

AGENDA

REGULAR MEETING OF COUNCIL

Monday, June 20, 2016

7:00 p.m.

Council Chamber, Municipal Hall

355 West Queens Road,

North Vancouver, BC

Council Members:

Mayor Richard Walton

Councillor Roger Bassam

Councillor Mathew Bond

Councillor Jim Hanson

Councillor Robin Hicks

Councillor Doug MacKay-Dunn

Councillor Lisa Muri



NORTH VANCOUVER
DISTRICT

www.dnv.org

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REGULAR MEETING OF COUNCIL

7:00 p.m.
Monday, June 20, 2016
Council Chamber, Municipal Hall,
355 West Queens Road, North Vancouver

AGENDA

BROADCAST OF MEETING

- Broadcast on Shaw channel 4 at 9:00 a.m. Saturday
- Online at www.dnv.org

CLOSED PUBLIC HEARING ITEMS NOT AVAILABLE FOR DISCUSSION

- Bylaw 7984 – Rezoning 3568-3572 Mt. Seymour Parkway
- Bylaw 8142 – Rezoning Employment Zone – Lynn Creek Light Industrial
- Bylaw 8159 – OCP 1103, 1109, 1123 Ridgewood Drive & 3293 Edgemont Boulevard
- Bylaw 8160 – Rezoning 1103, 1109, 1123 Ridgewood Drive & 3293 Edgemont Boulevard

1. ADOPTION OF THE AGENDA

1.1. June 20, 2016 Regular Meeting Agenda

Recommendation:

THAT the agenda for the June 20, 2016 Regular Meeting of Council for the District of North Vancouver be adopted as circulated, including the addition of any items listed in the agenda addendum.

2. PUBLIC INPUT

(limit of three minutes per speaker to a maximum of thirty minutes total)

3. PROCLAMATIONS

4. RECOGNITIONS

5. DELEGATIONS

6. ADOPTION OF MINUTES

7. RELEASE OF CLOSED MEETING DECISIONS

7.1. June 13, 2016 Closed Special Meeting of Council

7.1.1. Multi-Material BC Contract Extension for Recycling Incentive

THAT the Mayor and Clerk be authorized to execute a two year contract extension with Multi-Material BC (MMBC) to continue receiving their financial incentive effective July 1, 2016 to November 29, 2018 with two optional one year extensions.

8. COUNCIL WORKSHOP REPORT

9. REPORTS FROM COUNCIL OR STAFF

With the consent of Council, any member may request an item be added to the Consent Agenda to be approved without debate.

If a member of the public signs up to speak to an item, it shall be excluded from the Consent Agenda.

Recommendation:

THAT items _____ be included in the Consent Agenda and be approved without debate.

9.1. Seymour River Rockslide – Trap and Truck Program Funding Request p. 9-14 File No. 13.6700/Watersheds and Creeks/Seymour

Recommendation:

THAT \$15,000, funded from Council Contingency, be provided to the Seymour Salmonid Society to support salmon and steelhead health in the Seymour River.

9.2. Bylaws 8163 and 8164: Delegation of Authority to Staff to Grant Exemptions to the Noise Regulation Bylaw for Construction Activities; and, the Increase of Fines Associated with Violations of the Noise Regulation Bylaw p. 15-40 File No. 09.3900.20/000.000

Recommendation:

THAT “Noise Regulation Bylaw 7188, 2000, Amendment Bylaw 8163, 2016 (Amendment 7)” is ADOPTED.

THAT “Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8164, 2016 (Amendment 28)” is ADOPTED.

9.3. Canada 150 Fund Grant Application: Kirkstone Park Artificial Turf Field Conversion

File No. 05.1930/Grants and Sponsorships/2016

Materials to be circulated via agenda addendum.

10. REPORTS

10.1. Mayor

10.2. Chief Administrative Officer

10.3. Councillors

10.4. Metro Vancouver Committee Appointees

11. ANY OTHER BUSINESS

12. ADJOURNMENT

Recommendation:


THAT the June 20, 2016 Regular Meeting of Council for the District of North Vancouver be adjourned.

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REPORTS

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| AGENDA INFORMATION | |
|---|-------------|
| <input type="checkbox"/> Regular Meeting | Date: _____ |
| <input type="checkbox"/> Committee of the Whole | Date: _____ |

| | | |
|---------------------------|--------------------------|---|
| _____ Dept. Manager | _____ GM/ Director |  _____ CAO |
|---------------------------|--------------------------|---|

The District of North Vancouver REPORT TO COUNCIL

June 10, 2016

File: 13.6700/Watersheds and Creeks/Seymour

AUTHOR: Richard Walton, Mayor

SUBJECT: Seymour River Rockslide – trap and truck program funding request

RECOMMENDATION:

THAT \$15,000, funded from Council Contingency, be provided to the Seymour Salmonid Society to support salmon and steelhead health in the Seymour River.

REASON FOR REPORT:

To request that Council consider providing financial support to the Seymour Salmonid Society to continue with the trap and truck program as an interim measure to maintain healthy fish stock in the Seymour River.

SUMMARY:

On December 7, 2014 a significant rockslide occurred in the Seymour Canyon. The rockslide prevents fish from accessing the productive spawning habitat in the upper section of the river. Engineering and hydraulic consultants were retained by the Seymour Salmonid Society to develop options for fish passage in a safe and sustainable manner. Consensus was reached that the preferred option is to reshape the existing rock pile using non-explosive rock breaking techniques and high river flows to transport smaller debris; incrementally over a several year period. In the meantime, a trap and truck program was implemented but is not sustainable in the long term. Seymour Salmonid Society is requesting \$15,000 from each the three North Shore local governments to support the trap and truck program.

BACKGROUND:

The rockslide, with a volume of approximately 50,000 m³, prevents salmon and steelhead from accessing productive spawning habitat in the upper section of the river. During the summer and fall of 2015, the Salmonid Society coordinated the trapping and transportation of fish around the rockslide. This enormous task was conducted by staff from the Seymour River Hatchery along with many volunteers, but is not sustainable in the long term. The Salmonid Society initiated a feasibility study of conceptual ideas to make the rockslide passable for fish. BGC Engineering and Northwest Hydraulic Consultants (NHC) were retained to consider public safety, slide/rockfall stability, downstream hydraulic/flooding issues and fish passage when developing their recommendations. The preferred mitigation measure is to re-shape the rock pile, through rock breaking and utilizing high water events to

transport the small debris downstream over a 2-5 year period, to allow for the safe passage of fish to the upstream reaches of the river.

On February 1, 2016 Council received a presentation from the Seymour Salmonid Society and an accompanying Staff information report. The District's primary roles are to continue as active members of the Seymour Roundtable and ensure that our residents are well informed of the activities and impacts.

ANALYSIS:

The cost of re-shaping the slide debris pile is between \$500k - \$1M spread over several years, depending on the success of each rock breaking session and the subsequent high flow events. A fundraising plan, including a search for relevant grant opportunities and potential funding partners, is currently underway. Funds for the initial phases of rock pile re-shaping have been raised through contributions from Habitat Conservation Trust Foundation, Freshwater Fishery Society of BC, Department of Fisheries and Oceans Canada, Tsleil-Waututh Nation, the Province of British Columbia and other private groups.

