

REPORT

REQUEST FOR COUNCIL DECISION

DATE: December 5, 2017 **FILE:** 09-3900-02/17
FROM: Community Services Department
SUBJECT: **Proposed Bylaw Amendments to Discharge of Firearms Bylaw 647, 1975, and Noise Control Bylaw 2138, 2003 in Relation to Shooting Ranges.**

RECOMMENDATION: THAT Council:

- A. Grant First, Second & Third Readings to City of Pitt Meadows Discharge of Firearms Bylaw Amendment Bylaw No. 2783, 2017; AND
- B. Grant First, Second & Third Readings to City of Pitt Meadows Noise Control Bylaw Amendment Bylaw No. 2784, 2017; AND
- C. Grant First, Second & Third Readings to City of Pitt Meadows Bylaw Enforcement Notice Bylaw Amendment Bylaw No. 2785, 2017; AND
- D. Direct staff to report back to Council regarding further proposed amendments to Noise Control Bylaw 2138, 2003, in relation to outdoor shooting ranges; OR
- E. Other.

CHIEF ADMINISTRATIVE OFFICER COMMENT/RECOMMENDATION:



BACKGROUND

KEY ISSUE(S)/CONCEPT(S): Since the late spring of 2017, several concerns have been raised by neighbouring residents regarding the operation and potential off-site impacts of the Pitt Meadows Gun Club (PMGC) range, located at 17428 129th Ave. Issues identified are concerns with safety, excessive noise, and the potential for lead shot used at the range to leach into water supplies. This has been well documented in correspondence sent directly to Council and in the media.

Around this time, the City became aware that pursuant to Pitt Meadows Discharge of Firearms Regulation Bylaw No. 647, 1975, the City may have a duty to issue permits for the operation of shooting ranges. Historically, the City had not issued permits for such a use and does not currently have a process in place to do so.

The PMGC's operation has been temporarily suspended pending a review of these issues and a decision regarding what level of involvement the City would like to have with shooting ranges. The City's other outdoor shooting range, Thompson Mountain Sportsmen Association (TMSA), located at 21791 Ladner Rd, has been granted temporary relief from municipal approval requirements as no outstanding concerns have been associated with that site. The TMSA continues to operate while the City reviews the permitting process.

Staff has been researching the City's responsibilities in this matter and has sought legal advice to determine what steps can be taken by the City going forward. The purpose of this report is to clarify the role of the City in regulating shooting ranges, and to propose bylaw amendments that help address identified issues related to the operation of the PMGC.

Levels of Jurisdiction

Shooting ranges are regulated under all three levels of government – federal, provincial and municipal. Each level of government regulates a different aspect of shooting ranges. When multiple levels of government are involved in the regulation of an activity, there is a hierarchy of authority. The federal government has authority and municipalities cannot place regulations or restrictions greater than what the federal government allows. In relation to provincial authority, the Province dictates what matters local governments can regulate. Due to this framework, the ability of a local government is hampered in some aspects of addressing issues with shooting ranges, without any authority to address the issue.

In the case of shooting ranges, the primary powers of a municipality include regulating land use, noise, and some aspects of the use of firearms. All other aspects, including environment, are under the authority of the Province. Legal advice obtained by the City confirms that a municipality is under no obligation to issue permits for discharge of firearms, but may wish to if it is deemed beneficial. If a municipality wishes to regulate aspects related to the environment when issuing a permit, the municipality must receive permission from the Province to do so. By doing this, the municipality may be taking on additional, potentially unnecessary liability.

Federal Government Authority – Public Safety

The Federal Government issues permits for the operation of shooting ranges pursuant to the *Firearms Act* and the *Shooting Clubs and Shooting Ranges Regulations*. This approval process addresses aspects of safety and the discharge of weapons including layout of the range, the type of firearms used, and public safety measures. Shooting ranges must undergo an inspection and receive approval from the RCMP's Provincial Firearms Officer prior to operation.

