

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 3210

(Consolidated up to April 28, 2025 to include Bylaws. 3332, 3937, 4198, 4594 and 4902)

A Bylaw for the abatement and control of objectionable noises

CONSOLIDATED FOR CONVENIENCE USE ONLY

This consolidated is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and application of the bylaws of this subject.

A Bylaw for the abatement and control of objectionable noises

The Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled, enacts as follows:

- 1 This Bylaw may be cited as the "*ANTI-NOISE BYLAW, 1977*".
- 2 In this Bylaw, unless the context otherwise requires, the following terms and expressions shall have the meanings hereinafter assigned to them, that is to say:
 - (a) "CORPORATION" shall mean The Corporation of the District of Oak Bay;
 - (b) "dB (A)" means the sound pressure level, measured in decibels, as indicated on the 'A' scale of a sound level meter conforming to ANSI S1.41971 as revised. (Bylaw 4902)
 - (c) "HEAT PUMP" means a device which has the capacity to transfer heat from the air outside a building or structure to the air inside a building or structure or vice versa, by means of a compressible refrigerant and includes an air conditioner, condenser, compressor, refrigeration unit and all equipment and devices accessory thereto; (Bylaw 4902)
 - (b) "LEAF BLOWER" means a portable electric or engine-driven device, including both a backpack device and a hand-held device, used for blowing or sucking up leaves, grass or debris, but excluding a device mounted on or towed by a motor vehicle;
 - (c) "MUNICIPAL CREWS" means employees of The Corporation or persons under contract to The Corporation;
*(**Bylaw 4198, adopted Oct.14, 2003)*
 - (d) "PERSON" includes a corporation, partnership or individual.
- 3 (1) No person shall make or cause to be made any noise or sound within the geographical limits of The Corporation of the District of Oak Bay which is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.

(2) No owner, tenant or occupier of real property within the geographical limits of The Corporation of the District of Oak Bay shall allow that property to be used so that a noise or sound which originates from that property disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.
*(**Bylaw 3332, adopted Aug.5/80)*

4 Without limiting the generality of the foregoing, the following conduct is specifically prohibited within the geographical limits of The Corporation of the District of Oak Bay:

(1) shouting, using a megaphone, or making other noise in or at or on highways, parks, wharves, docks, piers, boatlandings or other public place in such a manner liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;

*(**Bylaw 4594, adopted Sept. 30/13)*

(2) the playing of any radio, phonograph, television, receiving set, musical instrument or sound amplification device whether in or upon private premises or in any public place in such a manner or with such volume liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;

(3) the keeping or harbouring of any animal or caged bird which by making frequent noise is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;

(4) the operation of any automobile, truck, motorcycle, bus or other vehicle which by reason of disrepair, lack of a sufficient muffler, or any other cause, creates noise or sound liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.

*(**Bylaw 3332, adopted Aug.5/80)*

(5) (a) on Saturday, Sunday or a holiday, the operation of a leaf blower at a time outside the hours of 9:00 a.m. to 5:00 p.m.;

(b) from Monday through Friday, excluding holidays, the operation of a leaf blower at a time outside the hours of 8:00 a.m. to 8:00 p.m.

*(**Bylaw 4198, adopted Oct.14, 2003)*

(6) Operating a heat pump or multiple heat pumps on a single property resulting in a sound power level measured from any property line in excess of:

- i. 50 dB(A) between 7:00 a.m. and 10:00 p.m. on any day, or
- ii. 45 dB(A) between 10:00 p.m. and 7:00 a.m. of the following day.

(Bylaw 4902)

5 The provisions of this Bylaw shall not apply to:

(1) any vehicle of the Police or Fire Department of The Corporation or of any other public body or any ambulance or any public service or emergency vehicle machinery or activity while engaged in a service of public convenience or necessity;

*(**Bylaw 4594, adopted Sept. 30/13)*

(2) the sounding of a horn or other signalling device upon any vehicle or boat, where such sounding is property and necessarily used as a danger or warning signal;

(3) the use, in a reasonable manner, of any apparatus or mechanism for the amplification of the human voice or of music in a public park or square in connection with any public meeting, public celebration or other public gathering;

- (4) the use of bells or chimes by churches and the use of carillons where such carillons have been lawfully erected;
- (5) any parade, procession, performance, concert, ceremony, gathering or meeting in or on any highway or public place, when duly authorized or permitted under the provisions of any bylaw, statute or ordinance in force in The Corporation of the District of Oak Bay;
(**Bylaw 4594, adopted Sept. 30/13)
- (6) the excavating of any highway or any other land between the hours of 7:00 a.m. and 7:00 p.m. on each day except Sunday, or, in case of urgent necessity, at any time if such work is essential to the health, safety or protection of the public or the safety or protection of private property;
(**Bylaw 4594, adopted Sept. 30/13)
- (7) the erection, demolition, construction, reconstruction, alteration or repair of any building or other structure:
 - (a) between the hours of 7:00 a.m. and 7:00 p.m. on each day except Sunday if such work is authorized by a permit which is not a renewal permit, as defined the Building and Plumbing Bylaw, 2005;
 - (b) between the hours of 9:00 a.m. and 5:00 p.m. on each day except Sunday if such work is authorized pursuant to a renewal permit, as defined in the Building and Plumbing Bylaw, 2005; or
 - (c) at any time in case of urgent necessity, if such work is essential to the health, safety or protection of the public or the safety or protection of private property; and
(**Bylaw 4594, adopted Sept. 30/13)
- (8) any sound or noise resulting from the use in a reasonable manner of the premises of any Community Care Facility duly licensed under the *Community Care Facilities Licensing Act*, or of similar institutions.