While waiting environmental approvals and preparing the site for the rock pile reshaping, the Seymour Salmonid Society will continue with the trap and truck program. The 2016 program includes a floating fish fence to enhance broodstock trapping, to be installed at the end of June. This program carries annual operating expenses and over 2500 volunteer hours. Seymour Salmonid Society is requesting \$15,000 from each the three North Shore local governments to support the trap and truck program. District of West Vancouver has declined the request, and the City of North Vancouver Council will be considering the request on June 27, 2016.

Timing/Approval Process:

The process of breaking up the rock and allowing high flow volumes to transport smaller pieces downstream will occur as a phased approach over 2 to 5 years. It is anticipated to commence in late 2016. The trap and truck program runs June to January.

Financial Impacts:

The District is currently contributing in-kind resources through participation on the Seymour Roundtable and lending expertise in public communications. This one-time funding request is to support the trap and truck program as an interim measure.

Social Policy Implications:

Providing healthy fish habitat while protecting public safety positively impacts the liveability of our community.

Environmental Impact:

Successful restoration of fish access to the upper river will result in a viable fish hatchery and allow already threatened fish populations to continue to access habitat in the upper river. The trap and truck program is of vital importance to the ecology of the Seymour Watershed and requires financial support to continue until the fish passage is re-established.

Respectfully submitted,



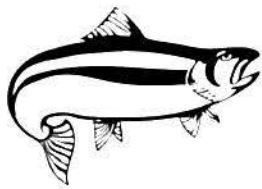
Mayor Richard Walton

Attachment:

Letter from the Seymour River Salmonid Society (April 27, 2016)

| REVIEWED WITH: | | |
|---|---|---|
| <input type="checkbox"/> Sustainable Community Dev. _____ | <input type="checkbox"/> Clerk's Office _____ | External Agencies: |
| <input type="checkbox"/> Development Services _____ | <input type="checkbox"/> Communications _____ | <input type="checkbox"/> Library Board _____ |
| <input type="checkbox"/> Utilities _____ | <input checked="" type="checkbox"/> Finance <i>RS</i> _____ | <input type="checkbox"/> NS Health _____ |
| <input type="checkbox"/> Engineering Operations _____ | <input type="checkbox"/> Fire Services _____ | <input type="checkbox"/> RCMP _____ |
| <input type="checkbox"/> Parks _____ | <input type="checkbox"/> ITS _____ | <input type="checkbox"/> NVRC _____ |
| <input type="checkbox"/> Environment _____ | <input type="checkbox"/> Solicitor _____ | <input type="checkbox"/> Museum & Arch. _____ |
| <input type="checkbox"/> Facilities _____ | <input type="checkbox"/> GIS _____ | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Human Resources _____ | <input type="checkbox"/> Real Estate _____ | |

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Seymour Salmonid Society

P.O. Box 52221 North Vancouver, BC V7J 3V5

PHONE - 604 288 0511

April 27, 2016

*Richard Walton, Mayor – District of North Vancouver
355 West Queens Rd.
North Vancouver, BC
V7N 4N5*

Honorable Mayor Mr. Walton

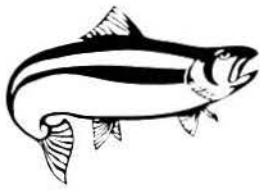
RE: Council's support to save fish stocks on the Seymour River

On December 7, 2014, an estimated 50,000 cubic meters of boulders and debris slid into Seymour River, a few hundred meters from the Mystery Creek confluence, near the top of Seymour Canyon. The result appeared to be a blockage of fish passage for the river's salmon and summer and steelhead; unable to reach their usual spawning grounds, which are located upstream from the canyon. The fish would be forced to spawn in marginal main stem spawning areas on the lower river.

Since the slide occurred, Seymour Salmonid Society, which operates Seymour Hatchery, has been deeply involved in efforts to maintain the river's prized summer, as well as fall run coho, and its summer and winter steelhead (which are a species of special concern). Directed by the Department of Fisheries and Oceans, the hatchery planned to capture and spawn 150 pairs of coho, effectively doubling the number of coho usually spawned for its programs. Surplus fry would be released into habitat projects and tributaries from Seymour Falls downstream to the top of the canyon. Capturing these pairs proved to be difficult. Multiple methods were used, including a set net, hoop nets, seining, tangle nets, and angling. By the end of the season, the hatchery had obtained and spawned over 150 males and 139 females coho. Summer and winter steelhead targets were met last year and continue to be captured by angling under direction from Ministry of Forests Lands and Natural Resource Operations for this year's broodstock.

During the coho capture operations, radio tags were inserted into 30 coho and the fish were released. None of these coho were detected upstream from the rockslide. On November 26, the height of the spawning season, stream surveys were conducted in known spawning and holding areas on the upper Seymour. No coho were observed and gravel areas were undisturbed—no spawning had occurred. Last May, 30 summer steelhead smolts had sonic tags inserted and were released upstream from the rockslide. Another group of summer steelhead smolts with sonic tags were released on the lower river. None of the summer steelhead smolts released upstream from the rockslide were detected leaving the river, but 87% of the summer steelhead smolts released at Swinburne Road were detected as they migrated downstream toward the sea. All these efforts confirmed that the rockslide prevents coho (and most likely steelhead) from reaching their spawning areas and, during low flows, coho and steelhead smolts are unable to migrate downstream past the rockslide.

At the Seymour Roundtable meeting on December 3, 2015 all the players—DFO, Ministry of Forests Lands and Natural Resource Operations, Seymour Salmonid Society, Metro Vancouver, District of North Vancouver, paddlers, Squamish Nation and Tsleil-Waututh Nation—were present. Barry Chilibeck of Northwest Hydraulics and Sam Fougere of BGC Engineering Inc. presented a plan for mitigating the rockslide in order to



Seymour Salmonid Society

P.O. Box 52221 North Vancouver, BC V7J 3V5

PHONE - 604 288 0511

make it fish passable. Everyone present approved one option from a variety presented—break the boulders into smaller pieces which the river can move downstream during high flows. Boulder breaking techniques include Nxburst, a low-velocity explosive. This will not be an instant fix—one or two boulders will be broken at a time; results will be assessed after one or more high flow events. The total process probably will take several years. Estimated cost is \$5,000-7,000 per day and there will be a five-day work period for each boulder breaking session. Estimated annual cost is \$240,000 and the program is expected to take four or five years. Approvals have been obtained, the first rock breaking session will occur in May, 2016, weather conditions permitting.

Meanwhile, Seymour Salmonid Society is purchasing materials to construct a floating fish fence (similar to the fence on South Alouette River) on the lower Seymour. This fish fence will make broodstock capture much easier; the 2015 broodstock capture took in excess of 2,500 volunteer hours which is unsustainable moving forward.

