that where the Real Property is a through lot abutting both an Arterial Road and an internal street that runs approximately parallel to the Arterial Road, the owner or Occupier need not maintain the Boulevard fronting the Arterial Road unless the front of the house faces such Arterial Road.

Sidewalks and Pedestrian Facilities

- 5.4 Every owner or Occupier of Real Property shall:
- (a) remove snow or ice from the roof or other part of any structure on Real Property adjacent to or abutting any portion of any Boulevard or Roadway;
 - (b) remove rubbish from every Pedestrian Facility bordering the Real Property;
 - (c) keep landscaping from encroaching over a sidewalk, from ground level to

a height of 2.4 metres;

except that where the Real Property is a through lot abutting both an Arterial Road and an internal street that runs approximately parallel to the Arterial Road, the owner or Occupier need not remove the snow or ice as required herein with respect to the Boulevard that fronts the Arterial Road, unless the front of the house faces such Arterial Road.

5.5 No Person shall:

- (a) willfully injure or damage any Boulevard or any tree, shrub, plant, bush or hedge on any Boulevard;
- (b) erect any sign, fence, wall or other structure on any Boulevard, except with written permission of the City ;
- (c) apply a Pesticide or Herbicide to any Boulevard; or
- (d) dispose of any vegetation cuttings, rubbish, Discarded Materials or any liquid or solid waste on any Boulevard or in any Drainage Facility.

Fences

- 5.6**
- (a) In any zone, where an owner or occupier of property adjacent to a highway has erected a fence adjacent to that highway, the owner or occupier shall not allow that fence to fall into a state of disrepair.
 - (b) An owner or occupier of real property whose fence erected adjacent to a highway has fallen into a state of disrepair shall repair it forthwith upon receipt of notice given pursuant to this by-law.
 - (c) In every zone where the keeping of livestock is permitted, every owner or occupier of real property abutting upon any highway shall forthwith, upon receipt of notice given pursuant to this By-law, erect fences along the boundary of that property abutting on the highway for the purpose of preventing his livestock from straying upon said highway.

Vision Clearance

- 5.7** No person who owns or occupies real property located at any intersection, shall place or permit to be placed or grow a tree, shrub, plant, fence or other structure with horizontal dimension exceeding 0.46 metres (1.5 feet) within the triangular area formed by two intersecting lot lines and the line joining the points on such lot lines 2.4 metres (7.87 feet) from the point of intersection, between an elevation such that an eye 1.0 to 2.4 metres (3.28 feet to 7.87 feet) above the surface elevation of one road, cannot see an object 1.0 to 2.4 metres (3.28 feet to 7.87 feet) above the surface of the other road.

Street Signs

- 5.8** No person shall remove, deface or damage any street name sign or any other sign or marker erected upon any highway by or at the direction of the City.

Hazardous Trees and Shrubs

- 5.9**
- (a) If in the opinion of the City, any trees, hedges, bushes or shrubs growing or standing on any real property are:
 - (i) a hazard to the safety of persons;
 - (ii) likely to damage public property, or
 - (iii) seriously inconveniencing the public.

the City may order such trees, hedges, bushes or shrubs to be trimmed, removed or cut down at the expense of the owners or occupiers of real property on which they grow or stand.
 - (b) Before proceeding to exercise the powers conferred by subsection (a), the City shall give notice requiring the owner or occupier of the lands to remove, cut down, or trim the trees, shrubs, hedges or bushes designated in the notice within five days from date thereof.

- (c) If the City is unable to serve the owner or occupier of real property with the notice under subsection (b), the City may apply to the Supreme Court for an order to serve the notice by substituted service.
- (d) If the person given notice does not take the required action within the time period referred to in subsection (b), the City by its employees or others, may enter the real property and effect that action at the expense of the person given notice.
- (e) If the person referred to in subsection (d) does not pay the costs of the action under that subsection on or before December 31 in the year in which the costs were incurred, the costs shall be added to and form part of the taxes payable on the real property as taxes in arrear.

House Numbering

- 5.10 All owners and occupiers of buildings shall display in a conspicuous place on the property on which the building is located, the street number assigned by the City to such building so that the same is readable from the highway.

Animals

- 5.11 No person other than the owner thereof shall feed pigeons on or about private property and no person shall keep pigeons so that the pigeons congregate in such numbers so as to constitute a nuisance or disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.

Demolition Sites

- 5.12 On any property where the demolition of any building or structure has taken place:
- (a) all debris and material whether to be discarded or retained shall be removed forthwith;
 - (b) any basement or other excavation shall be filled in or covered over to lot grade level forthwith, upon receipt of notice served pursuant to this By-law.

Unightly Premises

- 5.13 No owner of Real Property shall permit the Real Property to become or remain unsightly or permit water, rubbish or noxious, offensive, or unwholesome matter to collect or accumulate around that Real Property.
- 5.14 Every owner of Real Property shall keep the Real Property clear of brush, trees, Noxious Weeds or other growths and prevent infestation by caterpillars and other noxious or destructive insects and clear the Real Property of such insects.
- 5.15 Every owner of Real Property shall remove or cause to be removed from the property any unsightly accumulations of Graffiti, filth, Discarded Materials, brush, trees, vines, Noxious Weeds or other growths, cuttings or rubbish of any kind on a regular basis, or when ordered to do so by the City.
- 5.16 Every owner of Real Property shall maintain the general appearance and repair of the Real Property to the standards of other similar properties in the neighbourhood.

Rental Premises

- 5.17 Every owner of Residential Premises or Residential Property subject to a Tenancy Agreement shall:
- (a) maintain the physical condition and structural repair of the Residential Premises or Residential Property to the health, life safety and fire protection standards of the *British Columbia Building Code* and the *City of Campbell River Fire Prevention Bylaw*; and
 - (b) maintain the general appearance and repair of the Real Property to the standards of other similar properties in the neighbourhood.

Vacant Premises

- 5.18 No owner of Real Property shall cause or create a nuisance, or permit a nuisance to be caused or created by allowing a vacant building on the Real Property to fall into such a state of disrepair that it becomes unsightly or creates a hazard, danger, nuisance or inconvenience to the general public.

Remedial Action Notices

- 5.19 Where an owner of Real Property or other responsible Person fails to comply with the requirements of this Part, the City may issue a Remedial Action Notice requiring that the owner or other responsible Person bring the Real Property into compliance with the provisions of this Bylaw within the time specified in the notice. Authority is granted to the City's Bylaw Enforcement Officer to issue a Remedial Action Notice.
- 5.20 If the owner or other responsible Person fails to comply with the Notice of Remedial Action within 30 days of service of such notice, or within such lesser period of time as may be provided for in the notice where an emergency exists, the City, by its workers or others, may, at all reasonable times and in a reasonable manner, enter the Real Property and affect such compliance at the cost of the defaulting owner or other responsible Person. Such cost shall consist of all costs and expenses incurred by the City in affecting compliance with this Bylaw including, without limitation, administrative costs, costs of attendance at the property by City employees or its contractors and the costs of removal, clean up and disposal.
- 5.21 If an owner or other responsible Person defaults in paying the cost referred to in Section 5.19 to the City within 30 days after receipt of a demand for payment from the City, the City may either recover from the owner or other responsible Person, in any court of competent jurisdiction, the cost as a debt due to the City, or direct that the amount of the cost be added to the Real Property tax roll as a charge imposed in respect of work or service provided to the Real Property of the owner.
- 5.22 Service of the notice of remedial action referred to in Section 5.18 will be sufficient if the notice:
- (a) is served personally or mailed by prepaid registered mail to the owner of the Real Property subject to the remedial action notice as shown on the then current year's Real Property assessment roll for the Real Property for which the notice of removal was issued;
 - (b) is mailed to any Occupier of the Real Property and each holder of a registered charge in relation to the property whose name is included in the assessment roll, at the address set out in that assessment roll and to any later address known to the City;
 - (c) advises that the Person subject to the requirement or the owner of the Real Property where the required remedial action is to be carried out, may request a reconsideration by Council; and
 - (d) advises that, if the remedial action is not completed by the date specified in the notice, the City may take action to affect compliance with the Bylaw in accordance with Section 5.19.

PART VI- ENFORCEMENT AND PENALTY**Right of Entry**

- 6.1 An authorized person may at all reasonable times, enter upon any property in the City of Campbell River in order to ascertain whether the regulations contained within this By-law are being obeyed.

Reconsideration

- 6.2 (a) An applicant for a permit referred to in this bylaw may have a decision under this bylaw reconsidered by Council by applying in writing for such reconsideration, specifying the decision which the applicant wishes reconsidered and the reason supporting the request for reconsideration.
- (b) An owner or other responsible person who has been issued a remedial action notice referred to in this bylaw may have a decision under this bylaw reconsidered by Council by applying in writing for such reconsideration, specifying the decision which the applicant wishes reconsidered and the reason supporting the request for reconsideration.

Enforcement

- 6.3 The provisions of this Bylaw may be enforced by any Bylaw Enforcement Officer.

Penalty

- 6.4 Every 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 in 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, upon conviction, shall be liable to a fine or penalty as provided by the *Offence Act* and, where the offence is a continuing one, each day the offence continues shall be a separate offence.

PART VII- REPEAL

- 7.1 The following Bylaw of the City and its amendments are repealed:
Prevention of Public Nuisances Bylaw No. 2150, 1993.

Read a first time on the	26th	day of	June	2007.
Read a second time on the	26th	day of	June	2007.
Read a third time on the	26th	day of	June	2007.
Adopted on the	10th	day of	July	2007.



MAYOR



CLERK



CITY OF RICHMOND

NOISE REGULATION

BYLAW NO. 8856

EFFECTIVE DATE – FEBRUARY 27, 2012



Noise Regulation Bylaw No. 8856

The Council of the City of Richmond enacts as follows:

PART ONE: INTRODUCTION

1.1 Title

1.1.1 This Bylaw may be cited as the “Noise Regulation Bylaw No. 8856”.

1.1.2 Definitions

In this Bylaw,

“**Activity Zone**” means those areas so described in this Bylaw and so indicated in Schedule A, attached to and forming part of this Bylaw;

“**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 by IEC 61672-1 [2002];
- (b) has been field calibrated before and after each sound measurement using a class 1 or class 2 field calibrator as defined by IEC 60942 [2003]; and
- (c) has been calibrated, along with the field calibrator, within the past two years by an accredited lab to a traceable national institute standard;

“**City**” means the City of Richmond;

“**construction**” includes

- (a) the erection, alteration, repair, relocation, dismantling, demolition and removal of a building or structure;
- (b) structural maintenance, power-washing, painting, land clearing, earth moving, grading, excavating, the laying of pipe and conduit (whether above or below ground), street or road building and repair, concrete

- placement, and the installation, or removal of **construction** equipment, components and materials in any form or for any purpose; or
- (c) any work or activities being done or conducted in connection with any of the work listed in paragraphs (a) or (b);

“Council” means the City Council of Richmond;

“daytime” means

- (a) from 7:00 a.m. to 8:00 p.m. Monday through Saturday;
- (b) from 10:00 a.m. to 6:00 p.m. on a Sunday or **holiday**;

“dBA”, or **A-weighted decibel**, means the unit used to measure the sound pressure level using the “A” weighting network setting on an **approved sound meter**;

“dBC”, or **C-weighted decibel**, means the unit used to measure the sound pressure level using the “C” weighting network setting on an **approved sound meter**;

“General Manager” means the General Manager of Engineering and Public Works for the City of Richmond or his or her designate;

“holiday” means

- (a) New Years 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, Sunday or the following Monday;

“IEC” means the International Electro-Technical Commission;

“impulsive sound” means **specific sound** that is characterized by brief bursts of **sound** pressure, with the duration of each impulse usually less than 1 second, including without limitation **specific sound** containing “bangs”, “clicks”, “clatters” or “thumps” from hammering, banging of doors and metal impacts;

“impulsive sound adjustment” means a 5 **dBA** increase applied to **specific sound** classified as **impulsive sound** and a 0 **dBA** increase applied to **specific sound** that is not classified as **impulsive sound**;

“inspector” includes the **Medical Health Officer**, the Health Protection Manager, the **General Manager**, a Bylaw Enforcement Officer employed by the **City**, a Peace Officer, and any employee acting under the supervision of any of them;

“Intermediate Zone” means those areas so described in this Bylaw and so indicated in schedule A, attached to and forming part of this Bylaw;

“ISO” means the International Organization for Standardization;

“ L_{eq} ”, or equivalent continuous sound pressure level, means that constant or steady **sound** level, rounded to the nearest decibel, which, in a specified time period, conveys the same **sound** energy as does the actual time-varying sound level;

“lawn and garden power equipment” means any equipment or machinery used in lawn and garden care, including leaf blowers, edge trimmers, rototillers and lawn mowers;

“measurement time interval” means the total time over which **sound** measurements are taken, and:

- (a) is chosen to best represent the situation causing disturbance;
- (b) is between 1 minute and 30 minutes;
- (c) is chosen to avoid influence from the **residual sound** where possible; and
- (d) may consist of a number of non-contiguous, short term measurement time intervals that add up to 1 to 30 minutes;

“Medical Health Officer” means the Medical Health Officer appointed under the *Public Health Act*, SBC 2008, c. 28 or his/her designate, to act within the limits of the jurisdiction of any local board, or within any health district;

“nighttime” means any period of any day not specifically defined as **daytime**;

“point of reception” means a position within the property line of the real property occupied by the recipient of a **sound** that best represents the location at which that **specific sound**, emanating from another property, is received and the resulting disturbance experienced and is:

- (a) at least 1.2 m from the surface of the ground and any other **sound** reflecting surface; and
- (b) outdoors, unless there is no **point of reception** outdoors because the **specific sound** is within the same building or the wall of one **premises** is flush against another, in which case the **point of reception** shall be within the building where the **specific sound** is received and the resulting disturbance experienced;

“premises” means

- (a) the area contained within the boundaries of a legal parcel of land and any building situated within those boundaries; and
- (b) each unit, the common areas of the building, and the land within the apparent boundaries of the legal parcel of land are each separate **premises**

where a building contains more than one unit of commercial, industrial or **residential occupancy**;

“Quiet Zone” means those areas so described in this Bylaw and so indicated in Schedule A, attached to and forming part of this Bylaw;

“rating level” means the **specific sound level** plus the **impulsive sound adjustment** and **tonal sound adjustment**;

“residential occupancy” in respect of **premises**, means a dwelling unit located within a building, and includes a room for rent in a hotel or motel;

“residual sound” means the sound remaining at a given location in a given situation when the **specific sound** source is suppressed to a degree such that it does not contribute to the **total sound**;

“sound” means an oscillation in pressure in air which can produce the sensation of hearing when incident upon the ear;

“specific sound” means the **sound** under investigation;

“specific sound level” means the equivalent continuous **sound** pressure level or L_{eq} at the point of reception produced by the **specific sound** over the **measurement time interval**;

“tonal sound” means **specific sound** which contains one or more distinguishable, discrete, continuous tones or notes including, without limitation:

- (a) **specific sound** characterized by a “whine”, “hiss”, “screech” or “hum”;
and
- (b) music;

“tonal sound adjustment” means a 0 – 6 dBA increase applied to **specific sound** classified as **tonal sound** as determined using the approach described in ISO 1996-2 [2007] Annex C and a 0 dBA increase applied to **specific sound** that is not classified as **tonal sound**;

“total sound” means the totally encompassing **sound** in a given situation at a given time, usually composed of **sound** from many sources near and far;

“total sound level” means the equivalent continuous **sound** pressure level or L_{eq} at the point of reception produced by the **total sound** over the **measurement time interval**; and

“vehicle” means a device in, on or by which a person or thing is or may be transported or drawn along a highway, but does not include a device designed to be moved by human power or device used exclusively on stationary rails or tracks.

PART TWO: SOUND LEVELS**2.1 Quiet Zone Permitted Sound Levels**

2.1.1 In a **Quiet Zone** a person must not make, cause or permit to be made or caused, any **sound** that has a **rating level** which:

- (a) during the **daytime** exceeds:
 - (i) 55 **dba** or 65 **dbc** when received at a **point of reception** in a **Quiet Zone**;
 - (ii) 60 **dba** or 70 **dbc** when received at a **point of reception** in an **Intermediate Zone**;
 - (iii) 70 **dba** or 80 **dbc** when received at a **point of reception** in an **Activity Zone**; or
- (b) during the **nighttime** exceeds:
 - (i) 45 **dba** or 55 **dbc** when received at a point of reception in a **Quiet Zone**;
 - (ii) 50 **dba** or 60 **dbc** when received at a **point of reception** in an **Intermediate Zone**;
 - (iii) 70 **dba** or 80 **dbc** when received at a **point of reception** in an **Activity Zone**.