6 Between the hours of 6:00 a.m. and 8:00 p.m. on any day, Section 4(5) shall not apply to the operation of a leaf blower by municipal crews acting in the course of their employment or engagement by The Corporation, nor to the operation of a leaf blower on the lands shown in bold outline on Schedule "A" attached to this Bylaw.
(**Bylaw 4198, adopted Oct.14, 2003)

7 Any person who violates any provision of this Bylaw is guilty of an offence and liable upon summary conviction to a fine of not more than One Thousand Dollars (\$1,000.00). For the purpose of this clause an offence shall be deemed committed upon each day during or on which a violation occurs or continues.

8 The "Anti-Noise Bylaw, 1964" being Bylaw No. 2491 of the Corporation is hereby repealed.

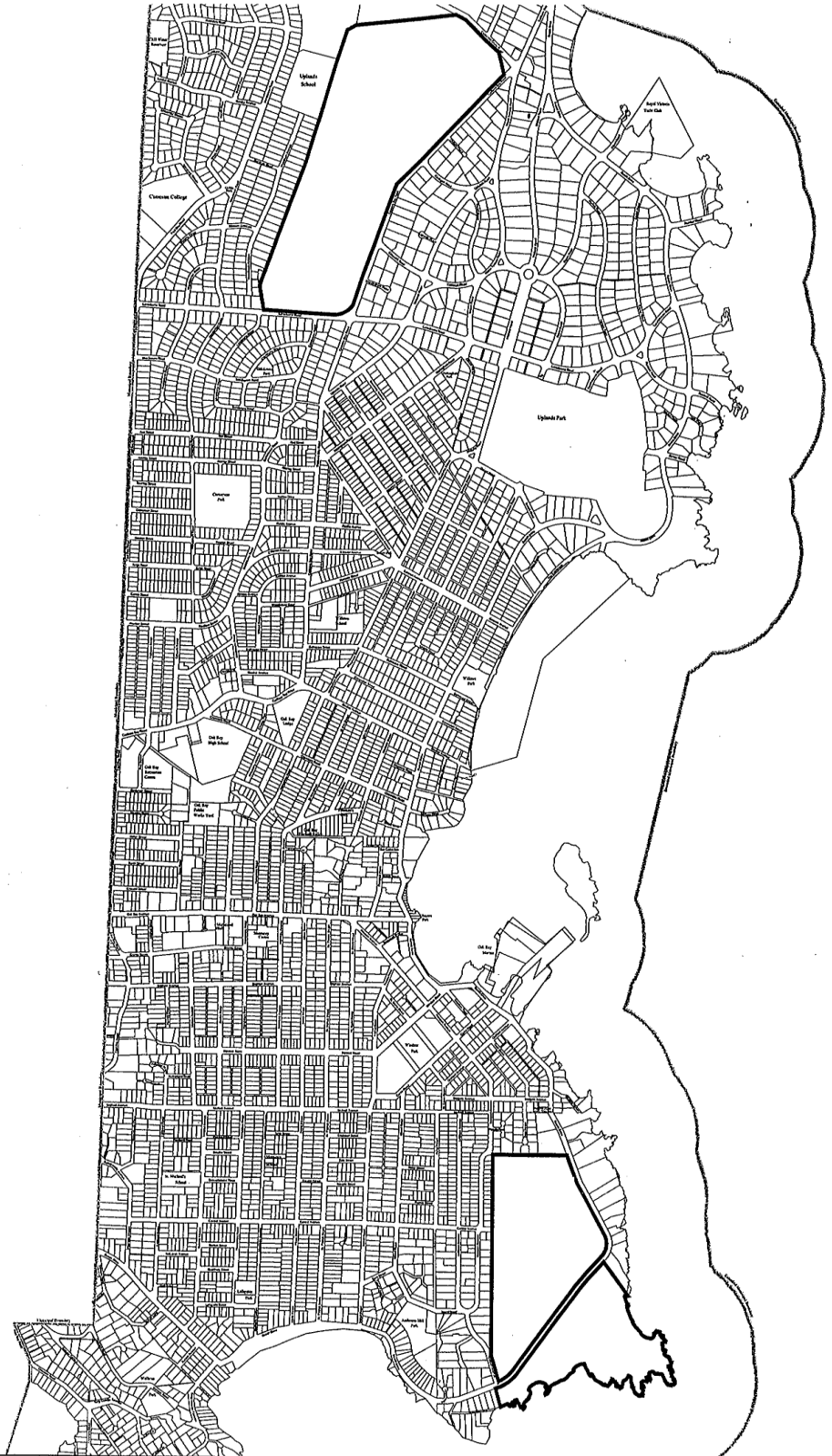
READ a first, second and third time by the Municipal Council on May 25, 1977

RECONSIDERED, ADOPTED AND FINALLY PASSED by the Municipal Council on June 6, 1977

Mayor

Municipal Clerk

Sealed with the Seal of The Corporation of the District
of Oak Bay.



Map Produced by:
Corporation of the District of Oak Bay
Engineering Department, GIS
September 4, 2003
Noise Bylaw - Schedule A.mxd

Schedule "A" to Bylaw No. 4198

500 0 500 1,000 Meters