It is important to note; many habitat projects have been undertaken on the estuary and upper portion of the Seymour River. To date, approximately 40,000 square meters of spawning and rearing off-channel habitat has been created and multiple instream log-jams have been installed on the river and in the estuary. Hundreds of thousands of dollars have been spent to sustain the wild salmon runs on the Seymour. If nothing is done to mitigate the rockslide, wild salmon will be limited to remnant populations by 2019. This is not just an economic loss but a huge loss to the ecosystem of the Lower Seymour Conservation Reserve. Many species of animals and plants rely on the food source and the marine derived nutrients that the salmon bring upstream and they will suffer if the keystone species is removed from the watershed.

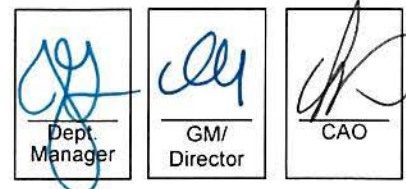
We are excited to announce that funds have been raised through contributions from Habitat Conservation Trust Foundation, Freshwater Fishery Society of BC, DFO (contributed 50k), Tsleil-Waututh Nation, the Province (contributed 50k) and other private groups for the initial rock breaking to take place.

We urge you to direct senior staff to aid us by becoming a funding partner. Specifically, to address some of the Society's funding shortfalls and help off-set unexpected additional operating costs as a result of the trap and truck program that occurred last year as an interim solution. We are requesting \$15,000 from the District to address this critical matter of saving salmon and steelhead populations on the Seymour River.

Yours truly,

Mr. Shaun Hollingsworth
President
Seymour Salmonid Society

| AGENDA INFORMATION | |
|---|----------------------------|
| <input checked="" type="checkbox"/> Regular Meeting | Date: <u>June 20, 2016</u> |
| <input type="checkbox"/> Workshop (open to public) | Date: _____ |



The District of North Vancouver REPORT TO COUNCIL

June 14, 2016
File: 09.3900.20/000.000

AUTHOR: Linda Brick, Deputy Municipal Clerk

SUBJECT: Bylaws 8163 and 8164: Delegation of authority to staff to grant exemptions to the Noise Regulation Bylaw for construction activities; and, the increase of fines associated with violations of the Noise Regulation Bylaw

RECOMMENDATION:

THAT "Noise Regulation Bylaw 7188, 2000, Amendment Bylaw 8163, 2016 (Amendment 7)" is ADOPTED.

THAT "Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8164, 2016 (Amendment 28)" is ADOPTED.

BACKGROUND:

Bylaws 8163 and 8164 received First, Second and Third Reading on June 13, 2016.

The bylaws are now ready to be considered for Adoption by Council.

OPTIONS:

1. Adopt the bylaws;
2. Abandon the bylaws at Third Reading; or,
3. Rescind Third Reading and debate possible amendments to the bylaws.

Respectfully submitted,

A handwritten signature in blue ink, reading "Linda Brick".

Linda Brick
Deputy Municipal Clerk

SUBJECT: Bylaws 8163 and 8164: Delegation of authority to grant exemptions to the Noise Regulation Bylaw for construction activities to staff and increase of fine association with violations of the Bylaw Notice Enforcement Bylaw.

June 14, 2016

Page 2

Attachments:

- Noise Regulation Bylaw 7188, 2000, Amendment Bylaw 8163, 2016 (Amendment 7)
- Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8164, 2016 (Amendment 28)
- Staff Report – June 13, 2016

| REVIEWED WITH: | | |
|---|---|--|
| <input type="checkbox"/> Sustainable Community Dev. _____ | <input type="checkbox"/> Clerk's Office _____ | External Agencies: |
| <input type="checkbox"/> Development Services _____ | <input type="checkbox"/> Communications _____ | <input type="checkbox"/> Library Board _____ |
| <input type="checkbox"/> Utilities _____ | <input type="checkbox"/> Finance _____ | <input type="checkbox"/> NS Health _____ |
| <input type="checkbox"/> Engineering Operations _____ | <input type="checkbox"/> Fire Services _____ | <input type="checkbox"/> RCMP _____ |
| <input type="checkbox"/> Parks _____ | <input type="checkbox"/> ITS _____ | <input type="checkbox"/> Recreation Com. _____ |
| <input type="checkbox"/> Environment _____ | <input type="checkbox"/> Solicitor _____ | <input type="checkbox"/> Museum & Arch. _____ |
| <input type="checkbox"/> Facilities _____ | <input type="checkbox"/> GIS _____ | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Human Resources _____ | | |

The Corporation of the District of North Vancouver

Bylaw 8163

A bylaw to amend Noise Regulation Bylaw 7188, 2000

The Council for The Corporation of the District of North Vancouver enacts as follows:

1. Citation

This bylaw may be cited as "Noise Regulation Bylaw 7188, 2000, Amendment Bylaw 8163, 2016 (Amendment 7)".

2. Amendments

2.1 Noise Regulation Bylaw 7188, 2000 is amended by:

2.1.1 deleting "s. 724 of the *Municipal Act*, R.S.B.C. 1996 c. 323" from the Preamble and substituting "sections 8(3)(h) and 64 of the *Community Charter*, SBC 2003, c. 26."

2.1.2 inserting the following definitions in alphabetical order to section 2:

"Bylaw Enforcement Officer" means person(s) designated as bylaw enforcement officers in the Bylaw Notice Enforcement Bylaw 7458, as amended or replaced;

"Chief Administrative Officer" means the person appointed as the District's Chief Administrative Officer or a designate;

"Community Charter" means the *Community Charter*, S.B.C. 2003, c.26;

"District" means the District of North Vancouver;

"General Manager of Engineering, Parks and Facilities" means the person appointed as the General Manager of Engineering, Parks and Facilities or a designate;

"Program Manager – Construction Traffic Management" means the person appointed as a Program Manager – Construction Traffic Management or a designate;

"Statutory Holiday" means those days defined as a "holiday" in the *Interpretation Act*, RSBC 1996, c. 238, as amended or replaced;

2.1.3 deleting "holiday" in the definitions of "Day and "Night" in section 2 and substituting "Statutory Holiday";

2.1.4 deleting the definitions of "Earth-Moving Equipment" and "GVWD Property" from section 2 and deleting Schedules A and B accordingly;

- 2.1.5 deleting sections 3 and 4 in their entirety and substituting the following and re-numbering the remaining sections of the bylaw accordingly:
- “Noise Regulation**
3. No person, including an owner or occupier of real property, shall make or cause, or permit to be made or caused, any noise or sound which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of persons in the vicinity or which exceeds the Sound Levels prescribed in this bylaw.”
- 2.1.6 deleting “sections 3 or 4” from the new section 4 (*formerly section 5*) and substituting “section 3”;
- 2.1.7 deleting “section 6” from the new section 4 (*formerly section 5*) and substituting “section 5”;
- 2.1.8 deleting “sections 3 and 4” from the new section 5 (*formerly section 6*) and substituting “section 3”;
- 2.1.9 inserting “, where such noise or sound is audible from premises other than the premises from which the noise or sound originates” to:
- (a) the end of the new subsection 5(b) (*formerly subsection 6(b)*);
 - (b) the end of the new subsection 5(c) (*formerly subsection 6(d)*);
 - (c) following “any noises or sounds” in the new subsection 5(d) (*formerly subsection 6(d)*); and
 - (d) following “outside of a building structure” in the new subsection 5(e) (*formerly subsection 6(e)*);
- 2.1.10 deleting the new subsection 5(b)(i) (*formerly subsection 6(b)(i)*) and substituting the following:
- “i) a Construction Noise, except where an exemption has been issued pursuant to section 8 of this bylaw.”
- 2.1.11 deleting “or” and substituting a “,” and adding “or other power tools;” to the end of the new subsection 5(b)(ii) (*formerly 6(b)(ii)*);
- 2.1.12 adding “, compactors or other ancillary equipment or vehicles;” to the end of the new subsection 5(b)(iii) (*formerly 6(b)(iii)*);
- 2.1.13 capitalizing “Statutory Holiday” in the new subsection 5(c)(i) (*formerly subsection 6(c)(ii)*);