2.2 Intermediate Zone Permitted Sound Levels

2.2.1 In an **Intermediate Zone** a person must not make, cause or permit to be made or caused, any **sound** that has a **rating level** which:

- (a) during the **daytime** exceeds:
 - (i) 60 **dba** or 70 **dbc** when received at a **point of reception** in a **Quiet Zone**;
 - (ii) 60 **dba** or 70 **dbc** when received at a **point of reception** in an **Intermediate Zone**;
 - (iii) 70 **dba** or 80 **dbc** when received at a **point of reception** in an **Activity Zone**; or

- (b) during the **nighttime** exceeds:
 - (i) 50 **dBA** or 60 **dB**C when received at a **point of reception** in a **Quiet Zone**;
 - (ii) 50 **dBA** or 60 **dB**C when the prescribed **point of reception** is outdoors or 55 **dB**C when the prescribed **point of reception** is indoors in an **Intermediate Zone**;
 - (iii) 70 **dBA** or 80 **dB**C when received at a **point of reception** in an **Activity Zone**.

2.3 Activity Zone Permitted Sound levels

2.3.1 In an **Activity Zone** a person must not make, cause or permit to be made or caused, any sound that has a **rating level** which:

- (a) during the **daytime** exceeds:
 - (i) 60 **dBA** or 70 **dB**C when received at a **point of reception** in a **Quiet Zone**;
 - (ii) 65 **dBA** or 75 **dB**C when received at a **point of reception** in an **Intermediate Zone**;
 - (iii) 70 **dBA** or 80 **dB**C when received at a **point of reception** in an **Activity Zone**; or
- (b) during the **nighttime** exceeds:
 - (i) 50 **dBA** or 60 **dB**C when received at a **point of reception** in a **Quiet Zone**;
 - (ii) 55 **dBA** or 65 **dB**C when received at a **point of reception** in an **Intermediate Zone**;
 - (iii) 70 **dBA** or 80 **dB**C when received at a **point of reception** in an **Activity Zone**.

2.4 Summary of Permitted Sound Levels by Zone

2.4.1 For convenience, the outdoor sound level limits set out in sections 2.1 to 2.3 are summarized in the table in Schedule B, attached to and forming part of this Bylaw.

2.5 Properties Where Specific Modifications or Exceptions to Rating Levels Apply

- 2.5.1 Properties listed in Schedule C of this Bylaw are subject to the rating levels set-out in Schedule C. Except as modified or excepted in Schedule C, the rating levels in sections 2.1 – 2.3 of this Bylaw apply to such properties.

2.6 Assessment at Locations Affected by Residual Sound

- 2.6.1 Where the **total sound level** exceeds all of the prescribed **sound** limits identified in sections 2.1 to 2.3 and is influenced by the **residual sound** at the **point of reception** such that the **specific sound** cannot be accurately measured, the **specific sound** should be measured at distances close to the source and then predicted at the **point of reception** using an internationally accepted calculation standard such as ISO 9613-2.

2.7 Role of Inspector

- 2.7.1 Any **inspector** may measure **sound** levels with an **approved sound meter**, and may enter at all reasonable times upon any real property, to determine compliance with the provisions of Part Two of this Bylaw.

PART THREE: PROHIBITED TYPES OF NOISE

3.1 Noise Disturbing Neighbourhood

- 3.1.1 Subject to other provisions of this Bylaw:

- (a) a person must not make or cause a **sound** in a street, park, plaza or similar public place which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of persons in the neighbourhood or vicinity;
- (b) a person who is the owner or occupier of, or is in possession or control of, real property must not make, suffer, or permit any other person to make, a **sound**, on that real property, which can be easily heard by a person not on the same **premises** and which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of persons in the neighbourhood or vicinity.

- 3.1.2 Subsection 3.1.1 does not apply if a **sound** level may practically be measured and the **sound** level is in compliance with Part Two of this Bylaw.

3.2 Prohibited Types of Noise

- 3.2.1 The following sounds are prohibited because they are objectionable, or liable to disturb the quiet, peace, rest, enjoyment and comfort of individuals or the public notwithstanding that such sounds may not constitute a violation of any other provision of this Bylaw:

- (a) the **sound** made by a dog barking, howling or creating any kind of **sound** continually or sporadically or erratically for any period in excess of one-half hour of time;
- (b) the **sound** made by a combustion engine that is operated without using an effective exhaust muffling system in good working order;
- (c) the **sound** made by a **vehicle** or a **vehicle** with a trailer resulting in banging, clanking, squealing or other like **sounds** due to an improperly secured load or improperly secured equipment, or due to inadequate maintenance;
- (d) the **sound** made by a **vehicle** horn or other warning device used except under circumstances required or authorized by law;
- (e) the **sound** made by amplified music, whether pre-recorded or live, after 2:00 a.m. and before 8:00 a.m. on any day; and
- (f) **sound** produced by audio advertising which:
 - (i) is directed at pedestrians or motorists on any street or sidewalk; or
 - (ii) can be heard on any street or sidewalk.

PART FOUR: EXEMPTIONS

4.1 Specific Exemptions

4.1.1 This Bylaw does not apply to **sound made:**

- (a) by a police, fire, ambulance or other emergency vehicle;
- (b) by a horn or other signalling device on any **vehicle**, boat or train where such sounding is properly and necessarily used as a danger or warning signal;
- (c) by the use, in a reasonable manner, of an apparatus or mechanism for the amplification of the human voice or music in a public park, public facility or square in connection with a public meeting, public celebration, athletic or sports event or other public gathering, if:
 - (i) that gathering is held under a City issued permit or license or similar agreement; or
 - (ii) that gathering has received prior approval under section 4.2.1;
- (d) by bells, gongs or chimes by religious institutions, or the use of carillons, where such bells, gongs, chimes or carillons have been lawfully erected;
- (e) by works and activities authorized by the British Columbia School Board 38 (Richmond) and conducted by its employees, agents and contractors on

property owned or operated by British Columbia School Board 38 (Richmond);

- (f) by a parade, procession, performance, concert, ceremony, event, gathering or meeting in or on a street or public space, provided that a permit, licence or similar agreement has been granted by the City for the event;
- (g) by outdoor athletic activity that takes place between 8:00 a.m. and 10:30 p.m.;
- (h) by the use, in a reasonable manner, of the **premises** of a Community Care Facility duly licensed under the *Community Care and Assisted Living Act*, SBC, 2002, Chapter. 75, or from the use of a similar institution;
- (i) by works and activities authorized by the City and conducted by its employees, agents and contractors on property owned (including, without limitation dedicated roads, parks and other public spaces) or operated by the City;
- (j) by a garbage collection service during the **daytime**;
- (k) by municipal works including, but not limited to, the construction and repair of streets, sewers lighting and other municipal services, whether carried out during the daytime or during the nighttime by, or on behalf of the City or the Greater Vancouver Regional District or any other public authority, but, unless the General Manager approves otherwise, does not include **construction** carried out under and agreement to install City works as described in section 940 of the *Local Government Act*;
- (l) by **lawn and garden power equipment**, provided that the use of the **lawn and garden power equipment** takes place:
 - (i) between 7:00 a.m. and 8:00 p.m. Monday through Friday; or
 - (ii) between 10:00 a.m. and 8:00 p.m. on a Saturday, Sunday and **holiday**;
- (m) by **construction**, provided that it has a **rating level** which does not exceed 85 dBA when measured at a distance of 15.2m (50 feet) from that source of **sound**, and only:
 - (i) between 7:00 a.m. and 8:00 p.m. Monday through Friday that is not a **holiday**;
 - (ii) between 10:00 a.m. and 8:00 p.m. on a Saturday that is not a **holiday**; and
 - (iii) between 10:00 a.m. and 6:00 p.m. on a Sunday or **holiday**;

- (n) by the nightly cleaning of streets and sidewalks and the collection of garbage from sidewalk refuse bins by or on behalf of the City;
- (o) by public transit or aeronautics;
- (p) by normal farm practices on a farm operation as defined by and protected by the *Farm Practices Protection (Right to Farm) Act*; or
- (q) by an occupant of a strata lot or rental unit used for **residential occupancy** where the source of the sound and the **point of reception** is within the same building.

4.2 Exemptions and Relaxations by Approval

- 4.2.1 A person may submit an application for an exemption or relaxation from the provisions of this Bylaw to the **General Manager**, in a form and with content satisfactory to the **General Manager** who may allow the exemption or relaxation with or without terms and conditions or refuse the exemption or relaxation provided that the exemption or relaxation is limited to a period of not more than forty-eight (48) hours.
- 4.2.2 With respect to exemptions or relaxations from the limitations imposed by section 4.1.1(m) of this Bylaw for construction projects, the **General Manager** may grant the exemption if satisfied that:
 - (a) the volume of traffic in the area of the proposed construction is such as to cause danger to the workers on the job, or to cause traffic congestion;
 - (b) the impact and inconvenience to residents in the area of the proposed construction can be minimized;
 - (c) the construction cannot be undertaken efficiently or safely during the normal working day; or
 - (d) interruption of any service during normal working day would cause any person undue hardship.
- 4.2.3 If an exemption or relaxation is granted by the **General Manager** the applicant must, at least forty-eight (48) hours before the start of the exemption period, distribute a notice, in a form and with content satisfactory to the **General Manager**, to all residences within a one hundred (100) metre radius. Such a notice is to include, but will not be limited to, all times and dates, the specific location and general description of the activity.

4.2.4 An applicant who has been refused an exemption or relaxation by a decision of the **General Manager** may apply to have Council reconsider that decision in accordance with the following procedures:

- (a) the applicant may apply by notice to the City Clerk within 14 days of any refusal by the **General Manager** to grant an exemption or relaxation;
- (b) the applicant may address Council in writing or in person concerning the specific exemption or any future exemptions; and
- (c) Council may allow or revise the exemption or relaxation with or without terms and conditions or refuse the exemption or relaxation.

4.3 Modification of Exception of Rating Levels by Bylaw Amendment

4.3.1 A person may, in respect to a specific property or specific properties, submit an application for a modification of this Bylaw in respect to a rating level set out in section 2.1 – 2.3 of this Bylaw to the **General Manager** in a form and with a content satisfactory to the **General Manager** who shall refer the application to Council for consideration with recommendations.

PART FIVE: GENERAL

5.1 Severability

5.1.1 No provision of this Bylaw depends for its validity on the validity of any other provision.

5.2 Offences and Penalties

- 5.2.1 (a) a violation of any of the provisions identified in this Bylaw shall result in liability for penalties and late payment amounts established in Schedule A of the Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122; and
- (b) a violation of any of the provisions identified in this Bylaw shall be subject to the procedures, restrictions, limits, obligations and rights established in the *Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122* in accordance with the *Local Government Bylaw Notice Enforcement Act, SBC 2003, c.60*.
- 5.2.2 Every person who contravenes any provision of this Bylaw is considered to have committed an offence against this bylaw and is liable on summary conviction, to the penalties provided for in the *Offence Act*, and each day that such violation is caused, or allowed to continue, constitutes a separate offence.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

MAYOR

_____ _____ _____ _____ _____

CITY CLERK

CITY OF RICHMOND
APPROVED for content by originating Division
APPROVED for legality by Solicitor

SCHEDULE A TO BYLAW 8856
NOISE ZONES

Category	Quiet Zone	Intermediate Zone	Activity Zone
1. Standard Zoning (subject to Category 4)	<ul style="list-style-type: none"> • Residential Zones commencing with RS, RC, RD, RI, RT, RA • Residential / Limited Commercial Zones commencing with RCL • Institutional Zones commencing with ASY, HC • Mixed Use Zones commencing with CN, CS 	<ul style="list-style-type: none"> • Mixed Use Zones commencing with CDT • Commercial Zones commencing with CL, CC, CA, CEA, CG, CP, CV, CR • Marina Zones commencing with MA1, MA2 • Institutional Zones commencing with AIR, SI • Agriculture & Golf Zones commencing with AG, GC 	<ul style="list-style-type: none"> • Industrial Zones commencing with I, IL, IB, IR, IS
2. Site Specific Zoning (subject to Category 4)	<ul style="list-style-type: none"> • Residential Zones commencing with ZS, ZD, ZT, ZLR, ZHR • Residential (Other) Zones commencing with ZR 	<ul style="list-style-type: none"> • Mixed Use Zones commencing with ZMU • Commercial Zones commencing with ZC • Public Zones commencing with ZIS • Agricultural Zones commencing with ZA 	<ul style="list-style-type: none"> • Industrial Zones commencing with ZI

Category	Quiet Zone	Intermediate Zone	Activity Zone
3. Land Use Contracts (subject to Category 4)	<ul style="list-style-type: none"> 001-009, 011-021, 023-027, 029-037, 040-050, 052-061, 063, 065-069, 071-077, 081-086, 088-090, 093-102, 104-117, 120-121, 123-125, 129-138, 140-165 	<ul style="list-style-type: none"> 010, 022, 028, 051, 062, 064, 070, 078, 079, 087, 092, 119, 122, 126, 128 	<ul style="list-style-type: none"> 039, 091, 127, 139
4. Additional Designations		<ul style="list-style-type: none"> All parcels that would otherwise be classified as a Quiet District that are in Areas 1A or 2 as outlined in the OCP Aircraft Noise Sensitive Development Table contained in Section 5.4 - Noise Management in the Richmond Official Community Plan Bylaw No 7100 All parcels bordering a municipal 4-lane roadway, Highway 91 or Highway 99 	<ul style="list-style-type: none"> All roadways All railroad rights-of-way

SCHEDULE B TO BYLAW 8856**SUMMARY OF PERMITTED OUTDOOR SOUND LEVELS BY ZONE**

		Sound Receiver Zone					
		Quiet		Intermediate		Activity	
		Day	Night	Day	Night	Day	Night
Sound Source Zone	Quiet	55 dBA	45 dBA	60 dBA	50 dBA	70 dBA	70 dBA
		65 dBC	55 dBC	70 dBC	60 dBC	80 dBC	80 dBC
	Intermediate	60 dBA	50 dBA	60 dBA	50 dBA	70 dBA	70 dBA
		70 dBC	60 dBC	70dBC	60 dBC	80 dBC	80 dBC
	Activity	60 dBA	50 dBA	65 dBA	55 dBA	70 dBA	70 dBA
		70dBC	60 dBC	75 dBC	65 dBC	80 dBC	80 dBC

Note: the permitted outdoor **dBC** sound level is 10 dB higher than the permitted **dBA** sound level.

SCHEDULE C TO BYLAW 8856**SPECIFIC MODIFICATIONS/EXCEPTIONS TO PART TWO: SOUND LEVELS**

Property specific modifications / exceptions to the rating levels in Part Two: "Sound Levels" of the Bylaw are set-out below. Except as modified or excepted below, the rating levels in Part Two: "Sound Levels" apply.

Civic Address of Sound Source	Civic Address of Point of Reception	Permitted Sound Level

SCHEDULE C TO BYLAW 8856**SPECIFIC MODIFICATIONS/EXCEPTIONS TO PART TWO: SOUND LEVELS**

Property specific modifications / exceptions to the rating levels in Part Two: "Sound Levels" of the Bylaw are set-out below. Except as modified or excepted below, the rating levels in Part Two: "Sound Levels" apply.