- 2.1.14 deleting the period at the end of the new subsection 5(c)(ii) (*formerly subsection 6(c)(ii)*) and adding "except where an exemption has been issued pursuant to section 8 of this bylaw." on the line below the new subsection 5(c)(ii) (*formerly subsection 6(c)(ii)*);
- 2.1.15 adding ", where audible from a premise other than the premises from which such noise or sound originates" after "any noises or sounds" in the new subsection 5(d) (*formerly subsection 6(d)*);
- 2.1.16 deleting the new subsection 5(a)(v) (*formerly subsection 6(a)(v)*) and substituting:
- "v) a radio, music/audio player, television, sound playback device, musical instrument or any other instrument or apparatus for the production or amplification of sound which can be easily heard by a person outside the Motor Vehicle;"
- 2.1.17 deleting the new subsection 5(d)(iii) (*formerly subsection 6(d)(iii)*) and substituting:
- "iii) a radio, music/audio player, television, sound playback device, musical instrument or any other instrument or apparatus for the production or amplification of sound;"
- 2.1.18 deleting the new subsections 5(f), 5(g) and 5(h) (*formerly subsections 6(f), 6(g) and 6(h)*) in their entirety and re-numbering the remaining subsection accordingly;
- 2.1.19 deleting the new subsection 5(f) (*formerly subsection 6(i)*) and substituting the following:
- "5(f) any noise that exceeds the Sound Levels set out below:"
- 2.1.20 deleting the new subsection 6(b) (*formerly subsection 7(b)*) and Schedule C accordingly, adding the word "and" to the end of the subsection 6(a) (*formerly subsection 7(a)*) and re-numbering subsection 6(c) as subsection 6(b);
- 2.1.21 deleting the semicolon and word "or" at the end of the new subsection 7(c) (*formerly subsection 8(c)*) and substituting a period;
- 2.1.22 deleting the new subsection 7(d) (*formerly subsection 8(d)*) in its entirety;
- 2.1.23 deleting the new sections 8 through to and including section 12 (*formerly sections 9 through 13*) and substituting the following and re-numbering the remaining section accordingly:

"Exemption for Construction Noise

8. (a) A person may apply to the District for a temporary exemption from the date and time restrictions related to Construction Noise contained in subsections 5(b) and (c) of this bylaw.
- (b) The Chief Administrative Officer and the General Manager of Engineering, Parks and Facilities are authorized to issue exemptions from the time restrictions applicable to Construction Noise in subsections 5(b) and (c) of this bylaw where satisfied, in their sole discretion, that:
- (i) carrying out the proposed construction activity within the time restrictions in this bylaw would pose a danger to worker or public safety or cause undue traffic congestion; or
- (ii) it is impossible, impractical or unsafe to carry out the proposed construction within the time restrictions in this bylaw;
- and
- (iii) issuing such an exemption would not impose an undue inconvenience or disruption to members of the public.
- (c) An exemption granted pursuant to subsection 8(b) of this bylaw may be granted for the period and on such terms and conditions as the Chief Administrative Officer or the General Manager of Engineering, Parks and Facilities considers appropriate or necessary.
- (d) An application for an exemption pursuant to subsection 8(a) of this bylaw must be submitted to the District at least 10 business days before the proposed construction work.

Obstruction

9. A person must not interfere with, delay, obstruct or impede a Bylaw Enforcement Officer or designate or other person lawfully authorized to enforce this Bylaw in the performance of duties under this Bylaw.

Enforcement

10. Bylaw Enforcement Officers, Property Use Inspectors/Business Licence Coordinators, Animal Welfare Officers, the General Manager of Engineering, Parks and Facilities, Park Rangers, Program Managers – Construction Traffic Management, Traffic Technologists, Traffic Technicians, members of Royal Canadian Mounted Police, and public health inspectors for Vancouver Coastal Health are authorized to enforce this Bylaw and for that purpose may enter at all reasonable times any real property to ascertain whether the provisions of this Bylaw are being complied with.

Penalty

11. A person who:
- (a) violates or fails to comply with this bylaw;

- (b) owns, operates, possesses, harbours, or is in control of any animal, bird or thing which emits noises or sounds in contravention of this bylaw;
- (c) is the owner or occupier of premises from which noises or sounds are emitted in contravention of this bylaw

is guilty of an offence and upon conviction is liable to a fine of at least \$2,000 and up to \$10,000.

Designation of Bylaw

12. This bylaw is designated pursuant to section 264 of the *Community Charter* as a bylaw that may be enforced by means of a ticket in the form prescribed and may be enforced by any person listed in section 10 of this bylaw.

Municipal Ticket Enforcement (“MTI”)

13. The words or expressions listed below in the Designated Expression column are authorized to be used on a ticket issued pursuant to 264 of the *Community Charter* to designate an offence against the respective section of this bylaw appearing opposite in the Section column. The amounts appearing in the Fine column and Late Penalty Fine column are the fines set pursuant to section 265 of the *Community Charter* for contravention of the respective section of this bylaw appearing opposite in the Section column.

| Section number | Designated Expression (Short-Form Description) | MTI Fine | Late Penalty Fine (if Fine unpaid after 30 days) |
|----------------|--|--|--|
| 3 | Making disturbing noise | \$200.00 | \$300.00 |
| 5(a)(i) | Engine or exhaust noise | \$200.00 | \$300.00 |
| 5(a)(ii) | Horn or warning device noise | \$200.00 | \$300.00 |
| 5(a)(iii) | Squeal of tires noise | \$200.00 | \$300.00 |
| 5(a)(iv) | Load or tow noise | \$200.00 | \$300.00 |
| 5(a)(v) | Amplified sound from a Motor Vehicle | \$200.00 | \$300.00 |
| 5(b)(i) | Construction Noise at Night | \$500 for each hour or portion thereof that violation continues, for up to 12 hours; after 12 hours, the fine increases to \$1,000 for each one-hour period in violation | \$750.00 |
| 5(b)(ii) | Garden tool noise at Night | \$200.00 | \$300.00 |
| 5(b)(iii) | Mechanical noise at Night | \$200.00 | \$300.00 |

| | | | |
|-----------|---|--|---|
| 5(c) | Construction Noise on Construction Project on Saturday, Sunday or Statutory Holiday | \$500 for each hour or portion thereof that violation continues, for up to 12 hours; after 12 hours, the fine increases to \$1,000 for each one-hour period in violation | \$750.00 for late payment of \$500 fine |
| 5(d)(i) | Raised voices noise | \$200.00 | \$300.00 |
| 5(d)(ii) | Dog/animal noise | \$200.00 | \$300.00 |
| 5(d)(iii) | Amplified sound | \$200.00 | \$300.00 |
| 5(d)(iv) | Alarm noise | \$200.00 | \$300.00 |
| 5(e) | Public address system noise | \$200.00 | \$300.00 |
| 9 | Obstruction | \$300.00 | \$450.00 |

2.1.24 deleting Schedule D in its entirety; and

2.1.25 amending the miscellaneous cross references throughout Bylaw 7188 as necessary and amending the numbering style of Bylaw 7188 to be the same as set out in section 2.1.23.

READ a first time June 13th, 2016

READ a second time June 13th, 2016

READ a third time June 13th, 2016

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

The Corporation of the District of North Vancouver

Bylaw 8164

A bylaw to amend the Bylaw Notice Enforcement Bylaw 7458, 2004

The Council for The Corporation of the District of North Vancouver enacts as follows:

1. Citation

- 1.1. This bylaw may be cited as "Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8164, 2016 (Amendment 28)".

2. Amendments

- 2.1. Subsection 8(b) of Bylaw Notice Enforcement Bylaw 7458, 2004 ("Bylaw 7458") is amended by:
 - 2.1.1. adding the following to the list of persons that may be appointed as screening officers: "Business Licence Inspector", "Traffic Technologist", "Traffic Technician", "Program Manager, Construction Traffic Management", "Program Coordinator – Utilities", and "Property Use Inspector"; and
 - 2.1.2. deleting "Section Manager – Parks Planning" and substituting "Section Manager – Natural Parkland and Operations".
- 2.2. Section 10 of Bylaw 7458 is amended by deleting subsections (b) and (c) and substituting the following and re-numbering the remaining subsections of section 10 accordingly:
 - "(b) Bylaw Enforcement Officer, Parking Control Officer, Animal Welfare Officer, Park Ranger, Section Manager – Environmental Services, Environmental Protection Officer, Environmental Control Technician, Field Arborist, Community Forester, Property Use Inspector, Business Licence Inspector, Building Inspector, Mechanical Inspector, Electrical Inspector, Traffic Technologist, Traffic Technician, Program Manager - Construction Traffic Management, Program Coordinator – Utilities and Water Conservation Officer."

- 2.3. The Noise Regulation Bylaw 7188, 2000 section of Schedule A to Bylaw 7458 is deleted and substituted with the following:

| Bylaw Section | Description The following fines apply to the contraventions below: | A1 Penalty Amount (\$) | A2 Discounted Penalty: Within 14 days (\$) | A3 Late Payment: After 28 days (\$) | A4 Compliance Agreement Available | A5 Compliance Agreement Discount |
|--|---|----------------------------------|---|--|--------------------------------------|-------------------------------------|
| Noise Regulation Bylaw 7188, 2000 | | | | | | |
| | | \$ | \$ | \$ | | |
| 3 | Making disturbing noise | 200 | 150 | 300 | NO | N/A |
| 5(a)(i) | Engine or exhaust noise | 200 | 150 | 300 | NO | N/A |
| 5(a)(ii) | Horn or warning device noise | 200 | 150 | 300 | NO | N/A |
| 5(a)(iii) | Squeal of tires noise | 200 | 150 | 300 | NO | N/A |
| 5(a)(iv) | Load or tow noise | 200 | 150 | 300 | NO | N/A |
| 5(a)(v) | Amplified sound from a Motor Vehicle | 200 | 150 | 300 | NO | N/A |
| 5(b)(i) | Construction Noise at Night for each hour or portion thereof in violation | 500 | 375 | 750 | NO | N/A |
| 5(c) | Construction Noise on Construction Project on Saturday, Sunday or Statutory Holiday for each hour or portion thereof in violation | 500 | 375 | 750 | NO | N/A |
| 5(d)(i) | Raised voices noise | 200 | 150 | 300 | NO | N/A |
| 5(d)(ii) | Dog/animal noise | 200 | 150 | 300 | NO | N/A |
| 5(d)(iii) | Amplified sound | 200 | 150 | 300 | NO | N/A |
| 5(d)(iv) | Alarm noise | 200 | 150 | 300 | NO | N/A |
| 9 | Obstruction | 300 | 225 | 450 | NO | N/A |

READ a first time June 13th, 2016

READ a second time June 13th, 2016

READ a third time June 13th, 2016

ADOPTED

Mayor

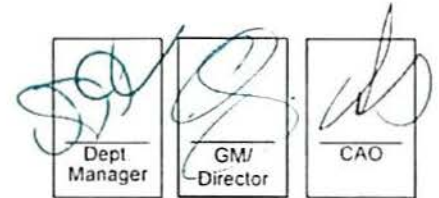
Municipal Clerk

Certified a true copy

Municipal Clerk

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| AGENDA INFORMATION | |
|---|----------------------------|
| <input checked="" type="checkbox"/> Regular Meeting | Date: <u>June 13, 2016</u> |
| <input type="checkbox"/> Workshop (open to public) | Date: _____ |



The District of North Vancouver REPORT TO COUNCIL

June 13, 2016
File: 16.8620.01/016.000

AUTHOR: Carolyn Drugge, M. A., Construction Traffic Management Program Manager

SUBJECT: Delegation of authority to grant exemptions to the Noise Regulation Bylaw 7188 for construction activities to staff and increase of fines associated with violations of the bylaw.

RECOMMENDATION:

1. That Bylaw 8163 amending Noise Regulation Bylaw 7188 be given 1st, 2nd, and 3rd readings.
2. That Bylaw 8164 amending the Bylaw Notice Enforcement Bylaw 7458 be given 1st, 2nd, and 3rd readings.

BACKGROUND:

With increased construction activity in the District, exemptions to the Noise Regulation Bylaw are required more frequently than in past years. These exemptions are sought only when the works required will cause extreme disruption to the neighbourhood and/or traffic, if carried out during the day, and when that disruption can be significantly reduced by carrying out the works after hours.

The current process for obtaining Council approval of these requests consumes a large amount of staff time, and can be ineffective during the high construction season that coincides with the Council summer break. Delegating the authority to temporarily exempt projects from the Noise Regulation Bylaw, when required by construction activity, to the senior staff level will allow the District to better manage the impacts of construction on neighbourhoods and the road network, while still maintaining a rigorous review and approval process.

Many major municipalities in the lower mainland have delegated noise regulation bylaw exemptions to the senior staff level. These include:

| | | | |
|-------------------------|-------------------|--------------------|-------------------|
| City of North Vancouver | City of Vancouver | City of Burnaby | City of Coquitlam |
| City of Richmond | City of Surrey | City of Port Moody | |

SUBJECT: Delegation of authority to grant exemptions to the Noise Regulation Bylaw

February 16, 2016

Moreover, the existing fine of \$100 is considered not high enough to encourage compliance with the Noise Regulation Bylaw particularly with construction projects and is lower than most other municipalities in the region.