Civic Address of Sound Source	Civic Address of Point of Reception	Permitted Sound Level

CONSOLIDATED FOR CONVENIENCE

CITY OF PORT MOODY

BYLAW NO. 1399

A BYLAW TO REGULATE THE SOUND LEVELS IN THE CITY OF PORT MOODY

WHEREAS Section 932(c) of the *Municipal Act*, being Chapter 290 of the Revised Statutes of British Columbia, 1979 and amendments thereto, empowers the Council by bylaw to regulate the sound levels within the municipality;

AND WHEREAS the Council of the City of Port Moody deems such regulations and prohibitions desirable;

NOW THEREFORE, the City Council of the City of Port Moody, in open meeting assembled hereby enacts as follows:

1. This bylaw shall be cited for all purposes as "City of Port Moody Sound Level Bylaw, 1980" No. 1399.
2. Bylaw No. 1044 "City of Port Moody Noise Control Bylaw, 1970", is hereby repealed.
3. In this bylaw, unless the context otherwise requires:
 - (a) In the absence of specific provisions herein to the contrary, words used in this bylaw shall have the meaning, if any, given to them by definition in the "Municipal Act", being Chapter 290 of the Revised Statutes of British Columbia, 1979 and amendments thereto or, if not defined therein, the meaning, if any given to them by definition in the "Motor Vehicle Act", being Chapter 288 of the Revised Statutes of British Columbia, 1979 and amendments thereto;
 - (b) **Act** means the Municipal Act, being Chapter 290 of the Revised Statutes of British Columbia, 1979 as amended from time to time;

activity zone includes every area of the municipality which is not specifically designated as a quiet zone;

**ADDED BY BYLAW NO. 2421

- ** Bylaw Enforcement Officer** means the person appointed from time to time by the Council to act in the capacity as City Bylaw Enforcement Officer.

continual sound means any uninterrupted or frequent sound occurring for a period or periods totaling in excess of three (3) minutes in any fifteen (15) minute period of time;

City means the City of Port Moody, a municipal corporation duly created by Letters Patent issued on March 11, 1913;

**** Construction** includes the erection, reconstruction, alteration, repair, relocation, demolition and removal of a building, structure, or thing, structural maintenance, painting, land clearing, earth moving, grading, excavating, the laying of pipe or 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 being done in connection therewith;

Council means the City Council of the City duly constituted pursuant to the provisions of the Act;

daytime means that period from 7:00 a.m. to 10:00 p.m. local time;

dB means decibel, a means of expressing Sound Pressure Level and is defined as ten (10) times the logarithm to the base ten (10) of the ratio between two (2) quantities of sound power (the one being measured and the one being used as a reference level) as in the following formula:

$$SPL = 10 \log_{10} \frac{(p^2)}{(p_o^2)} = 20 \log_{10} \frac{(p)}{(p_o)} \text{ dB}$$

where 'p' is the sound pressure being measured and 'po' is a standard reference sound pressure. The latter is the threshold of hearing and is normally taken as 0.0002 Microbar (or 2×10^{-5} Newton/M²);

dB(A) means the measurement of sound pressure levels in decibels (A) weighted by the sound level meter to approximate the response of the human ear;

**** Director of Operations** means the person appointed from time to time by Council to act in the capacity of Director of Operations;

**** Director of Planning and Development** means the person appointed from time to time to act in the capacity of Director of Planning and Development Services.

highway, in addition to the meaning given to it by the Act, includes every private place or passageway to which the public, for the purpose of parking or servicing vehicles, is permitted and also includes boulevards and sidewalks;

Inspector means the Medical Health Officer of the Simon Fraser Health Unit, appointed from time to time in accordance with the provisions of the Act and includes any person or persons designated by the Medical Health Officer or the Council to act on his behalf;

municipality means the geographic area over which the City is the municipal government;

nighttime means that period between 10:00 p.m. to 7:00 a.m. local time;

non-continual sound means any sound which is not defined as a continual sound;

peace officer has the meaning given to it by the Interpretation Act, being Chapter 199 of the Revised Statutes of British Columbia, 1960 and amendments thereto;

person includes a natural person, company, corporation, owner, partnership, firm, association, society, party or other like entity;

point of reception unless otherwise defined or described herein, means any place or parcel where sound originating from any source, other than a source on such parcel, is received; or, any place on a strata lot designated, shown or described on a strata plan where sound originating from any source, other than a source on such strata lot, is received.

quiet zone means those areas within the municipality which are so designated from time to time in Schedule "A" which is attached to and forms part of this bylaw;

real property does not include highways but does include all other land and all improvements which have been affixed to land;

sound is said to exist if a disturbance is propagated through an elastic medium (particularly air) which causes an alteration in pressure which can be detected aurally by a person or by an appropriate instrument;

sound level means the level of sound as measured in decibels with the (A) weighted network and slow response of a sound level meter;

sound level meter means a device which meets the "C.S.A. Standard Z107.1-1973"; or the International Electro-Technical Commission Standard No. 123 or the British Standard No. 3539 Part 1 or the United States of America Standard A.N.S.I. Sl. 4-1971;

SECTION 4 - ADDED BY AMENDMENT BYLAW NO. 1593
EXISTING SECTIONS RE-NUMBERED TO REFLECT ADDITION

4. GENERAL REGULATIONS

****SECTION 4.1.1 - AMENDED BY BYLAW NO. 2650**

- 4.1.1 No person shall make or cause, or permit to be made or caused, any noise or sound in or on a public or private place which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.
- 4.1.2 No person being the owner or occupier of real property shall allow or permit such real property to be used so that noise or sound which emanates therefrom, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.
- 4.1.3 No person shall play or operate any radio, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound either in or on private premises or in any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of persons in the vicinity.
- 4.1.4 No person shall own, keep or harbour any animal or bird which by its cries unduly disturbs the peace, quiet, rest or tranquility of the surrounding neighbourhood or the public at large.
- 4.1.5 No hawker, huckster, peddler, news vendor, or other person shall by his intermittent or reiterated cries disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.
- ** 4.1.6 The Council for the City of Port Moody is of the opinion that the noises listed on Schedule "B" attached hereto are objectionable or are liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public at a point of reception in the City, notwithstanding such noises may not constitute a breach of any other provision of this Bylaw.

*AMENDED BY BYLAW NO. 2131

4.2 CONSTRUCTION HOURS

- 4.2.1** No person in the City shall on any day before 07:00 hours or after ***20:00** hours, construct, erect, reconstruct, alter, repair or demolish any building, structure or thing or excavate or fill in land in any manner which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.
- 4.2.2** No person in the City shall carry out construction in any manner for profit or gain on a Sunday or Statutory Holiday which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of the persons in the vicinity. Notwithstanding the aforementioned a person may carry out construction on their residence on a Sunday or Statutory Holiday between the hours of 9:00 a.m. and 6:00 p.m., provided that such construction is not being carried out for profit or gain.
- 4.2.3** Where it is impossible or impractical to comply with this section, the Director of Planning and Development may give written approval to carry on the work that is found to be necessary at designated hours.
- 4.2.4** Responsibility for obtaining written approval lies with the person carrying on the work of the owner of the land on which such work is carried on.

4.3 OTHER

- 4.3.1** No person shall operate any outdoor public address system in the City without first having obtained a permit therefor.
- 4.3.2** No person shall operate a snow vehicle, motorboat or motorcycle which makes or causes objectionable noise.
- 4.3.3** Notwithstanding any provisions of this bylaw, a person may perform work of an emergency nature for the preservation or protection of life, health or property but the onus shall be on the person performing the work to show cause that the work was of an emergency nature.
- ** 4.3.4** Notwithstanding any other provision of this Bylaw, between the hours of 7:00 a.m. and 10:00 p.m. from Monday to Saturday and between the hours of 9:00 a.m. and 10:00 p.m. on Sunday and Statutory Holidays a person may operate a power lawn mower or power gardening tool provided that such equipment does not make or cause to be made noise or sound the level of which exceeds 87 dBAs.

5. No person shall cause any sound to be made anywhere in the City that has a sound level in excess of that authorized by this bylaw and no owner or occupier of real property in the City shall allow the making of any sound that exceeds the sound level authorized by this bylaw to emanate from real property so owned or occupied.
6. Except as provided herein, sound levels emanating from or impinging upon real property shall not exceed values prescribed by the following tables:

****TABLE REPLACED BY BYLAW NO. 2421**

**

	QUIET ZONE	
	Continual Sound	Non-Continual Sound
Daytime	55 dB(A)	80 dB(A)
Nighttime	45 dB(A)	75 dB(A)

**

	ACTIVITY ZONE	
	CONTINUAL SOUND	NON-CONTINUAL SOUND
Daytime	65 dB(A)	80 dB(A)
Nighttime	60 dB(A)	75 dB(A)

****NEW SECTION 7 ADDED BY BYLAW NO. 2421,
SUBSEQUENT SECTIONS RENUMBERED**

- **
7. The permitted Non-Continual sound levels listed in section 6 for a Quiet Zone shall be reduced by 10 dBA at the point of reception.
 8. No person owning a motor vehicle or operating a motor vehicle on a highway shall allow a sound level to emanate from that motor vehicle in excess of the following:
 - (a) Up to a speed of fifty (50) kilometres per hour (km/h):

- 7 -

Motor vehicles with licenced gross weights of 2,700 kg or more	88 dB(A)
All other motor vehicles	80 dB(A)

(b) For speeds exceeding (50) kilometres per hour (km/h):

Motor vehicles with licenced gross weights of 2,700 kg or more	92 dB(A)
All other motor vehicles	85 dB(A)

9. A person may operate a horn or other warning device on a motor vehicle or on real property as a warning incidental to the safe operation of the motor vehicle or as an alarm to protect the property without regard to any sound level prescribed by this bylaw.

****AMENDED BY BYLAW NO. 2421**

10. A person may perform works of an emergency nature in order to preserve the life or health of individuals, people or animals or to protect property without regard to any sound level prescribed by this bylaw for what, in the opinion of the Inspector ****Bylaw Enforcement Officer** or of any peace officer at the scene of the emergency, is the duration of the emergency and, for the purposes of this bylaw, an emergency shall be deemed to include all situations wherein, in the Inspector's ****or Bylaw Enforcement Officer's** opinion, works are being carried out to serve the public interest and cannot reasonably be carried out within the sound levels prescribed in this bylaw.
11. A person may perform works of a temporary nature where sound levels are expected to exceed the values provided for in this bylaw only when permission is granted by the City Administrator or his designate. Requests to do so must include name and address of applicant, location of source of sound, description of the nature of the sound, expected maximum sound levels, the duration of the excessive sound levels and the times during the day when the sound will be produced. Permits will be granted by a designated officer operating under the guidelines prescribed by Council.

12. The Inspector ****Bylaw Enforcement Officer** or any designated peace officers of the City are hereby authorized to measure sound levels with sound level metres in accordance with the provisions of this bylaw and the sound levels thereby measured shall be deemed to be a conclusive statement of whether the sound emanating from real property or a motor vehicle does so at a sound level higher than that allowed by this bylaw.
13. (a) The sound level emanating from a motor vehicle must be measured at a distance no closer than six (6) metres to the motor vehicle.

(b) The sound level emanating from real property must be measured at a distance no greater than six (6) metres from the property line. The sound level impinging upon real property must be measured inside the property line of the affected property no further than six (6) metres from the property line.
14. The ****Director of Operations** is authorized to require the posting of signs advising of maximum allowable sound levels on highways at whatever locations he deems to be necessary or desirable.
15. All works authorized by the Council must comply with this bylaw.

***SECTION AMENDED BY BYLAW NO. 2359**

16. Every person who violates any provision of this bylaw shall be guilty of an offence under this bylaw punishable on summary conviction and shall be liable to a fine not exceeding ***two thousand dollars (\$2,000.00)** for each day during which the offence continues and, in default of payment thereof, to imprisonment for a term not exceeding thirty (30) days for each day the offence continues.

****SECTIONS ADDED BY BYLAW NO. 2421**

- ** 17.** If any Division, Section, Subsection, Sentence, Clause or Phrase of this Bylaw is for any reason held to be invalid by the decision of a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Bylaw.
- ** 18.** The Bylaw Enforcement Officer, Inspector or peace officer and such other person as the Council may authorize, may enter at all reasonable times upon or into any place or structure governed by this Bylaw in order to ascertain whether the provisions of this Bylaw are observed. No person shall obstruct or seek to obstruct the entrance into or on to any property, place or structure of any person acting under this section.

- 9 -

READ A FIRST TIME THE 4TH DAY OF JULY, 1978.

READ A SECOND TIME THE 4TH DAY OF JULY, 1978.

READ A THIRD TIME THE 22ND DAY OF SEPTEMBER, 1980.

RECONSIDERED AND FINALLY ADOPTED THE 6TH DAY OF OCTOBER, 1980.

"A. EGERTON-BALL"

ACTING MAYOR

"J. I. BROVOLD"

CITY CLERK

I HEREBY CERTIFY THAT THE ABOVE IS A TRUE COPY OF BYLAW No. 1399 OF THE CITY OF PORT MOODY.

CITY CLERK

CITY OF PORT MOODY SOUND LEVEL BYLAW, 1980 NO. 1399

SCHEDULE "A"

OPERATING PROCEDURES

1. All sound levels shall be determined with a sound level meter with (A) weighting and "slow" response setting.
2. Sound level meters shall be used and operated in accordance with manufacturer's instructions. The sound level meter shall be calibrated with or found to be correct by reference to a calibrator not more than three (3) days before taking a measurement under this bylaw and found to be correct by reference to a calibrator not more than three (3) days after taking that measurement.
3. 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 dB or less.
4. Sound level measurements should, in general, be made at a height of approximately one (1) metre and a distance of greater than three (3) metres from any wall, buildings, or other reflecting structures with the microphone appropriately oriented.
5. Precautions shall be taken to ensure that the values recorded correspond to the noise or sound being investigated and are not due to wind or extraneous sources.
6. When the wind velocity is above eight (8) kilometres per hour, a wind screen must be used. No test shall be attempted when the wind velocity is above forty (40) kilometres per hour. Testing of motor vehicles in motion should not be done when pavements are wet.
7. In accordance with the prescribed measurement techniques so far described, various locations about the source should be tested to determine the maximum sound level emanating from the source for purposes of the application of this bylaw.

DEFINITION OF ZONES****SECTIONS REPLACED BY BYLAW NO. 2421**

- ** 1. For the purpose of this bylaw, all real property which is classified by the "City of Port Moody Zoning Bylaw No. 1890, 1988 as amended from time to time as:

A1 Acreage Reserve
A2 Development Acreage Reserve
A3 Development Acreage Reserve
RS1 One Family Residential
RS2 One Family Residential
RS3 One Family Residential
RS4 One Family Residential
RS5 One Family Residential
RS6 One Family Residential
RS7 One Family Residential
RT1 Two Family Residential
RM1 Multiple Family Residential
RM2 Multiple Family Residential
RM3 Multiple Family Residential
RM4 Multiple Family Residential
RM5 Multiple Family Residential
RM6 Multiple Family Residential
RM7 Multiple Family Residential
P1 Public Service
P2 Special Public Service

and any other residential zones which may be added to amend "City of Port Moody Zoning Bylaw No. 1890, 1988 shall be QUIET ZONES.

- ** 2. For the purposes of this bylaw, all real property which is classified by "City of Port Moody Zoning Bylaw No. 1890, 1988 as amended from time to time as:

- C1 Local Commercial
- C2 Neighbourhood Commercial
- C3 Community Commercial
- C4 Service Station Commercial
- C5 Automobile-Oriented Commercial
- C6 Adaptive Use Commercial
- C7 Commercial Recreation
- C8 Adult Entertainment
- TC1 Town Centre One
- CD1 Comprehensive Development Zone
- CD24 Comprehensive Development Zone 24
- CD22 Comprehensive Development Zone 22
- CD23 Comprehensive Development Zone 23
- CD9-NS Comprehensive Development Zone 9
- M1 Light Industrial
- M2 Light Industrial/Commercial
- M3 General Industrial

and any other commercial and industrial zones which may be added to amend "City of Port Moody Zoning Bylaw No. 1890, 1988.

AND

any real property zoning classification notwithstanding which is designated as Pubic Park, Playground or Recreation Facility, shall be ACTIVITY ZONES.

SCHEDULE ADDED BY BYLAW NO. 2421

CITY OF PORT MOODY SOUND LEVEL BYLAW, 1980 NO. 1399

SCHEDULE "B"

Schedule of Objectionable or Disturbing Noises

1. The sound made by a dog barking, howling or creating any kind of sound continually or sporadically or erratically for any period in excess of one-half hour in time.
2. The sound made by a combustion engine that is operated without an effective exhaust muffling system in good working order being in use whenever such engine is in operation.
3. The sound made by a vehicle or a vehicle with a trailer resulting in banging, clanking, squealing or other like sounds due to an improperly secured load or improperly secured equipment, or due to inadequate maintenance.
4. The sound made by a vehicle or other warning device used except under circumstances required or authorized by law.
5. In accordance with section 4.2 of this Bylaw, the sound made by construction activity prior to 7:00 a.m. and after 8:00 p.m. on Monday to Saturday inclusive or prior to 9:00 a.m. and after 6:00 p.m. on Sundays and Statutory Holidays.

NO. 03-12

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to consolidate and update the provisions of the Noise Abatement Bylaw, and to establish noise zones within the City within which certain noise levels may not be exceeded at certain times.

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Under its statutory powers, including sections 8(3)(b) & (h), 16, 17, 62, 64, 260 to 263 of the *Community Charter*, the Council of the City of Victoria enacts the following provisions:

PART 1 – INTRODUCTION

Title

- 1** This Bylaw may be cited as the “NOISE BYLAW”.

Interpretation of technical standards

- 2** Where an abbreviation or technical standard is used in this Bylaw but is not defined specifically or by context, it should be interpreted by reference to the definitions and technical standards 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.

Definitions

- 3** In this Bylaw,

“Activity District”

means those areas so described in this Bylaw and so indicated on the Noise District Map set out in Schedule A;

“approved sound meter”

means an instrument which is capable of measuring levels of sound pressure in accordance with the minimum requirements for either Type 1 (precision) or Type 2 (general purpose) sound level meters as specified in ANSI S1.4 [1983], IEC 651 [1979] and IEC 804 [1984] standards;

“A-weighted sound level”

means the sound pressure level measured (in units of A-weighted decibels, or dBA) using the “A” weighting network of an approved sound meter;

“construction”

includes

- (a) the erection, alteration, repair, relocation, dismantling, demolition and removal of a building;

- (b) structural maintenance, power-washing, painting, land clearing, earth moving, grading, excavating, the laying of pipe and conduit (whether above or below ground), street or road building and repair, concrete placement, and the installation, or removal of construction equipment, components and materials in any form or for any purpose;
- (c) any work being done in connection with any of the work listed in paragraphs (a) or (b);

"commercial premises"

means premises used to sell, or offer for sale, goods or services;

"C-weighted sound level"

means the sound pressure level measured (in units of C-weighted decibels, or dBC) using the "C" weighting network of an approved sound meter;

"daytime"

means

- (a) from 7:00 a.m. to 10:00 p.m. on a week day or Saturday;
- (b) from 10:00 a.m. to 10:00 p.m. on a Sunday or holiday;

"equivalent sound level or L_{eq} "

means that constant or steady A-weighted sound level which, in a given situation and time period, conveys the same sound energy as does the actual time-varying A-weighted sound level, where L_{eq} is measured using an integrating approved sound meter meeting ANSI S1.4 [1983], IEC 651 [1979] and IEC 804 [1984] specifications;

"fast response"

means the predetermined meter response setting of an approved sound meter having a 0.125 second time constant and meeting the specifications of ANSI S1.4 [1983] or IEC 651 [1979];

"frequency analysis"

means the separation of sound into its various frequency components using an instrument such as a real-time analyzer;

"Harbour Intermediate District"

means those areas so described in this Bylaw and so indicated on the Noise District Map set out in Schedule A;

“holiday”

means

- (a) New Year's Day, Good Friday, Easter Monday, Victoria Day, Canada Day, British Columbia Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and December 26, and
- (b) the day following a day that is named in paragraph (a) and that falls on a Sunday;

“impulsive sound”

means any sound that has the following defining characteristics:

- (a) the onset is abrupt and the decay rapid, and
- (b) the duration of individual impulses is
 - (i) less than one second, and
 - (ii) brief compared to the occurrence rate;

“Intermediate District”

means those areas so described in this Bylaw and so indicated on the Noise District Map set out in Schedule A;

“intermittent sound”

means any sound or noise which is subject to rapid fluctuations in level of 5 dBA or more with the fluctuations occurring with a degree of regularity or repetitiveness at intervals of from 3 minutes to and including 5 minutes;

“leaf blower”

means a portable machine, used for blowing or sucking up leaves, grass or debris including backpack, handheld or rolling units and those that accept vacuum attachments, but excluding vehicle-mounted units;

“motorcycle”

means a motorized vehicle mounted on two or three wheels and, without restricting the generality of the foregoing, includes those motor vehicles commonly known as motorcycles, scooters and power bicycles;

“motor vehicle”

means a vehicle propelled by any power other than muscular power except motorcycles, aircraft or motor vehicles that run only upon rails;

"nighttime"

means any time not included within the definition of daytime under this Bylaw;

"point of reception"

means a position that is located at least 1.2 m above the surface of the ground, and that is

- (a) a position on, or just inside, the property line of the real property occupied by the recipient of a noise or sound, that represents the shortest distance between that property and the other property from which that noise or sound emanates, or
- (b) a position within the property line of the real property occupied by the recipient of a noise or sound that best represents the location at which that noise or sound, emanating from another property, is received and the resulting disturbance experienced;

"power equipment"

means any equipment or machinery used in lawn and garden care or in building and property maintenance, including but not limited to leaf blowers, edge trimmers, rototillers, lawn mowers, pressure washers, carpet cleaning equipment and hand-operated power tools;

"premises"

- (a) means the area contained within the boundaries of a legal parcel of land and any building situated within those boundaries, and
- (b) means that each unit, the common areas of the building, and the land within the apparent boundaries of the lot are each separate premises where a building contains more than one unit of commercial, industrial or residential occupancy;

"Quiet District"

means those areas so described in this Bylaw and so indicated on the Noise District Map set out in Schedule A;

"representative time period" and "RTP"

means the noise measurement period over which a sample of the level or character of the sound under consideration will be taken for the purposes of sections 5 to 8, according to the following categories of sound:

- (a) for constant sounds, such as, without limitation, those sounds produced by fixed-speed fans, heat pumps, pool pumps or other steadily-operating machinery, the RTP is 1 minute;

- (b) for sounds that fluctuate in level or character in a repeatable fashion over periods of from three seconds to one minute, such as, without limitation, those sounds produced by industrial or manufacturing processes, the RTP is 5 minutes;
- (c) for sounds that fluctuate in level or character in a repeatable fashion over periods of from 1 to 5 minutes, such as, without limitation, sounds produced by an air compressor or other cyclical noise sources, the RTP is 15 minutes;
- (d) for sounds that fluctuate in level and/or character in a repeatable fashion over periods of between 5 and 10 minutes, the RTP is 30 minutes;
- (e) where several noise sources operate simultaneously, each with its own patterns of operation and or movement, such as, without limitation, in a shipyard or a recycling/materials-handling operation, the RTP is 30 minutes;
- (f) for a noise source that exhibits significant variations in output over a time period of one hour or more, the RTP is the period known to, or expected to, generate the maximum overall noise levels at the point of reception;

“residential premises”

means any parcel of real property utilized primarily for residential accommodation, and includes hotels and motels;

“tonal sound”

means any sound which contains one or more pure tone components including without limitation the “hum” or a fan or heat pump or the “whine” of a hydraulic pump or power saw.

Determining presence of tonal sound

- 4 For the purposes of the administration and enforcement of this Bylaw, the presence of tonal sound may be determined by conducting a one-third octave band frequency analysis of the noise (from 31.5 Hz. to 16 kHz.) and applying the following criteria if tonal sound is suspected but is not obvious:

- (a) the level of the one-third octave band under consideration, or, in the case of a pair of bands, the arithmetic average of the levels of these two bands, is more than 1 dB higher than the level of each of the adjacent bands on either side of the band, or pair of bands, under consideration, and
- (b) the difference between the level of the one-third octave band under consideration, or, in the case of a pair of bands, the arithmetic average of the levels of the two bands, and the arithmetic average of the two adjacent bands on either side of the band or pair of bands under consideration, is 3 dB or more.

PART 2 –NOISE LEVELS

Quiet District permitted noise levels

- 5 In a Quiet District a person must not make, cause or permit to be made or caused, any sound or noise that, when measured with an approved sound meter over a representative time period, has an equivalent sound level, or L_{eq} , which
- (a) during the daytime exceeds
 - (i) 55 dBA when received at a point of reception in a Quiet District;
 - (ii) 55 dBA when received at a point of reception in an Intermediate District;
 - (iii) 55 dBA when received at a point of reception in a Harbour Intermediate District;
 - (iv) 60 dBA when received at a point of reception in an Activity District, or
 - (b) during the nighttime exceeds
 - (i) 45 dBA when received at a point of reception in a Quiet District;
 - (ii) 50 dBA when received at a point of reception in an Intermediate District;
 - (iii) 50 dBA when received at a point of reception in a Harbour Intermediate District;
 - (iv) 60 dBA when received at a point of reception in an Activity District.

Intermediate District permitted noise levels

- 6 In an Intermediate District a person must not make, cause or permit to be made or caused, any sound or noise that, when measured with an approved sound meter over a representative time period, has an equivalent sound level, or L_{eq} , which
- (a) during the daytime exceeds
 - (i) 60 dBA when received at a point of reception in a Quiet District;
 - (ii) 60 dBA when received at a point of reception in an Intermediate District;
 - (iii) 60 dBA when received at a point of reception in a Harbour Intermediate District;
 - (iv) 65 dBA when received at a point of reception in an Activity District, or
 - (b) during the nighttime exceeds:
 - (i) 50 dBA when received at a point of reception in a Quiet District;

- (ii) 55 dBA when received at a point of reception in an Intermediate District;
- (iii) 55 dBA when received at a point of reception in a Harbour Intermediate District;
- (iv) 65 dBA when received at a point of reception in an Activity District.

Harbour Intermediate District permitted noise levels

7 In a Harbour Intermediate District a person must not make, cause or permit to be made or caused, any sound or noise that, when measured with an approved sound meter over a representative time period, has an equivalent sound level, or L_{eq} , which

- (a) during the daytime exceeds
 - (i) 60 dBA when received at a point of reception in a Quiet District;
 - (ii) 60 dBA when received at a point of reception in an Intermediate District;
 - (iii) 60 dBA when received at a point of reception in a Harbour Intermediate District;
 - (iv) 65 dBA when received at a point of reception in an Activity District, or
- (b) during the nighttime exceeds
 - (i) 50 dBA when received at a point of reception in a Quiet District;
 - (ii) 55 dBA when received at a point of reception in an Intermediate District;
 - (iii) 55 dBA when received at a point of reception in a Harbour Intermediate District;
 - (iv) 65 dBA when received at a point of reception in an Activity District.

Activity District permitted noise levels

8 In an Activity District a person must not make, cause or permit to be made or caused, any sound or noise that, when measured with an approved sound meter over a representative time period, has an equivalent sound level, or L_{eq} , which

- (a) during the daytime exceeds
 - (i) 60 dBA when received at a point of reception in a Quiet District;
 - (ii) 65 dBA when received at a point of reception in an Intermediate District;
 - (iii) 67.5 dBA when received at a point of reception in a Harbour Intermediate District;
 - (iv) 70 dBA when received at a point of reception in an Activity District, or

- (b) during the nighttime exceeds
 - (i) 55 dBA when received at a point of reception in a Quiet District;
 - (ii) 60 dBA when received at a point of reception in an Intermediate District;
 - (iii) 60 dBA when received at a point of reception in a Harbour Intermediate District;
 - (iv) 70 dBA when received at a point of reception in an Activity District.

Summary of Districts' permitted noise levels

- 9** For convenience, the noise limits set out in sections 5 to 8 are summarized in the Table in Schedule B.

Correction factors for sound levels

- 10** For all purposes under this Bylaw, when assessing a sound relative to the limits set out in sections 5 to 8 and summarized in Schedule B, the following correction factors must be applied to the measured equivalent sound level whenever the sound has, as a defining characteristic, impulsiveness, tonality, or persistent intermittency:

Impulsiveness

- (a) a +5 dB correction if the sound under consideration is impulsive in character;

Tonality

- (b) a +5 dB correction if the sound under consideration is tonal (i.e., it contains one or more pure tone components);
- (c) in order for the tonality correction to apply if measurement is required to determine the presence of tonality, the level in the one-third octave band containing the tone, or the arithmetic average of the levels in a pair of bands containing the tone, must exceed the arithmetic average of the two adjacent bands
 - (i) by 3 dB or more for tones in the 500 Hz. to 16 kHz. bands,
 - (ii) by 5 dB or more for tones in the 160 to 400 Hz. bands,
 - (iii) and by 10 dB or more for tones in the 31.5 to 125 Hz. bands;

Intermittency

- (d) a +5 dB correction if the sound under consideration is persistently intermittent;

Multiple Corrections

- (e) a correction equal to the sum of the corrections applicable under paragraphs (a) to (d) for each of the characteristics, described in those paragraphs, that the sound possesses to a maximum of 10 dB.

PART 3 – TYPES OF NOISE**Noise disturbing neighbourhood**

- 11** (1) Subject to the other provisions of this Bylaw,
- (a) a person must not make or cause a noise or sound in a street, park, plaza or similar public place which disturbs or tends to disturb the quiet, peace rest, enjoyment, comfort or convenience of persons in the neighbourhood or vicinity;
 - (b) a person who is the owner or occupier of, or is in possession or control of, real property must not make, suffer, or permit any other person to make, a noise or sound, on that real property, which can be easily heard by a person not on the same premises and which disturbs or tends to disturb the quiet, peace rest, enjoyment, comfort or convenience of persons in the neighbourhood or vicinity.
- (2) Subsection (1) does not apply to a person who makes, causes, or permits to be made or caused, a sound or noise in compliance with the provisions of sections 5 to 8.

Prohibited types of noise

- 12** (1) Without limiting the generality of section 11, the following conduct is specifically prohibited:
- (a) shouting, using a megaphone or sound amplification device or making other noise in, at or on streets, parks, wharves, docks, piers, boat landings, ferry-landings, railway or bus stations or other public places;
 - (b) the playing of any radio, phonograph, cassette or CD player, television, musical instrument or sound amplification device whether in or upon a private premises or in any public place at such a volume (loudness) as to disturb or tend to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;
 - (c) within a Quiet District, the keeping or harbouring of any dog, bird or other animal, which barks or emits cries or other noises in a persistent manner that may easily be heard by a person not on the same premises and which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;

- (d) the operation of any automobile, truck, motorcycle, bus or other motorized vehicle which by reason of disrepair, the use of a muffler that fails to cool and expel exhaust gases from the engine without excessive noise, mode of operation of the vehicle (squealing of tires except during emergency braking to avoid accidents, over-revving of engine or excessive acceleration of vehicle) or any other cause, creates noise or sound which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;
 - (e) the production of amplified sound from a radio, cassette tape or CD player or other playback device or amplification equipment, or the sound of a musical instrument, that emanates from a motor vehicle and can easily be heard by a person of normal hearing acuity at a distance of 5 m (16.4 ft.) or more from the vehicle;
 - (f) the idling or other continuous running of the engine of a truck or bus for more than three 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.
- (2) Subsection (1) does not apply to a person who makes, causes, or permits to be made or caused, a sound or noise in compliance with the provisions of sections 5 to 8.

Exemptions specified

13 This Bylaw does not apply to:

- (a) a vehicle of the Police or Fire Department of the City, or an ambulance or other public service or emergency vehicle while engaged in a service of the public convenience or necessity;
- (b) 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;
- (c) the use, in a reasonable manner, of an apparatus or mechanism for the amplification of the human voice or music in a public park, public facility or square in connection with a public meeting, public celebration, athletic or sports event or other public gathering, if
 - (i) that gathering is held under a permit issued under the authority of the Parks Regulation Bylaw, or
 - (ii) that gathering has received prior approval under section 20,
 - (iii) if the noise produced by that gathering does not exceed 90 dB when received at a Point of Reception or such other lower sound level specified in the permit or approval.

- (d) the use of bells or chimes by churches, and the use of carillons where such carillons have been lawfully erected;
- (e) a parade, procession, performance, concert, ceremony, event, gathering or meeting in or on a street or public space, if that is permitted in the City under a bylaw or statute;
- (f) a sound or noise resulting from the use, in a reasonable manner, of the premises of a Community Care Facility duly licensed under the *Community Care Facility Act*, or from the use of a similar institution;
- (g) a garbage collection service
 - (i) between 6:00 a.m. and 8:00 p.m. within an Activity District;
 - (ii) between 7:00 a.m. and 8:00 p.m. on a weekday;
 - (iii) between 10:00 a.m. and 8:00 p.m. on a Saturday, Sunday or holiday;
- (h) the noon cannon at Laurel Point;
- (i) municipal works including, but not limited to, the construction and repair of streets, sewers and other underground services;
- (j) the City's Parks Division maintenance work between 7:00 a.m. and 5:00 p.m. on any day;
- (k) the nightly cleaning of streets and sidewalks and the collection of garbage from sidewalk refuse bins within the downtown core area by the City's Public Works staff;
- (l) emergency repairs to buildings which cannot reasonably be delayed until normal working hours.

Advertising

- 14** A person who is the owner, occupier or in possession of any real property must not cause or permit audio advertising which
- (a) is directed at pedestrians or motorists on any street or sidewalk, or
 - (b) can be heard on any street or sidewalk.

Commercial premises

- 15** In commercial premises a person must not make, cause, or permit to be made or caused, noise or sound from a radio, television, tape or CD 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 C-weighted equivalent sound level of which exceeds the following limits when measured at a point of reception:

- (a) 70 dBC during the daytime;
- (b) 65 dBC during the nighttime.

Power equipment

16 Despite any other provision of this Bylaw, but subject to sections 17 and 18, a person may, when using or operating power equipment between 8:00 a.m. and 8:00 p.m., make or cause a sound or noise that exceeds the sound level limits set out in sections 5 to 8 if the equivalent sound level does not exceed 75 dBA on an approved sound meter when received at the greater of the following distances from that power equipment:

- (a) at the point of reception;
- (b) 15.2 m (50 ft.).

Leaf blowers

17 Despite any other provision of this Bylaw

- (a) a person may operate a leaf blower in or adjacent to a residential area, or a mixed residential and commercial area, only
 - (i) between 8:00 a.m. and 8:00 p.m. on a weekday;
 - (ii) between 9:00 a.m. and 5:00 p.m. on a Saturday, Sunday or holiday;
- (b) after December 31, 2005 a person may operate a leaf blower only if it meets the Category 1 – dBA \leq 65 (at 15.2 cm) equipment standard when tested at full throttle, as set out in ANSI S1.75-2:2000 published by the Portable Power Equipment Manufacturers Association.