Current Noise Regulation Bylaw Fines for Construction Noise

| | | | |
|-----------------------------|-------|-------------------|-------|
| District of North Vancouver | \$100 | City of Vancouver | \$500 |
| District of West Vancouver | \$450 | City of Burnaby | \$400 |
| City of North Vancouver | \$500 | City of Richmond | \$200 |
| City of Surrey | \$500 | | |

Current Noise Regulation Bylaw Fines – other than construction noise

| | | | |
|-----------------------------|---------------|-------------------|-------|
| District of North Vancouver | \$100 | City of Vancouver | \$200 |
| District of West Vancouver | \$100 - \$200 | City of Burnaby | \$200 |
| City of North Vancouver | \$150 | City of Richmond | \$200 |
| City of Surrey | \$200 | | |

EXISTING POLICY:

Noise Regulation Bylaw 7188 allows exemption for construction-related activities if the associated works would be more disruptive to vehicular traffic if carried out during the day, or when such activities would not enable the timely completion of critical public utilities projects if carried out during the day. This relaxation of the bylaw can only be granted by Council resolution.

The District's ability to set fines is limited under the *Local Government Bylaw Notice Enforcement Act* to a maximum of \$500 via Bylaw Notice under the Adjudication process and the *Community Charter* with a maximum of \$1000 via Municipal Ticketing Information (MTI), as heard in Provincial Court.

ANALYSIS:

Delegation of Authority:

As the amount of private developments and major infrastructure improvement projects increase over the next few years, requests for exemptions to the Noise Regulation Bylaw are also increasing.

The standard process to obtain an exemption via a report to Council can take several weeks. During the summer break, which coincides with ideal seasonal construction conditions, Council is not available to consider an exemption to the bylaw. Due to timing issues, recent practice has included polling Mayor and Council via e-mail or telephone to respond to requests. For example in 2016, Council has been polled 11 times regarding exemptions. Both processes consume considerable staff resources.

SUBJECT: Delegation of authority to grant exemptions to the Noise Regulation Bylaw
February 16, 2016

Delegation of the authority to grant an exemption to the senior staff level will reduce the amount of time staff and Council devote to processing requests and allow the District to respond more nimbly.

Requests for exemptions will be assessed on:

- 1) The amount of disruption likely to be experienced if the works were carried out during the permitted construction hours.
- 2) Whether or not the required works can be completed within the permitted construction hours.
- 3) The degree of impact to the surrounding community if the works are performed outside of the permitted construction hours.

Whereas currently requests from development sites can only be considered based on whether or not traffic will be significantly disrupted, these additional criteria will allow requests to be assessed on the overall impact to the community as a whole. These broader criteria will allow the District to respond to construction needs in ways that reduce the overall impact on the community in which the activity is taking place. The District's primary concern is ensuring that residents and businesses are not unduly disrupted as the result of construction activity while achieving the implementation of the OCP.

The suggested procedure will have staff seeking the recommendation of an exemption from the Municipal Engineer and the Chief Administrative Officer. When an exemption is recommended, Mayor and Council would be notified and have a two day period in which to request further review. If there are no requests for further review, an exemption would be granted. If further review is requested, staff will respond accordingly.

It is anticipated that Mayor and Council would be consulted for direction on noise bylaw exemption requests that are for long duration or are anticipated to have other major impacts on the community.

Instituting a process that more efficiently assesses requests will allow staff to better manage construction impacts across the District especially with respect to impacts on traffic flows in and around town centres and near major infrastructure project sites.

Fines:

Currently the fine for violating the Noise Regulation Bylaw is \$100. This is considered too low to serve as an effective deterrent. Staff recommend a progressive approach to the fines associated with violations of the noise bylaw with respect to construction noise.

To optimize our ability to penalize construction projects that violate the Noise Regulation Bylaw and keep within the confines of the *Local Government Bylaw Notice Enforcement Act* and the *Community Charter* which set the limits for fines, the proposed amendments to the Noise Regulation Bylaw define an occurrence as each 60 minute period or portion thereof.

Bylaw 8164 will set this fine at \$500 per occurrence (every 60 minute period or portion thereof) via the Bylaw Notice Enforcement process. Enforcement policy will be structured

SUBJECT: Delegation of authority to grant exemptions to the Noise Regulation Bylaw

February 16, 2016

such that the \$500 fine will apply for typical construction related noise violations. However, if in the opinion of the enforcement officer or the Municipal Engineer the situation warrants escalation, the construction project could be issued a \$500 fine for each occurrence during the first 12 hours and a \$1000 fine for each subsequent occurrence through the Municipal Ticket Information process. In this way, penalties for violations of the noise bylaw quickly become meaningful even for well-financed projects.

Staff also recommend that the fines associated with other violations of the Noise Regulation Bylaw receive a general increase from \$100 to \$200. This would be in keeping with most other municipalities in the region. Staff also recommend adding an offence for obstruction of enforcement of the bylaw.

| Designated Expression | Current fine | Recommended Fine |
|---|--------------|------------------|
| Construction Noise at Night | \$100 | \$500 |
| Construction Noise on Construction Project on Sunday or Statutory Holiday | \$100 | \$500 |
| Making disturbing noise and other noise offences | \$100 | \$200 |
| Obstruction | - | \$300 |

Additionally staff recommend increasing limits to fines for offences available through the provincial court process from \$500 minimum and \$2000 maximum, to \$2000 minimum to \$10,000 maximum. These fines would only be applicable in egregious cases that the District would be prepared to pursue through provincial court.

Additional amendments can be considered housekeeping items that do not change the intent or meaning of the bylaw.

Concurrence:

Staff in the Engineering Division have worked with the Chief Bylaw Officer and the legal team in Corporate Services to develop these bylaw amendments and enforcement policy.

Liability/Risk:

These amendments will reduce the risk of construction activities taking place outside of the permitted construction hours without authorization.

Increasing fines associated with violations of the Noise Regulation Bylaw will help mitigate the risk of occurrences.

Options:

Option 1:

- That Council delegates the authority to grant exemptions to the Noise Regulation Bylaw for construction related activities to the senior staff level; and

SUBJECT: Delegation of authority to grant exemptions to the Noise Regulation Bylaw

February 16, 2016

- That Council approves the recommended increases to the fines for violating the Noise Regulation Bylaw

Option 2:

- That staff continue to seek Council resolution to relax the Noise Regulation Bylaw with limited success in managing impacts to neighbourhoods and the road network.
- That the current fines remain unchanged.

Option 3:

Any combination of Option 1 and Option 2

Respectfully submitted,



Carolyn Drugge, M.A.
Construction Traffic Management Program Manager

| REVIEWED WITH: | | |
|---|---|--|
| <input type="checkbox"/> Sustainable Community Dev. _____ | <input type="checkbox"/> Clerk's Office _____ | External Agencies: |
| <input type="checkbox"/> Development Services _____ | <input type="checkbox"/> Communications _____ | <input type="checkbox"/> Library Board _____ |
| <input type="checkbox"/> Utilities _____ | <input type="checkbox"/> Finance _____ | <input type="checkbox"/> NS Health _____ |
| <input type="checkbox"/> Engineering Operations _____ | <input type="checkbox"/> Fire Services _____ | <input type="checkbox"/> RCMP _____ |
| <input type="checkbox"/> Parks _____ | <input type="checkbox"/> ITS _____ | <input type="checkbox"/> Recreation Com. _____ |
| <input type="checkbox"/> Environment _____ | <input type="checkbox"/> Solicitor _____ | <input type="checkbox"/> Museum & Arch. _____ |
| <input type="checkbox"/> Facilities _____ | <input type="checkbox"/> GIS _____ | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Human Resources _____ | | |

The Corporation of the District of North Vancouver

Bylaw 8163

A bylaw to amend Noise Regulation Bylaw 7188, 2000

The Council for The Corporation of the District of North Vancouver enacts as follows:

1. Citation

This bylaw may be cited as "Noise Regulation Bylaw 7188, 2000, Amendment Bylaw 8163, 2016 (Amendment 7)".