Chainsaws

18 Despite any other provision of this Bylaw

- (a) subject to subsection (b), a person may operate a chainsaw in or adjacent to a residential area or mixed residential and commercial area only
 - (i) between 8:00 a.m. and 8:00 p.m. on a weekday;
 - (ii) between 9:00 a.m. and 5:00 p.m. on a Saturday, Sunday or holiday;
- (b) a person must not at any time operate a chainsaw the equivalent sound level of which exceeds 85 dBA on an approved sound meter when measured at the greater of the following distances from that chainsaw:
 - (i) at the point of reception;

- (ii) 15.2m (50 feet).

Construction

- 19** (1) A person must not at any time, in or adjacent to residential premises, make or cause sound or noise resulting from construction, the equivalent sound level of which exceeds 85 dBA on an approved sound meter when measured at the greater of the following distances from that source of sound or noise:
- (a) at the point of reception;
 - (b) 15.2 m (50 ft.).
- (2) Subsection (1) does not apply to construction work carried out within a street.
- (3) Subject to subsection (1), a person may carry out any construction that disturbs the quiet, peace, rest or enjoyment of the public, only
- (a) between 7:00 a.m. and 7:00 p.m. on a weekday that is not a holiday;
 - (b) between 10:00 a.m. and 7:00 p.m. on a Saturday that is not a holiday.

PART 4 – GENERAL

Exemptions by permission

- 20** (1) A person may submit an application for an exemption from the provisions of this Bylaw
- (a) to the Chief Building Inspector regarding construction issues if it is impossible or impractical to comply with section 19(1) or (3), or
 - (b) to the Director of Parks & Community Services regarding outdoor special events on public or private property if that person cannot comply with section 5 to 8, 11 or 12 as a result of an outdoor special event.
- (2) The Chief Building Inspector may
- (a) exempt construction work from the provisions of section 19(1) or (3), and
 - (b) determine the terms of an exemption under this subsection.
- (3) The Director of Parks & Community Services
- (a) may exempt an outdoor special event from the provisions of sections 5 to 8, 11 or 12;
 - (b) must not authorize an exemption for an outdoor special event that will produce a sound level that exceeds 90 dB when received at a point of reception;

- (c) may determine the terms of an exemption under this subsection.
- (4) An application for an exemption must be in writing and must contain all of the following:
 - (a) the name, address and telephone number of the applicant;
 - (b) the civic address of the location of the works or events;
 - (c) the building permit number, if applicable;
 - (d) the reasons for the requested exemption;
 - (e) a description of the source of noise in respect of which the exemption is sought;
 - (f) the exact period of time for which the exemption is requested;
 - (g) a statement of the measures planned or presently being taken to minimize the sound or noise created;
 - (h) a non-refundable application fee of \$50.00.
- (5) An application for an exemption must be submitted to the City within the following time limits for the following work or event for which the exemption is requested:
 - (a) at least 10 business days before construction work;
 - (b) at least 6 weeks before an outdoor special event that does not require street closures;
 - (c) at least 4 months before an outdoor special event, at which more than 1,000 individuals are expected to attend, that requires street closures.
- (6) The Director of Parks & Community Services may seek the direction of Council before consenting to an exemption for an outdoor special event.
- (7) The Mayor may reduce the time limit within which an application is required to be made under subsection (5) in the event of an emergency or other unforeseen circumstance.
- (8) The Chief Building Inspector and the Director of Parks & Community Services must advise a person who is denied an exemption of that person's right of reconsideration by Council.
- (9) A person who has been refused an exemption by a decision of the Chief Building Inspector or the Director of Parks & Community Services may apply to have Council reconsider that decision in accordance with the following procedures:
 - (a) the person may apply by notice to the Corporate Administrator within 14 days of the decision;

- (b) the person may address Council in writing or in person concerning the request for the exemption;
- (c) the Council may allow or refuse the exemption.

Objectionable noises

- 21** The noises and sounds prohibited by Sections 5 to 8, 11, 12, and 15 to 19 of this Bylaw are considered by Council for the City of Victoria to be objectionable and liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.

Severability

- 22** No provision of this Bylaw depends for its validity on the validity of any other provision.

Offences and penalties

- 23** (1) A person who contravenes a provision of this Bylaw is guilty of an offence and liable upon conviction to the penalties imposed by the *Offence Act* and this Bylaw.
- (2) The minimum penalty for a contravention of a provision of this Bylaw is a fine of \$200.

Repeal

- 24** Bylaw No. 90-160, the Noise Abatement Bylaw is repealed.

READ A FIRST TIME the	26TH	day of	JUNE	, 2003
READ A SECOND TIME the	26TH	day of	JUNE	, 2003
READ A THIRD TIME the	11TH	day of	MARCH	, 2004
ADOPTED on the	25TH	day of	MARCH	, 2004

"ROBERT G. WOODLAND"
CORPORATE ADMINISTRATOR

"ALAN LOWE"
MAYOR

Schedule A
Noise District Map

Schedule B

Summary of Districts' Permitted Noise Levels

		NOISE RECEIVER DISTRICT							
		QUIET		INTER-MEDIATE		HARBOUR INTER-MEDIATE		ACTIVITY	
		Day	Night	Day	Night	Day	Night	Day	Night
NOISE SOURCE DISTRICT	QUIET	55	45	55	50	55	50	60	60
	INTER-MEDIATE	60	50	60	55	60	55	65	65
	HARBOUR INTER-MEDIATE	60	50	60	55	60	55	65	65
	ACTIVITY	60	55	65	60	67.5	60	70	70

Table 1: Equivalent Sound Level (L_{eq}) Limits (expressed in dBA) for sound or noise created and received in the "Quiet", "Intermediate" and "Activity" Noise Districts

NO. 06-053

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Noise Bylaw No. 03-012.

Under its statutory powers, including sections 8(3)(b) & (h), 16, 17, 62, 64, 260 to 263 of the *Community Charter*, the Municipal Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the "NOISE BYLAW, AMENDMENT BYLAW (NO. 1)".
- 2 Bylaw No. 03-12 the Noise Bylaw, is amended in section 17(b) by striking out "15.2 cm" and substituting "15.2m".

READ A FIRST TIME THIS	6 th	day of	July,	2006.
READ A SECOND TIME THIS	6 th	day of	July,	2006.
READ A THIRD TIME THIS	6 th	day of	July,	2006.
ADOPTED on the	20 th	day of	July,	2006.

"ROBERT G. WOODLAND"
CORPORATE ADMINISTRATOR

"ALAN LOWE"
MAYOR

This bylaw may or may not contain the latest amendment(s). It is provided for convenience only and should not be used in place of the actual bylaw. The latest version can be obtained from Legislative Services, City Hall, (250) 361-0571.

NO. 08-016

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Noise Bylaw in order to permit an earlier time for garbage collection on weekdays.

Under its statutory powers, including sections 8(3)(b) & (h), 62, and 64 of the *Community Charter*, the Municipal Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the "NOISE BYLAW, AMENDMENT BYLAW (NO. 2)".
- 2 Bylaw No. 03-12 the Noise Bylaw, is amended in section 13(g)(ii) by striking out "7:00 a.m." and substituting "6:30 a.m.".

READ A FIRST TIME THIS	28 th	day of	February,	2008
READ A SECOND TIME THIS	28 th	day of	February,	2008.
READ A THIRD TIME THIS	28 th	day of	February,	2008.
ADOPTED on the	13 th	day of	March,	2008.

"ROBERT G. WOODLAND"
CORPORATE ADMINISTRATOR

"ALAN LOWE"
MAYOR

This bylaw may or may not contain the latest amendment(s). It is provided for convenience only and should not be used in place of the actual bylaw. The latest version can be obtained from Legislative Services, City Hall, (250) 361-0571.

NO. 08-060

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Noise Bylaw in order to provide for enforcement of specified night-time residential noises without measuring decibel levels.

Under its statutory powers, including sections 8(3)(h) and 64 of the *Community Charter*, the Municipal Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the "NOISE BYLAW, AMENDMENT BYLAW (NO. 3)".
- 2 Bylaw No. 03-12 the Noise Bylaw, is amended by repealing section 12(2) and substituting the following subsection:

 "(2) Subsection (1) does not apply to a person who makes, causes, or permits to be made or caused, a sound or noise in compliance with the provisions of sections 5 to 8 unless the noise or sound is clearly audible at a point of reception in a residential area between the hours of 10:00 p.m. one day and 7:00 a.m. the following day."

READ A FIRST TIME THIS	26 th	day of	June,	2008
READ A SECOND TIME THIS	26 th	day of	June,	2008
READ A THIRD TIME THIS	26 th	day of	June,	2008
ADOPTED on the	10 th	day of	July,	2008

"ROBERT G. WOODLAND"
CORPORATE ADMINISTRATOR

"ALAN LOWE"
MAYOR

This bylaw may or may not contain the latest amendment(s). It is provided for convenience only and should not be used in place of the actual bylaw. The latest version can be obtained from Legislative Services, City Hall, (250) 361-0571.



THE CORPORATION OF THE CITY OF COURTENAY
STAFF REPORT

To: Council
From: Development Services Department
Subject: Zoning Amendment Bylaw 2798, 2014 – 425 Back Road

File No.: 3360-20-1408
Date: August 18, 2014

PURPOSE:

The purpose of this report is for Council to consider an application to rezone the subject property to allow a secondary suite within an existing single residential dwelling.

CAO RECOMMENDATIONS:

That based on the August 18, 2014 staff report "Zoning Amendment Bylaw No. 2798 – 425 Back Road", Zoning Amendment Bylaw No. 2798, 2014 proceed to First and Second Reading; and

That Council direct staff to schedule and advertise a statutory public hearing with respect to Zoning Amendment Bylaw No. 2798, 2014 on September 2nd, 2014 at 5:00 p.m. in City Hall Council Chambers.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

The subject property is currently zoned Residential One (R-1) and contains an existing single residential dwelling with a secondary suite. The applicant is proposing to rezone the property to Residential One S (R-1S) to legalize the secondary suite.

A location map and reference information is contained in *Attachment No. 1*. Information provided by the applicant is contained in *Attachment No. 2*. Public input is included as *Attachment No. 3*.

DISCUSSION:

The proposed zoning amendment is consistent with the land use policies of the Official Community Plan and the City's Affordable Housing Policy which encourage secondary suites as a means of providing affordable housing options in established areas of the city which often have good access to parks, schools and services and that make use of existing City infrastructure. The subject property is designated Urban Residential in the Official Community Plan. The Urban Residential designation includes the policy statement

that secondary suites will be considered as part of a principal single-family residential building subject to zoning approval.

If the zoning amendment is approved the applicant will be required to obtain a building permit to ensure construction meets the requirements of the BC Building Code. Both the City Zoning Bylaw and BC Building Code set the following limitations on secondary suites:

- be no more than 90 m² in area;
- may occupy no more than 40% of the habitable floor space of the building;
- must be located within a building of residential occupancy containing only one other dwelling unit;
- must be located in a building which is part of a single real estate entity; and
- must provide one additional off-street parking space.

The applicant will be required to confirm in their building permit submission that they meet these requirements.

As there is currently an illegal suite on the property, should the zoning amendment be denied the applicant would be required to decommission the suite.

FINANCIAL IMPLICATIONS:

Should Council approve zoning amendment bylaw 2798, 2014, the applicant would be required to apply for a building permit and subsequent inspections. Fees would be collected from the applicant for these services. No further DCC's would be charged to this property based on the value of construction.

ADMINISTRATIVE IMPLICATIONS:

The processing of development applications is included in the current work plan as a statutory component.

STRATEGIC PLAN REFERENCE:

Value No. 2 - A progressive, diverse and sustainable City.

OFFICIAL COMMUNITY PLAN REFERENCE:

The proposed zoning amendment is consistent with the urban residential land use designation and the climate change policies of the Official Community Plan. It represents infill residential development, makes use of existing municipal infrastructure and services, and supports active transportation options.

REGIONAL GROWTH STRATEGY REFERENCE:

The proposed zoning amendment addresses the Comox Valley Regional Growth Strategy goal to ensure a diversity of housing options to meet evolving demographics and needs, and to encourage the provision of alternative housing forms that provide housing at lower costs and with lower environmental impacts.

CITIZEN/PUBLIC ENGAGEMENT:

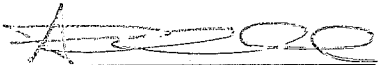
The applicant held a neighbourhood public information meeting on August 6th, 2014. The meeting was attended by the applicant, the current tenants, and one neighbouring couple. The minutes supplied by the applicant are attached. Additionally, the City received two letters from neighbouring property owners who did not attend the meeting but did provide comments on the application. One property owner had no objections to the proposed rezoning, the other had concerns over parking on the road. The concern over

parking is not uncommon with applications for secondary suites and generally surrounds the impact renters may have on the neighbourhood. The applicant has advised that there is plenty of on-site parking available and that the current tenants do not park on the street. Copies of the comments and a summary report of the public information meeting are included as *Attachment No. 3*.

OPTIONS:

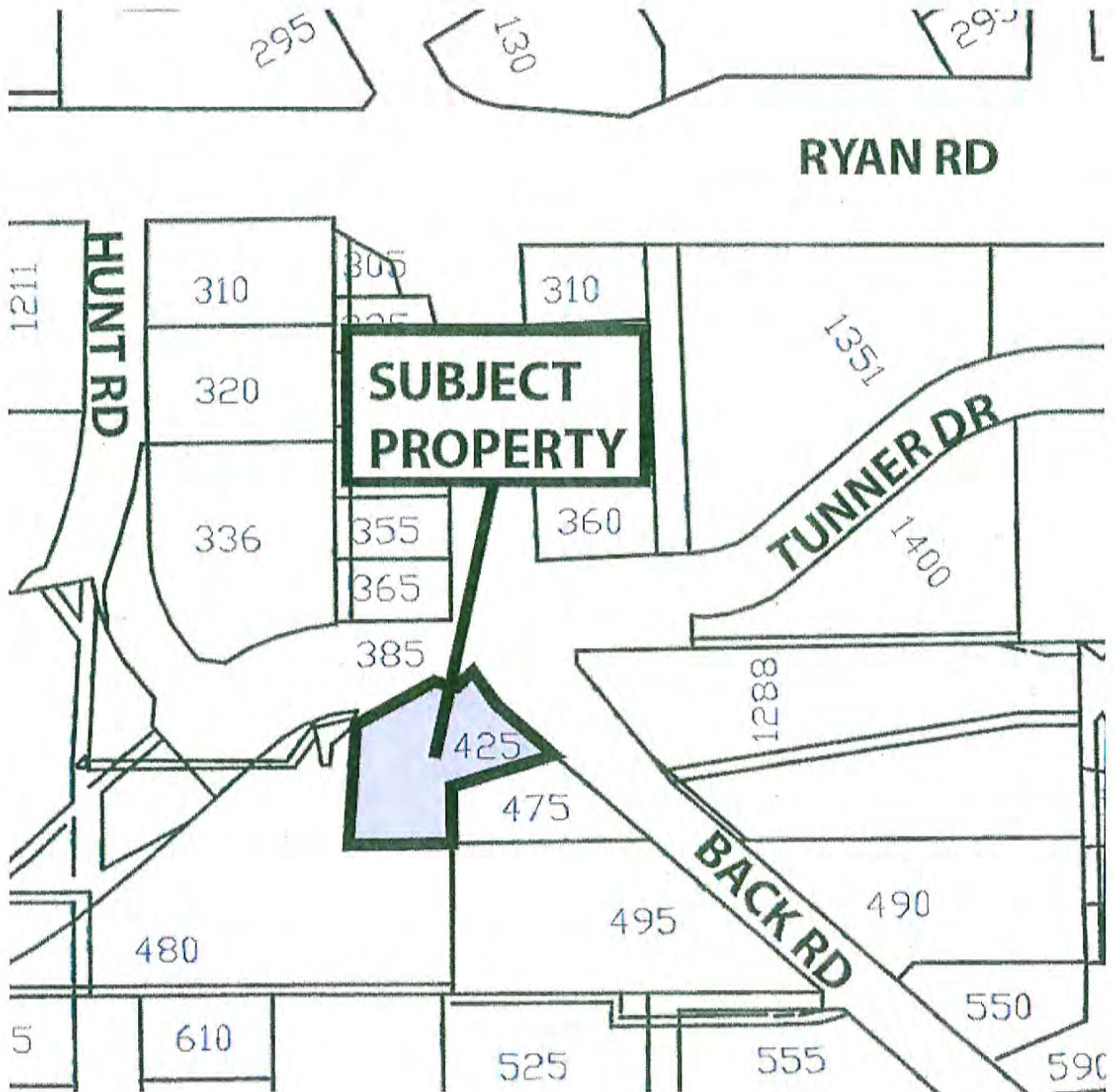
- OPTION 1: Give Bylaw 2798 First and Second Readings and proceed to Public Hearing (Recommended).
- OPTION 2: Defer consideration of Bylaws 2798 with a request for more information.
- OPTION 3: Not give readings to Bylaw 2798.