2. Amendments

2.1 Noise Regulation Bylaw 7188, 2000 is amended by:

2.1.1 deleting "s. 724 of the *Municipal Act*, R.S.B.C. 1996 c. 323" from the Preamble and substituting "sections 8(3)(h) and 64 of the *Community Charter*, SBC 2003, c. 26."

2.1.2 inserting the following definitions in alphabetical order to section 2:

"Bylaw Enforcement Officer" means person(s) designated as bylaw enforcement officers in the Bylaw Notice Enforcement Bylaw 7458, as amended or replaced;

"Chief Administrative Officer" means the person appointed as the District's Chief Administrative Officer or a designate;

"Community Charter" means the *Community Charter*, S.B.C. 2003, c.26;

"District" means the District of North Vancouver;

"General Manager of Engineering, Parks and Facilities" means the person appointed as the General Manager of Engineering, Parks and Facilities or a designate;

"Program Manager – Construction Traffic Management" means the person appointed as a Program Manager – Construction Traffic Management or a designate;

"Statutory Holiday" means those days defined as a "holiday" in the *Interpretation Act*, RSBC 1996, c. 238, as amended or replaced;

2.1.3 deleting "holiday" in the definitions of "Day and "Night" in section 2 and substituting "Statutory Holiday";

2.1.4 deleting the definitions of "Earth-Moving Equipment" and "GVWD Property" from section 2 and deleting Schedules A and B accordingly;

- 2.1.5 deleting sections 3 and 4 in their entirety and substituting the following and re-numbering the remaining sections of the bylaw accordingly:
- "Noise Regulation**
3. No person, including an owner or occupier of real property, shall make or cause, or permit to be made or caused, any noise or sound which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of persons in the vicinity or which exceeds the Sound Levels prescribed in this bylaw."
- 2.1.6 deleting "sections 3 or 4" from the new section 4 (*formerly section 5*) and substituting "section 3";
- 2.1.7 deleting "section 6" from the new section 4 (*formerly section 5*) and substituting "section 5";
- 2.1.8 deleting "sections 3 and 4" from the new section 5 (*formerly section 6*) and substituting "section 3";
- 2.1.9 inserting ", where such noise or sound is audible from premises other than the premises from which the noise or sound originates" to:
- (a) the end of the new subsection 5(b) (*formerly subsection 6(b)*);
 - (b) the end of the new subsection 5(c) (*formerly subsection 6(d)*);
 - (c) following "any noises or sounds" in the new subsection 5(d) (*formerly subsection 6(d)*); and
 - (d) following "outside of a building structure" in the new subsection 5(e) (*formerly subsection 6(e)*);
- 2.1.10 deleting the new subsection 5(b)(i) (*formerly subsection 6(b)(i)*) and substituting the following:
- "i) a Construction Noise, except where an exemption has been issued pursuant to section 8 of this bylaw."
- 2.1.11 deleting "or" and substituting a "," and adding "or other power tools;" to the end of the new subsection 5(b)(ii) (*formerly 6(b)(ii)*);
- 2.1.12 adding ", compactors or other ancillary equipment or vehicles;" to the end of the new subsection 5(b)(iii) (*formerly 6(b)(iii)*);
- 2.1.13 capitalizing "Statutory Holiday" in the new subsection 5(c)(i) (*formerly subsection 6(c)(ii)*);

- 2.1.14 deleting the period at the end of the new subsection 5(c)(ii) (*formerly subsection 6(c)(ii)*) and adding "except where an exemption has been issued pursuant to section 8 of this bylaw." on the line below the new subsection 5(c)(ii) (*formerly subsection 6(c)(ii)*);
- 2.1.15 adding ", where audible from a premise other than the premises from which such noise or sound originates" after "any noises or sounds" in the new subsection 5(d) (*formerly subsection 6(d)*);
- 2.1.16 deleting the new subsection 5(a)(v) (*formerly subsection 6(a)(v)*) and substituting:
- "v) a radio, music/audio player, television, sound playback device, musical instrument or any other instrument or apparatus for the production or amplification of sound which can be easily heard by a person outside the Motor Vehicle;"
- 2.1.17 deleting the new subsection 5(d)(iii) (*formerly subsection 6(d)(iii)*) and substituting:
- "iii) a radio, music/audio player, television, sound playback device, musical instrument or any other instrument or apparatus for the production or amplification of sound;"
- 2.1.18 deleting the new subsections 5(f), 5(g) and 5(h) (*formerly subsections 6(f), 6(g) and 6(h)*) in their entirety and re-numbering the remaining subsection accordingly;
- 2.1.19 deleting the new subsection 5(f) (*formerly subsection 6(i)*) and substituting the following:
- "5(f) any noise that exceeds the Sound Levels set out below:"
- 2.1.20 deleting the new subsection 6(b) (*formerly subsection 7(b)*) and Schedule C accordingly, adding the word "and" to the end of the subsection 6(a) (*formerly subsection 7(a)*) and re-numbering subsection 6(c) as subsection 6(b);
- 2.1.21 deleting the semicolon and word "or" at the end of the new subsection 7(c) (*formerly subsection 8(c)*) and substituting a period;
- 2.1.22 deleting the new subsection 7(d) (*formerly subsection 8(d)*) in its entirety;
- 2.1.23 deleting the new sections 8 through to and including section 12 (*formerly sections 9 through 13*) and substituting the following and re-numbering the remaining section accordingly:

"Exemption for Construction Noise

8.
 - (a) A person may apply to the District for a temporary exemption from the date and time restrictions related to Construction Noise contained in subsections 5(b) and (c) of this bylaw.
 - (b) The Chief Administrative Officer and the General Manager of Engineering, Parks and Facilities are authorized to issue exemptions from the time restrictions applicable to Construction Noise in subsections 5(b) and (c) of this bylaw where satisfied, in their sole discretion, that:
 - (i) carrying out the proposed construction activity within the time restrictions in this bylaw would pose a danger to worker or public safety or cause undue traffic congestion; or
 - (ii) it is impossible, impractical or unsafe to carry out the proposed construction within the time restrictions in this bylaw;

and

 - (iii) issuing such an exemption would not impose an undue inconvenience or disruption to members of the public.
 - (c) An exemption granted pursuant to subsection 8(b) of this bylaw may be granted for the period and on such terms and conditions as the Chief Administrative Officer or the General Manager of Engineering, Parks and Facilities considers appropriate or necessary.
 - (d) An application for an exemption pursuant to subsection 8(a) of this bylaw must be submitted to the District at least 10 business days before the proposed construction work.