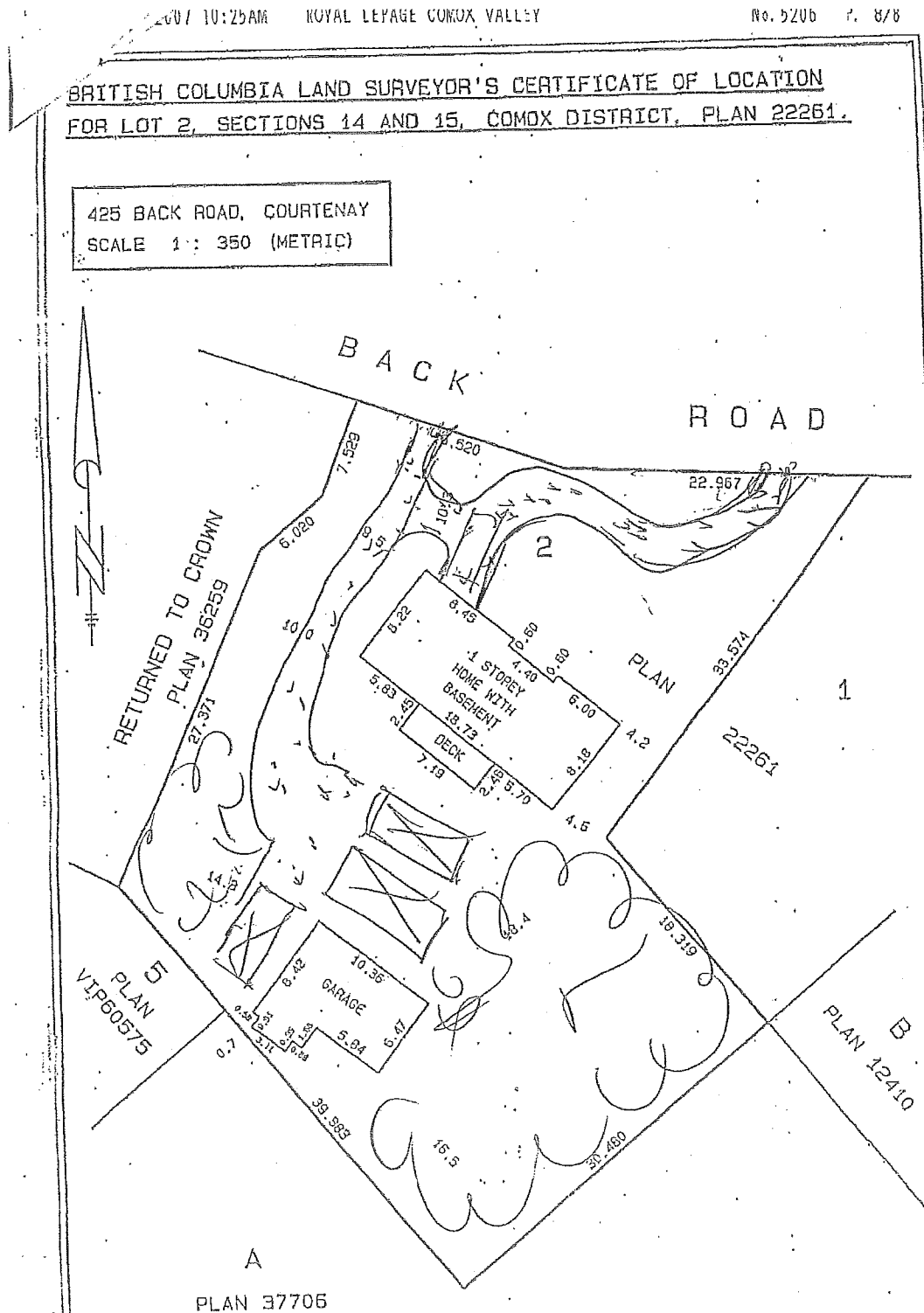
Prepared by:



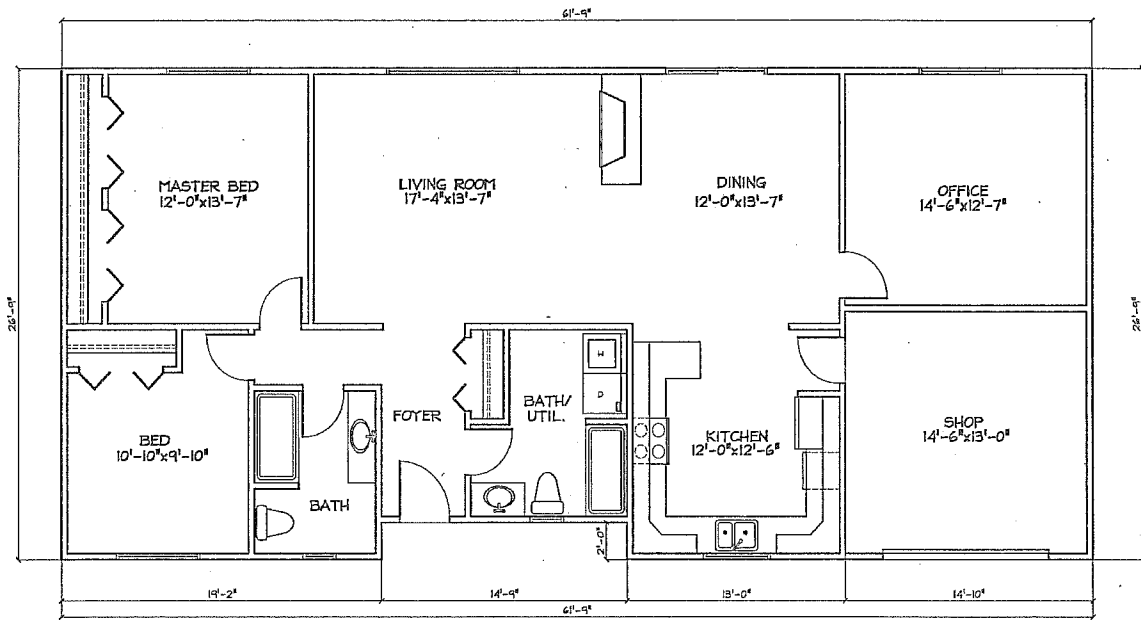
Allan Gornall, B.Sc
Planning Technician

Peter Crawford, MCIP, RPP
Director of Development Services

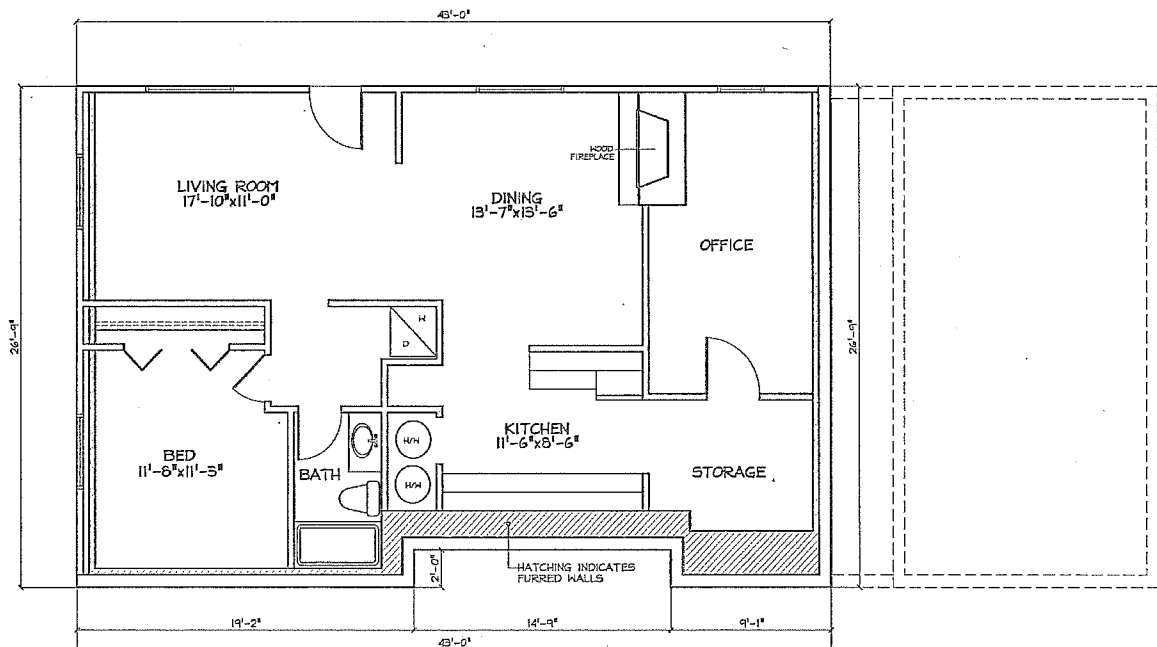




Attachment No. 2

**MAIN FLOOR PLAN**

1/4" = 1'-0"
1422 SQ. FT.
941 SQ. FT. SUITE
2363 SQ. FT. TOTAL
2363 SQ. FT. x .4 = 945 SQ. FT. FOR SUITE

**BASEMENT PLAN**

1/4" = 1'-0"
941 SQ. FT.

NOTE:
SUITE SQUARE FOOTAGE WAS DERIVED
FROM INSIDE OF BASEMENT FURRED WALLS
EXCLUDING WOOD FIREPLACE & COMMON AREA
FOR HOT WATER TANK STORAGE.

Attachment No. 3

Gornall, Allan

From: panakate@telus.net
 Sent: August-06-14 6:04 PM
 To: Gornall, Allan
 Cc: Eric Panayotof schaan
 Subject: Re: Rezoning Application

Hello Allan,

Just got back from the meeting at 425 Back Rd

1. There were only myself the tenant and the immediate neighbours couple attending. Aug 6th, 2014 public meeting 4:30 to 5:30. At 425 Back Rd. Very positive comments about the state of the property, the proposal and the tenants. (Attachment)
2. All sixty eight addresses as submitted by the City were notified by letter via Canada post. Sent on July 24th containing invitation letter describing the proposal, site plan, secondary suite plan and a comment sheet. (Attachment)
3. There were no objections and apparently several other neighbours stopped by last week to talk to the tenants(over the fence) with very positive comments wondering as to "what possibly can be the issue". All in all a very good meeting.

I will drop off the above noted attachments/samples tomorrow, Thur, Aug 7th in an envelope at your office for your records.

I am off to Victoria until Tue for our final move to Comox

Thank you Allan and let me know if you have any other requirements

Enjoy the weekend,

Kate

08/07/2014 3:08 PM FAX 7784309998

CANON

0002/0007

PUBLIC INFORMATION MEETING

DATE Aug 6th, 2014

SIGN IN SHEET

FOR

425 Back Rd. Courtenay, secondary suite.

NAME (Please Print)	ADDRESS
John & Cindy Zachariou	475 Back Rd.
Kate Panayotof	425 Back Rd.
Steve Moore	425 Back Rd.

08/07/2014 3:08 PM FAX 7784309998

CANON

0003/0007

PUBLIC INFORMATION MEETING

Aug, 6, 2014

425 Back Rd: Secondary suite rezoning change application

COMMENT SHEET

Name: John & Cindy Zachariou Email: _____
Address: 475 Back Rd Phone: (250) 205-0087

Kate Panayotof and Eric Panayotof-Schaan have applied to the City of Courtenay for a Secondary suite zoning change. This project is under review by staff in the Planning Department of the City. Given the information you have received regarding this project do you have any comments or questions?

We are in support of the secondary suite
Zoning change.

08/07/2014 3:08 PM FAX 7784309998

CANON

0004/0007

Dear Neighbour,

This is to let you know that we at 425 Back Rd. in Courtenay have applied for a minor rezoning to allow for legalizing our secondary suite in the lower back part of our house. The City of Courtenay has provided your name and address as residing within 100 meters of 425 Back Rd.

We are holding a public meeting as required for input, questions and comments:

AUGUST 6th, 2014, Wednesday

BETWEEN: 4:30pm and 5:00pm

AT: 425 Back Rd in the back yard (in the back shelter/shed if it rains)

There is some parking on the boulevard along Back Rd. as well as on the side of Tunner.

Enclosed is a site plan of the property allowing plenty of extra parking for the suite and a floor plan of the secondary suite which has been updated recently providing good accommodations with ground level access and plenty of day light.

There will be no changes to the outside and none to the inside of the property resulting from this rezoning.

Written comments can be provided directly to the City of Courtenay or at the time of the meeting.

I, the owner, and the present tenant will be there to meet you and answer any questions and receive any comments

Sincerely,

Kate Panayotov



PUBLIC INFORMATION MEETING

Aug, 6, 2014

425 Back Rd. Secondary suite rezoning change application

COMMENT SHEET

Name: EUGENE & CECILE COTÉ Email: _____
 Address: #1, 1351 TURNER DR. Hwy. Phone: _____

Kate Panayotof and Eric Panayotof Schaan have applied to the City of Courtenay for a Secondary suite zoning change. This project is under review by staff in the Planning Department of the City. Given the information you have received regarding this project do you have any comments or questions?

We do not want any parking on Turner Drive and I'm sure there shouldn't be any on the Back Road either, at the intersection, there is bound to be accidents. There is a lot of traffic on the Back Road & on Turner Drive as it is and it will be really bad during rush hours, if there are cars parked there. On top of that there is a business out of that place with trucks & other equipment. We don't think it's a good idea.

Please return your comments by Aug 11, 2014

Comment sheets can be submitted by one of the following methods:

1. Hand your comment sheet in tonight.
2. Drop your comment sheet off at City of Courtenay Planning attn: Allan Gornall
3. Email your comment sheet to agornall@courtenay.ca

RECEIVED
AUG 05 2014
CITY OF COURTENAY

PUBLIC INFORMATION MEETING**Aug, 6, 2014**

425 Back Rd. Secondary suite rezoning change application

RECEIVED**AUG 05 2014**

CITY OF COURTENAY

COMMENT SHEET

Name: William Whyte Email: _____
 Address: #3-1351 TURNER DR. Phone: 250-757-9644

Kate Panayotof and Eric Panayotof Schaan have applied to the City of Courtenay for a Secondary suite zoning change. This project is under review by staff in the Planning Department of the City. Given the information you have received regarding this project do you have any comments or questions?

I have no objections to this project.

W. Whyte

Please return your comments by Aug 11, 2014

Comment sheets can be submitted by one of the following methods:

1. Hand your comment sheet in tonight.
2. Drop your comment sheet off at City of Courtenay Planning attn: Allan Gornall
3. Email your comment sheet to agornall@courtenay.ca

Minutes of a City of Courtenay Heritage Advisory Commission meeting held July 30, 2014 at 1:00 p.m. at the Courtenay and District Museum

Present: L. Burns J. Hagen L. Fortin R. Smith H. Squire
E. Ferguson, staff

Absent: L. Grant C. Piercy D. Levett D. Griffiths

*Copy
Info*

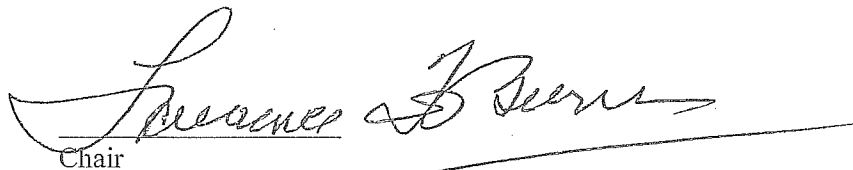
INTRODUCTION Special meeting to discuss proposed maintenance work at Native Sons Hall. Introduction of Joy Chan, Property Management Coordinator for City of Courtenay.

NATIVE SONS HALL J. Chan presented proposed maintenance and improvements for the Native Sons Hall including re-staining the exterior as the previous stain didn't take, replacement of the shingles on the rear façade near the top and re-staining these a natural stain to match the shingles directly below, and staining the logs a darker brown to match the bottom of the façade. The natural stain would better reflect the original appearance. While only the back shingles will be replaced this year, the upper shingles on the remaining three facades will likely need to be replaced within three to five years and will be stained to match the natural stain proposed for the rear façade.

Moved by J. Hagen and seconded by J. Fortin that the Heritage Advisory Commission supports the City's recommendation to replace the upper rear shingles, to re-stain the rear shingles with a natural coloured stain and to re-stain the logs on rear façade a darker brown to match the lower portion of the building.