Obstruction

9. A person must not interfere with, delay, obstruct or impede a Bylaw Enforcement Officer or designate or other person lawfully authorized to enforce this Bylaw in the performance of duties under this Bylaw.

Enforcement

10. Bylaw Enforcement Officers, Property Use Inspectors/Business Licence Coordinators, Animal Welfare Officers, the General Manager of Engineering, Parks and Facilities, Park Rangers, Program Managers – Construction Traffic Management, Traffic Technologists, Traffic Technicians, members of Royal Canadian Mounted Police, and public health inspectors for Vancouver Coastal Health are authorized to enforce this Bylaw and for that purpose may enter at all reasonable times any real property to ascertain whether the provisions of this Bylaw are being complied with.

Penalty

11. A person who:
 - (a) violates or fails to comply with this bylaw;

- (b) owns, operates, possesses, harbours, or is in control of any animal, bird or thing which emits noises or sounds in contravention of this bylaw;
- (c) is the owner or occupier of premises from which noises or sounds are emitted in contravention of this bylaw

is guilty of an offence and upon conviction is liable to a fine of at least \$2,000 and up to \$10,000.

Designation of Bylaw

12. This bylaw is designated pursuant to section 264 of the *Community Charter* as a bylaw that may be enforced by means of a ticket in the form prescribed and may be enforced by any person listed in section 10 of this bylaw.

Municipal Ticket Enforcement ("MTI")

13. The words or expressions listed below in the Designated Expression column are authorized to be used on a ticket issued pursuant to 264 of the *Community Charter* to designate an offence against the respective section of this bylaw appearing opposite in the Section column. The amounts appearing in the Fine column and Late Penalty Fine column are the fines set pursuant to section 265 of the *Community Charter* for contravention of the respective section of this bylaw appearing opposite in the Section column.

| Section number | Designated Expression (Short-Form Description) | MTI Fine | Late Penalty Fine (if Fine unpaid after 30 days) |
|----------------|--|--|--|
| 3 | Making disturbing noise | \$200.00 | \$300.00 |
| 5(a)(i) | Engine or exhaust noise | \$200.00 | \$300.00 |
| 5(a)(ii) | Horn or warning device noise | \$200.00 | \$300.00 |
| 5(a)(iii) | Squeal of tires noise | \$200.00 | \$300.00 |
| 5(a)(iv) | Load or tow noise | \$200.00 | \$300.00 |
| 5(a)(v) | Amplified sound from a Motor Vehicle | \$200.00 | \$300.00 |
| 5(b)(i) | Construction Noise at Night | \$500 for each hour or portion thereof that violation continues, for up to 12 hours; after 12 hours, the fine increases to \$1,000 for each one-hour period in violation | \$750.00 |
| 5(b)(ii) | Garden tool noise at Night | \$200.00 | \$300.00 |
| 5(b)(iii) | Mechanical noise at Night | \$200.00 | \$300.00 |

| | | | |
|-----------|---|--|---|
| 5(c) | Construction Noise on Construction Project on Saturday, Sunday or Statutory Holiday | \$500 for each hour or portion thereof that violation continues, for up to 12 hours; after 12 hours, the fine increases to \$1,000 for each one-hour period in violation | \$750.00 for late payment of \$500 fine |
| 5(d)(i) | Raised voices noise | \$200.00 | \$300.00 |
| 5(d)(ii) | Dog/animal noise | \$200.00 | \$300.00 |
| 5(d)(iii) | Amplified sound | \$200.00 | \$300.00 |
| 5(d)(iv) | Alarm noise | \$200.00 | \$300.00 |
| 5(e) | Public address system noise | \$200.00 | \$300.00 |
| 9 | Obstruction | \$300.00 | \$450.00 |

14

2.1.24 deleting Schedule D in its entirety; and

2.1.25 amending the miscellaneous cross references throughout Bylaw 7188 as necessary and amending the numbering style of Bylaw 7188 to be the same as set out in section 2.1.23.

READ a first time

READ a second time

READ a third time

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

The Corporation of the District of North Vancouver

Bylaw 8164

A bylaw to amend the Bylaw Notice Enforcement Bylaw 7458, 2004

The Council for The Corporation of the District of North Vancouver enacts as follows:

1. Citation

- 1.1. This bylaw may be cited as "Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8164, 2016 (Amendment 28)".

2. Amendments

- 2.1. Subsection 8(b) of Bylaw Notice Enforcement Bylaw 7458, 2004 ("Bylaw 7458") is amended by:
 - 2.1.1. adding the following to the list of persons that may be appointed as screening officers: "Business Licence Inspector", "Traffic Technologist", "Traffic Technician", "Program Manager, Construction Traffic Management", "Program Coordinator – Utilities", and "Property Use Inspector"; and
 - 2.1.2. deleting "Section Manager – Parks Planning" and substituting "Section Manager – Natural Parkland and Operations".
- 2.2. Section 10 of Bylaw 7458 is amended by deleting subsections (b) and (c) and substituting the following and re-numbering the remaining subsections of section 10 accordingly:
 - "(b) Bylaw Enforcement Officer, Parking Control Officer, Animal Welfare Officer, Park Ranger, Section Manager – Environmental Services, Environmental Protection Officer, Environmental Control Technician, Field Arborist, Community Forester, Property Use Inspector, Business Licence Inspector, Building Inspector, Mechanical Inspector, Electrical Inspector, Traffic Technologist, Traffic Technician, Program Manager - Construction Traffic Management, Program Coordinator – Utilities and Water Conservation Officer."

- 2.3. The Noise Regulation Bylaw 7188, 2000 section of Schedule A to Bylaw 7458 is deleted and substituted with the following:

| Bylaw Section | Description The following fines apply to the contraventions below: | A1 Penalty Amount (\$) | A2 Discounted Penalty: Within 14 days (\$) | A3 Late Payment: After 28 days (\$) | A4 Compliance Agreement Available | A5 Compliance Agreement Discount |
|-----------------------------------|---|----------------------------------|---|--|--------------------------------------|-------------------------------------|
| Noise Regulation Bylaw 7188, 2000 | | | | | | |
| | | \$ | \$ | \$ | | |
| 3 | Making disturbing noise | 200 | 150 | 300 | NO | N/A |
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| 5(a)(iv) | Load or tow noise | 200 | 150 | 300 | NO | N/A |
| 5(a)(v) | Amplified sound from a Motor Vehicle | 200 | 150 | 300 | NO | N/A |
| 5(b)(i) | Construction Noise at Night for each hour or portion thereof in violation | 500 | 375 | 750 | NO | N/A |
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| 5(d)(iii) | Amplified sound | 200 | 150 | 300 | NO | N/A |
| 5(d)(iv) | Alarm noise | 200 | 150 | 300 | NO | N/A |
| 9 | Obstruction | 300 | 225 | 450 | NO | N/A |

READ a first time

READ a second time

READ a third time

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

**Canada 150 Fund Grant Application:
Kirkstone Park Artificial Turf Field Conversion**

Materials to be circulated via agenda addendum.

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