Carried

Next Regular Meeting: September 24, 2014 at 10 a.m.
The meeting adjourned at 1:25 pm.


Chair

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2798

A bylaw to amend Zoning Bylaw No. 2500, 2007

The Council of the Corporation of the City of Courtenay in open meeting assembled enacts as follows:

1. This bylaw may be cited for all purposes as “**Zoning Amendment Bylaw No. 2798, 2014**”.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
 - (a) by rezoning Lot 2, Section 14 AND 15, Comox District, Plan 22261, as shown in bold outlined on Attachment A which is attached hereto and forms part of this bylaw, from Residential One Zone (R-1) to Residential One S Zone (R-1S);
 - (b) That Zoning Bylaw No. 2500, 2007, Schedule No. 8 be amended accordingly.
3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 18th day of August, 2014

Read a second time this 18th day of August, 2014

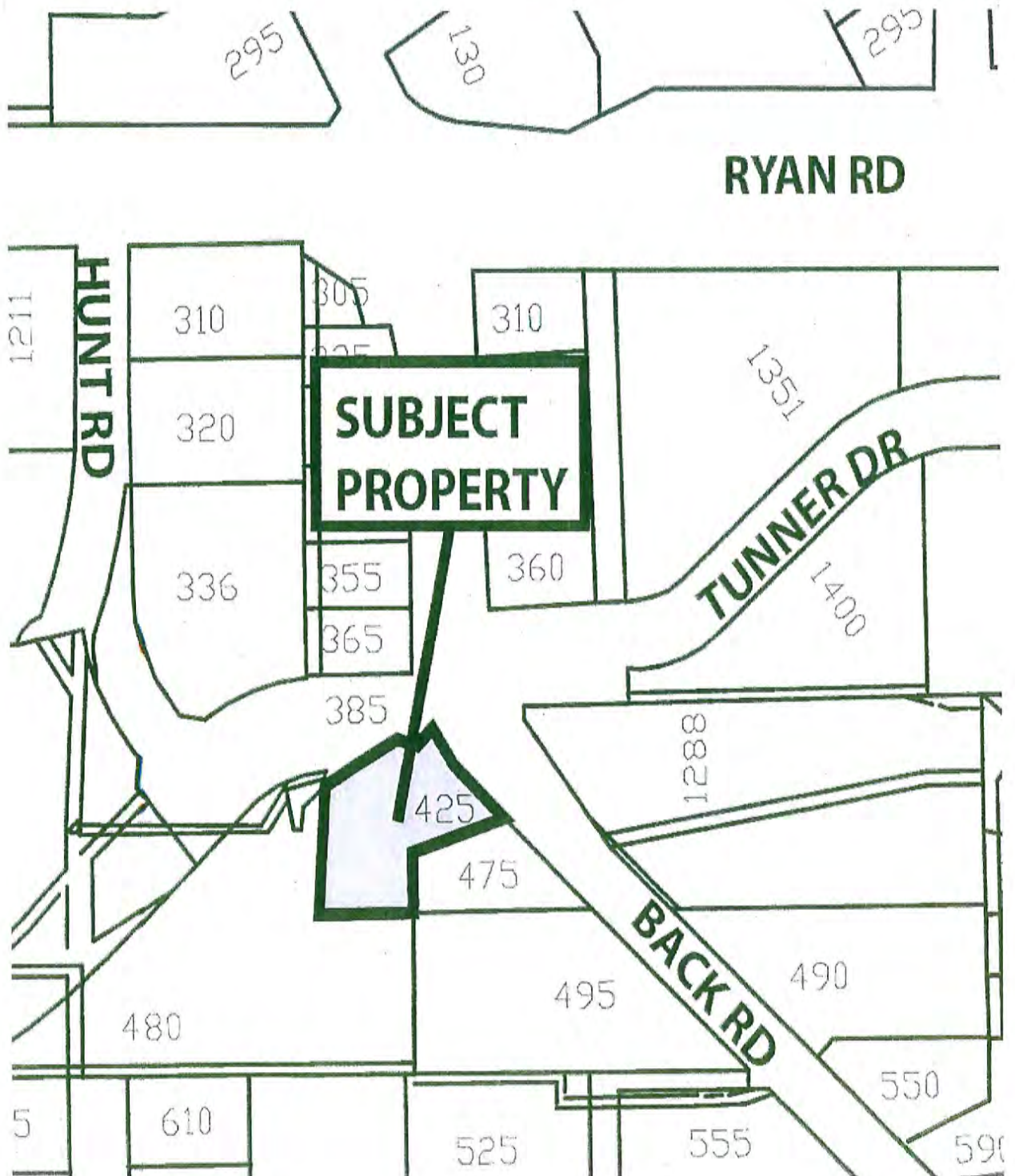
Considered at a Public Hearing this day of , 2014

Read a third time this day of , 2014

Finally passed and adopted this day of , 2014

Mayor

Director of Legislative Services



CITY OF COURTENAY
BYLAW REFERENCE FORM

BYLAW TITLE

- 1) Tax Exemption 2015 Bylaw No. 2799, 2014
- 2) Churches Tax Exemption 2015 Bylaw No. 2800, 2014
- 3) 2015-2019 Tax Exemption Bylaw No. 2801, 2014
- 4) 2012-2021 Tax Exemption Bylaw No. 2802, 2014

REASON FOR BYLAW

To consider three readings of the above permissive tax exemption bylaws for the 2015 taxation year.

STATUTORY AUTHORITY FOR BYLAW

Section 224 of the *Community Charter*

OTHER APPROVALS REQUIRED

STAFF COMMENTS AND/OR REPORTS

Bylaws are prepared in accordance with the July 21, 2014 and August 5, 2014, Council approved list of recipients and prescribed exemption levels.

All properties leased to the Comox Valley Regional District have been excluded from the bylaws as per August 5, 2014 Council resolution.

Final adoption required by October 31, 2014 to take effect for the 2015 taxation year

OTHER PROCEDURES REQUIRED

August 18, 2014

J. Nelson
Staff Member

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2799

A bylaw to exempt certain lands and improvements from taxation for the year 2015

WHEREAS the Council of the Corporation of the City of Courtenay deems that land and improvements described herein meet the qualifications of Section 224 of the *Community Charter*;

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

1. This bylaw may be cited for all purposes as "Tax Exemption 2015 Bylaw No. 2799, 2014".
2. The following properties are hereby exempt from taxation for land and improvements to the extent indicated for the year 2015:

FOLIO	LEGAL DESCRIPTION	CIVIC ADDRESS	REGISTERED OWNER/LESSEE	PERCENTAGE EXEMPTION
49.000	LOT 41, SECTION 61, CD, PLAN 311	280-4 TH STREET	EUREKA SUPPORT SOCIETY	100%
122.000	LOT 1, PLAN 40587	367 CLIFFE AVENUE	ROYAL CANADIAN LEGION	100%
1650.000	LOT 16, PLAN 5618	101 ISLAND HIGHWAY		
163.000 164.000 165.000	LOTS 14, 17, 18, 21, 22 SECTION 61, CD, PLAN 1517	237-3 RD STREET 243-3 RD STREET 255-3 RD STREET	COMOX VALLEY CHILD DEVELOPMENT ASSOCIATION	100%
348.000	LOT 15, SECTION 61, CD, PLAN 4906	543-6 TH STREET	ALANO CLUB OF COURTENAY	100%
400.000	LOT 15, SECTION 61, CD, PLAN 18979	A1-310 8 TH STREET	CITY OF COURTENAY	100% OF THE ASSESSMENT ALLOCATED TO THE SPACE LEASED BY THE LEASEE
513.000	LOT A, DL 127, CD, PLAN 7719	755 HARMSTON AVENUE	OLD CHURCH THEATRE SOCIETY	100%
540.000	LOT 20, DL 127, CD, PLAN 1464	785-6 TH STREET	COMOX VALLEY PREGNANCY CARE CENTRE	100%
750.020	LOT 1, DL 127, CD, PLAN VIP62285	641 MENZIES AVENUE	COMOX VALLEY RECOVERY CENTRE SOCIETY	100%

FOLIO	LEGAL DESCRIPTION	CIVIC ADDRESS	REGISTERED OWNER/LESSEE	PERCENTAGE EXEMPTION
828.000	LOT 12, BLOCK 1, SECTION 69, CD, PLAN 480	367 – 11 TH STREET	COMOX VALLEY BOYS AND GIRLS CLUB	100%
1037.000	LOTS 1 AND 2, SECTION 41, CD, PLAN 3930	1415 CLIFFE AVENUE	COMOX VALLEY FAMILY SERVICES ASSOCIATION	100%
1494.000 1494.010 1494.050	LOT A, SECTION 6 AND 8, CD, PLAN 35008 LOT 1 AND 2, SECTION 6 AND 8, CD, PLAN 2849, EXCEPT PLAN 35008	2450 BACK ROAD 2470 BACK ROAD	GLACIER VIEW LODGE SOCIETY	100%
1960.300	LOT A PLAN 15464	SANDPIPER DRIVE	THE NATURE TRUST OF BRITISH COLUMBIA	100%
2016.007	LOT 7, PLAN 27200	1571 BURGESS ROAD	STEPPING STONES RECOVERY HOUSE FOR WOMEN (LEASE)	100%
2091.190	STRATA LOT 1, DL 230, CD, STRATA PLAN VIS6598	2311 ROSEWALL CRESCENT	SALTWATER EDUCATION SOCIETY	100%
2154.012	COMOX LAND DISTRICT, COURTENAY TRAIN STATION AND LAND	899 CUMBERLAND ROAD	ISLAND CORRIDOR FOUNDATION	100%
2200.044	LOT 3, DL 138, CD, PLAN 20288	2564 CUMBERLAND ROAD	COURTENAY & DISTRICT HISTORICAL SOCIETY IN TRUST	100%
3200.072	LOT A, SECTION 18, CD, PLAN 12735	4835 HEADQUARTERS RD	COMOX VALLEY CURLING CLUB	100%
750.100	LOT 1, PLAN VIP 62247	994 – 8 TH ST	ST JOHN THE DEVINE ABBEYFIELD HOUSE SOCIETY	75%
757.000 757.001 758.000	LOT A, BLOCK 2, PLAN 1951 LOT A, BLOCK 2, PLAN 1951 EXCEPT PLAN 4288 & 4941 LOT A&B, PLAN 16907	1051 – 8 TH STREET 1061 – 8 TH STREET 635 PIDCOCK AVE	COMOX VALLEY KIWANIS VILLAGE SOCIETY	75%
1286.045	LOT 8, BLOCK 3, PLAN 16252	534 – 19 TH STREET	L'ARCHE COMOX VALLEY	75%

FOLIO	LEGAL DESCRIPTION	CIVIC ADDRESS	REGISTERED OWNER/LESSEE	PERCENTAGE EXEMPTION
34.000	LOT 2, SECTION 61, CD, PLAN 20159 PID 003-698-254	231 6 TH STREET	COURTENAY ELKS' LODGE #60 OF THE BENEVOLENT AND PROTECTIVE ORDER OF THE ELKS' OF CANADA	40%
91.000	LOT 92, SECTION 61, CD, PLAN 311 EXCEPT PLAN 66BL&1621R PID 006-037-577	576 ENGLAND AVENUE	COMOX VALLEY TRANSITION SOCIETY (LEASED FROM 0771375 BC LTD)	40% OF THE ASSESSMENT ALLOCATED TO THE SPACE LEASED BY THE LEASEE
166.000	LOT 8 PLAN 2834 PID 003-451-941	267 3 RD STREET	COMOX VALLEY CHILD DEVELOPMENT ASSOCIATION	40%
459.000	LOT B, PLAN 20211 PID 003-519-376	956 GRIEVE AVENUE	UPPER ISLAND WOMEN OF NATIVE ANCESTRY	40%
1516.004	LOT 4, SECTION 14, CD, PLAN 30419 PID 000-150-541	464 PUNTLEDGE RD	CANADIAN RED CROSS SOCIETY (LEASED FROM 660511 BC LTD)	40% OF THE ASSESSMENT ALLOCATED TO THE SPACE LEASED BY THE LEASEE
1960.006	LOT C, SECTION 67, CD, PLAN 33851 PID 000-217-158	2966 KILPATRICK AVE	AARON HOUSE MINISTRIES (LEASED FROM NOORT DEVELOPMENT LTD)	40% OF THE ASSESSMENT ALLOCATED TO THE SPACE LEASED BY THE LEASEE
2024.009	LOT 2 PLAN VIP53672 PID 017-650-097	1755 13 TH STREET	HABITAT FOR HUMANITY VANCOUVER ISLAND NORTH SOCIETY	40% OF THE ASSESSMENT ALLOCATED TO THE SPACE USED FOR ADMINISTRATION OFFICES
3200.032	LOT A, SECTION 18, CD, PLAN VIP 75369 PID 025-673-017	4729 HEADQUARTERS RD	YOUTH FOR CHRIST COMOX VALLEY	40% OF THE ASSESSMENT – EXCLUDING CARETAKER RESIDENTIAL SPACE

Read a first time this 18th day of August, 2014

Read a second time this 18th day of August, 2014

Read a third time this 18th day of August, 2014

Finally passed and adopted this day of

Mayor

Director of Legislative Services

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2800

A bylaw to exempt certain lands and improvements set apart for public worship, from taxation for the year 2015

WHEREAS the Council of the Corporation of the City of Courtenay deems that land and improvements described herein meet the qualifications of Section 220 of the *Community Charter*;

NOW THEREFORE the Council of the Corporation of the City of Courtenay in open meeting assembled enacts as follows:

1. This bylaw may be cited for all purposes as "**Churches Tax Exemption 2015 Bylaw No. 2800, 2014**".
2. Pursuant to Section 224(2)(a)(f)(g) of the *Community Charter*, the following properties on which a church hall or facility is situated, the land on which such a hall stands, the remaining area of land surrounding the building set apart for public worship, and the remaining area of land surrounding the exempted building, exempted hall, or both, are hereby exempted from taxation for land and improvements to the extent indicated for the year 2015 *except for that portion of the property used for residential or commercial purposes*:

	FOLIO	LEGAL DESCRIPTION	CIVIC ADDRESS	REGISTERED OWNER	PERCENTAGE EXEMPTION
1.	143.000	LOT AM 11, SECTION 61, CD, PLAN 33854N	467 – 4 TH STREET	GRACE BAPTIST CHURCH OF THE COMOX VALLEY	100%
2.	313.100	LOT 1, SECTION 62, CD, PLAN VIP 74608	591 – 5 TH STREET	ANGLICAN SYNOD DIOCESE OF B.C.	100%
3.	336.000	LOT 7, SECTION 61, CD, PLAN 4906	505 FITZGERALD AVENUE	CENTRAL EVANGELICAL FREE CHURCH	100%
4.	341.000	AMENDED LOT 1, PLAN 55886N, SECTION 61 CD, PLAN 4906	566 – 5 TH STREET	ELIM GOSPEL CHAPEL TRUSTEES	100%
5.	342.000	LOTS 3 & 4, BLOCK 6, CD, PLAN 472B	576 – 5 TH STREET	ELIM GOSPEL CHAPEL TRUSTEES	50.63% OF THE ASSESSED VALUE OF LAND ONLY
6.	346.000	LOTS 10,11,12, AND 13, SECTION 61, CD, PLAN 4906	505 – 6 TH STREET	ST. GEORGES CHURCH	100%
7.	618.220	LOT 1, DL 118, CD, PLAN VIP 73074	2201 ROBERT LANG DRIVE	RIVER HEIGHTS CHURCH SOCIETY	100%
8.	1074.050	LOT A, PLAN 54316P, SECTION 41, CD, PLAN	1580 FITZGERALD AVENUE 1590 FITZGERALD	GOVERNING COUNCIL SALVATION ARMY	100%

		7449	AVENUE	CANADA WEST	
	FOLIO	LEGAL DESCRIPTION	CIVIC ADDRESS	REGISTERED OWNER	PERCENTAGE EXEMPTION
9.	1166.000	LOT A, PLAN 121193ER, SECTION 41, CD, FORMERLY LOTS 32 & 33, CD, PLAN 10725	771 – 17 TH STREET	TRUSTEES LUTHERAN CHURCH	100%
10.	1211.004	LOT 4, SECTION 68, CD, PLAN 14176	1814 FITZGERALD AVE	VALLEY UNITED PENTACOSTAL CHURCH OF BC	100%
11.	1524.102	LOT B, SECTION 15, CD, PLAN 54793 EXCEPT PLANS 14713, 36414, 51121	1599 TUNNER DRIVE	BISHOP OF VICTORIA, CHRIST THE KING CATHOLIC CHURCH	100%
12.	1594.000	LOT 16, SECTION 16, CD, PLAN 7037 EXCEPT PLAN 44368	1581 DINGWALL RD	TRUSTEES OF THE KINGDOM HALL OF JEHOVAH WITNESS	100%
13.	1691.030	LOT 1, SECTION 17, CD, PLAN VIP 79479	4660 HEADQUARTERS ROAD	SEVENTH DAY ADVENTIST CHURCH	100%
14.	1691.044	LOT 2, SECTION 17, CD, PLAN VIP 61425	4634 ISLAND HWY	ANGLICAN SYNOD DIOCESE OF BC	100%
15.	1691.046	LOT 3, SECTION 17, CD, PLAN VIP 61425	1514 DINGWALL ROAD	ANGLICAN SYNOD DIOCESE OF BC	100%
16.	2005.000	LOT 12, DL 96 & 230, CD, PLAN 1406	1901 – 20 TH STREET	LDS CHURCH	100% EXCEPT THAT PART ASSESSED FOR SCHOOL USE
17.	2017.034	LOT 1, DL 96, CD, PLAN VIP 59504	1640 BURGESS RD	FOURSQUARE GOSPEL CHURCH OF CANADA	100%
18.	2200.088	LOT A, PLAN 27596	2963 LAKE TRAIL ROAD	COURTENAY BAPTIST CHURCH	100%

Read a first time this 18th day of August, 2014

Read a second time this 18th day of August, 2014

Read a third time this 18th day of August, 2014

Finally passed and adopted this day of , 2014

Mayor

Director of Legislative Services

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2801

A bylaw to exempt certain lands and improvements from taxation for the years 2015 - 2019

WHEREAS the Council of the Corporation of the City of Courtenay deems that land and improvements described herein meet the qualifications of Section 224 of the *Community Charter*;

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

1. This bylaw may be cited for all purposes as "2015-2019 Tax Exemption Bylaw No. 2801, 2014".
2. The following properties are hereby exempt from taxation for land and improvements to the extent indicated for the years 2015 to 2019:

	FOLIO	LEGAL DESCRIPTION	CIVIC ADDRESS	REGISTERED OWNER	USE OF PROPERTY	PERCENTAGE EXEMPTION
1.	29.002	LOT B, SECTION 61, CD, PLAN EPP15696	580 DUNCAN AVENUE	CITY OF COURTENAY	COMOX VALLEY CENTRE FOR THE ARTS	100%
2.	63.000	LOTS 1 & 2, SECTION 61, CD, PLAN 3189 LOTS 55, 58, 59, 60, 61, 62, SECTION 61, CD, PLAN 311	442 CLIFFE AVENUE	CITY OF COURTENAY	SID WILLIAMS THEATRE	100%
3.	113.000	LOTS 128, 129, 132, SECTION 61, CD, PLAN 472A EXCEPT THE NORTH WESTERLY 10 FT THEREOF	207-4 TH STREET	CITY OF COURTENAY	COURTENAY & DISTRICT MUSEUM	100%
4.	261.006	LOT 1, DL 118, SECTION 61, CD, PLAN VIP88574	3 RD STREET – "MCPHEE MEADOWS"	CITY OF COURTENAY/ THE NATURE TRUST OF BC	ECOLOGICAL DONATION PRESERVATION OF HABITAT	100%
5.	1200.000	LOT 1, SECTION 68, CD, PLAN 15512	2040 CLIFFE AVENUE	CITY OF COURTENAY	COURTENAY MARINA	100%
6.	1941.000	LOT 1, SECTION 66, CD, PLAN 14942 & LOT A, PLAN 14521 EXCEPT THE BED OF THE COURTENAY RIVER	100-20 TH STREET	CITY OF COURTENAY	COURTENAY AIRPARK	100%

	FOLIO	LEGAL DESCRIPTION	CIVIC ADDRESS	REGISTERED OWNER	USE OF PROPERTY	PERCENTAGE EXEMPTION
7.	2023.014	LOT 1, SECTION 79, CD PLAN 8249, EXCEPT PLAN 8464, & EXC PCL A DD 666650 & EXC	656 ARDEN ROAD	CITY OF COURTENAY/ THE NATURE TRUST OF BC	ECOLOGICAL PRESERVATION OF HABITAT/LEASED TO CITY	100%
8.	2023.015	LOT 1, SECTION 79, CD PLAN 8249, EXC PL 8464 & EXC PCL A DD 666650 & EXC PL 10254	656 ARDEN ROAD	CITY OF COURTENAY/ THE NATURE TRUST OF BC	ECOLOGICAL PRESERVATION OF HABITAT/LEASED TO CITY	100% OF THE ASSESSED VALUE OF LAND DEDICATED TO ECOLOGICAL PRESERVATION

3. The "2012-2016 Tax Exemption Bylaw No. 2690, 2011" is hereby repealed in its entirety.

Read a first time this 18th day of August, 2014

Read a second time this 18th day of August, 2014

Read a third time this 18th day of August, 2014

Finally passed and adopted this day of , 2014

Mayor

Director of Legislative Services

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2802

A bylaw to exempt certain lands and improvements from taxation for the years 2012 - 2021

WHEREAS the Council of the Corporation of the City of Courtenay deems that land and improvements described herein meet the qualifications of Section 224 of the *Community Charter*;

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

1. This bylaw may be cited for all purposes as "2012-2021 Tax Exemption Bylaw No. 2802, 2014".
2. The following properties are hereby exempt from taxation for land and improvements to the extent indicated for the years 2012 to 2021:

ITEM	FOLIO	LEGAL DESCRIPTION	CIVIC ADDRESS	REGISTERED OWNER/LESSEE	PERCENTAGE EXEMPTION
1.	467.000	PID 011-147-431	RAILWAY CORRIDOR	ISLAND CORRIDOR FOUNDATION	100%
2.	467.100	PID 011-147-504	RAILWAY CORRIDOR	ISLAND CORRIDOR FOUNDATION	100%
3.	613.100	PID 007-602-430	RAILWAY CORRIDOR	ISLAND CORRIDOR FOUNDATION	100%
4.	1012.205	PID 024-488-208	RAILWAY CORRIDOR	ISLAND CORRIDOR FOUNDATION	100%
5.	2154.000	PID 009-520-317 PID 024-478-539 PID 024-483-966 PID 011-147-555	RAILWAY CORRIDOR	ISLAND CORRIDOR FOUNDATION	100%
6.	2154.001	PID 009-529-535	RAILWAY CORRIDOR	ISLAND CORRIDOR FOUNDATION	100%
7.	2154.003	PID 011-078-189	RAILWAY CORRIDOR	ISLAND CORRIDOR FOUNDATION	100%
8.	2154.013	LAND DIST 15	RAILWAY CORRIDOR	ISLAND CORRIDOR FOUNDATION	100%

3. The "2012-2021 Tax Exemption Bylaw No. 2689, 2011" is hereby repealed in its entirety.

Read a first time this 18th day of August, 2014

Read a second time this 18th day of August, 2014

Read a third time this 18th day of August, 2014

Finally passed and adopted this day of , 2014

Mayor

Director of Legislative Services

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2796

A bylaw to amend Zoning Bylaw No. 2500, 2007

The Council of the Corporation of the City of Courtenay in open meeting assembled enacts as follows:

1. This bylaw may be cited for all purposes as “**Zoning Amendment Bylaw No. 2796, 2014**”.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
 - (a) by rezoning part of Lot 2, Block 72, Plan EPP10850, Comox Land District, from CD-1I to CD-1F and from CD-1F to CD-1I inclusive and Part of Lot A, Block 72, Plan 49168, Comox Land District, from CD-1A to CD-1I as show outlined on Attachment A which is attached hereto and forms part of this bylaw;
 - (b) that Section 8.32.3(1)(a) be amended to read “single residential dwellings: 476 dwelling units within 42.50 hectares”;
 - (c) that Section 8.32.3(7)(a) be amended to read “31 dwelling units within 2.84 hectares”;
 - (d) that Section 8.32.3(4)(a) be amended to read “ Commercial 124,486 m2 of floor area within 32.51 hectares”; and
 - (e) That Schedule No. 8 be amended accordingly.
3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 21st day of July, 2014

Read a second time this 21st day of July, 2014

Considered at a Public Hearing this 5th day of August, 2014

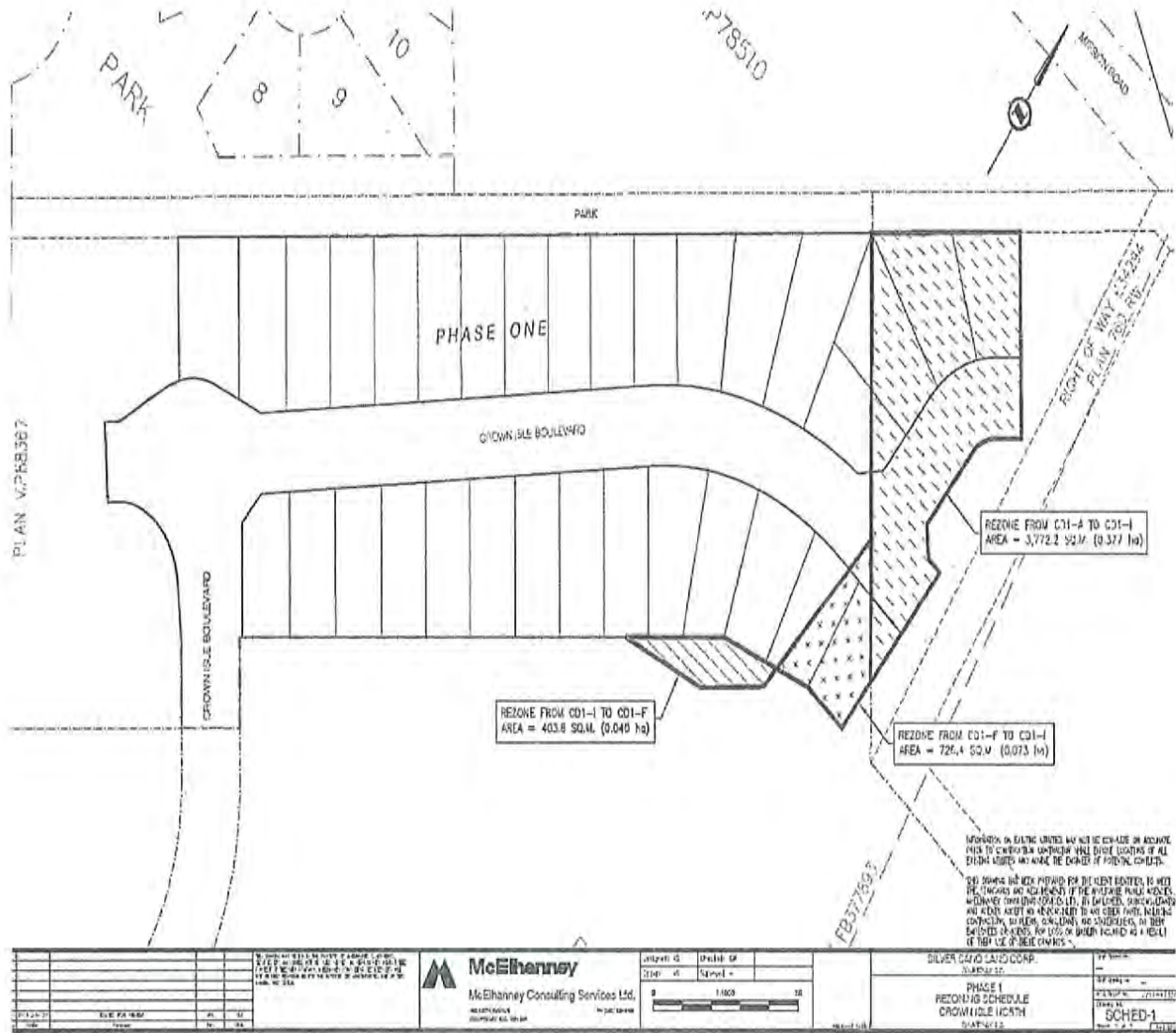
Read a third time this _____ day of _____, 2014

Finally passed and adopted this day of , 2014

Mayor

Director of Legislative Services

Attachment A



THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2797

A bylaw to dedicate land for park purposes

Whereas Council may under *Section 30* of the *Community Charter*, by a bylaw adopted with an affirmative vote of at least $\frac{2}{3}$ of all the members of Council, dedicate land for the public purpose of a park;

Therefore the Council of the Corporation of the City of Courtenay in open meeting assembled hereby enacts as follows:

1. This bylaw may be cited for all purposes as "**Park Dedication Bylaw No. 2797, 2014**".
2. That the lands 5.29 hectares in size identified as Park as shown on "**Schedule A**" attached hereto and forming part of this bylaw are hereby dedicated as park.
3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 5th day of August, 2014.

Read a second time this 5th day of August, 2014.

Read a third time this 5th day of August, 2014.

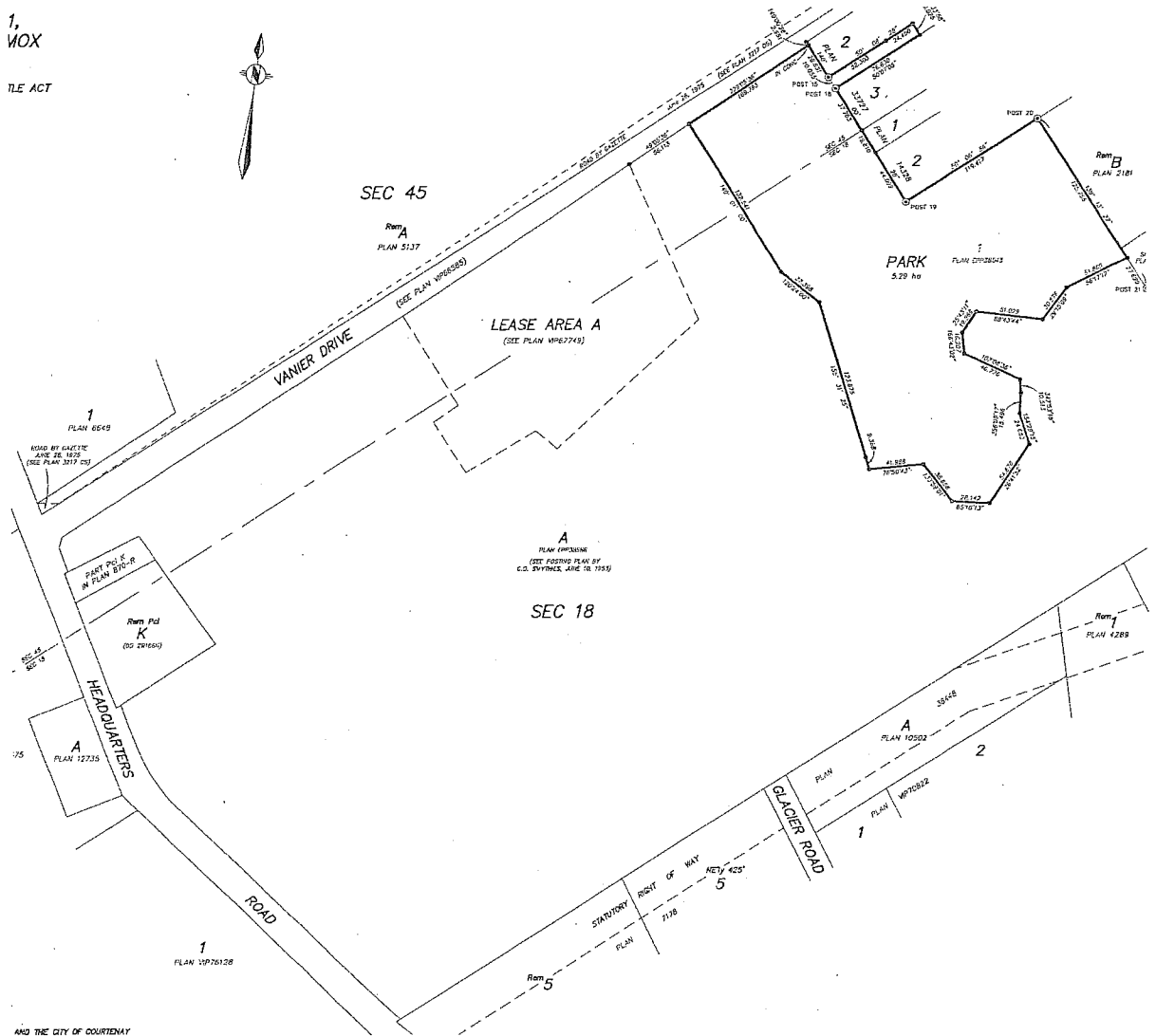
Finally passed and adopted with an affirmative vote of at least $\frac{2}{3}$ of all the members of Council this day of , 2014.

Mayor

Director of Legislative Services

1.
WOX

THE ACT



THE CITY OF COURTENAY
Schedule "A"
Part of
Park Dedication Bylaw No. 2797, 2014