Earlier this year, safety issues related to the layout of the PMGC range were identified by the RCMP. The PMGC has since implemented the requests of the RCMP to address the safety concerns and bring the operation into compliance with federal guidelines. Federal approval of the PMGC range is currently being held pending approval from the City.

Provincial Government Authority – Contamination

The provincial Ministry of Environment is responsible for regulating contaminated sites through the *Environmental Management Act* and the *Contaminated Sites Regulation*. The primary environmental concern relating to the shooting ranges is the use of lead shot and its potential for contamination of water and soil on and around the property. Lead contamination of shooting range sites can be a significant issue for shooting clubs as seen in recent cases in which the Province has been involved in Burnaby and Salt Spring Island. The City has been in contact with the Ministry of Environment regarding potential contamination of the PMGC site. To date, the Province has not indicated what level of involvement they will have with the site. If it is deemed that the *Contaminated Sites Regulation* would apply to the PMGC site, the Province may require the Club to undertake measures such as a Site

Investigation to determine the extent of any potential contamination. Staff will continue to be in close contact with the Province regarding the matter.

In order to demonstrate the Club's due diligence in response to potential contamination concerns, the PMGC has formed an environmental committee comprised of Club members with substantial environmental science expertise. The Club undertook water sampling at multiple points surrounding the site in November 2017 to establish if the lead shot is leaching contaminants off-site. These preliminary tests showed that traces of lead within the samples taken were within acceptable levels, indicating that the lead shot deposited on the PMGC grounds has not contributed to a substantial increase of lead in the surrounding surface waters. The Club maintains that the thick layer of vegetation in the shotfall zone protects the shot from weathering, and minimizes the potential for the shot to break down and leach into the soil or water sources.

The Committee has developed a plan for environmental monitoring and contamination mitigation on site, specifically relating to the use of lead shot. The plan is based on a best practices document produced by the British Columbia Wildlife Federation for lead management for shooting ranges. As outlined in the plan, the Club proposes to continue to monitor environmental conditions of the site including pH levels of soil and surface water, and levels of lead within surface water. In accordance with best practices, a number of mitigation measures are proposed including spreading lime and phosphate to maintain appropriate soil conditions as necessary.

Municipal Regulation of Shooting Ranges

Zoning and Land Use

Operation of a shooting range must occur on land that has appropriate zoning. The existing Pitt Meadows Gun Club predates the City's modern land use regulations and the establishment of the Agricultural Land Reserve. As such, the Club has certain 'grandfathered' rights and the use of the property as a shooting range is permitted to continue as a legal non-conforming use as described in the *Local Government Act*. The Thompson Mountain Sportsmen Association shooting range has a site specific zoning provision to allow a shooting range on that property only. No other property within Pitt Meadows currently has appropriate zoning for a shooting range, and any other proposals received would require a rezoning process.

Discharge of Firearms Bylaw

The *Community Charter* gives municipalities authority to regulate use of firearms and archery equipment. The Discharge of Firearms Bylaw No. 647, adopted by the City in 1975, regulates where firearms can be discharged within the City, generally in relation to recreational or agricultural purposes. The bylaw contains reference to a permit being required for certain activities including:

- *for the operation of a pistol, rifle, trap and/or skeet shooting range*
- *for an organized trap or skeet shooting event not located on a shooting range permitted to operate under this Bylaw*
- *when the discharge of firearms is to be conducted by a person who is the holder of a valid resident trapping licence and a resident hunting or firearms licence issued by the Province of British Columbia who has produced written permission from the owner or the lessee of the land upon which he proposed to operate his trap line*

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To staff's knowledge, the City has never issued, nor requested, a permit for the above activities. The bylaw contains no explanation of permit requirements, the application process, the issuing authority (Council or staff), or any applicable fees.

The approach of other municipalities with shooting ranges to the regulation of firearms varies, but most have little involvement in the operation of shooting ranges beyond land use approval. While all of the municipalities surveyed have a bylaw regulating discharge of firearms, the majority do not require a municipal permit for discharge of firearms, and only one requires a permit for the operation of a shooting range. None of the municipalities surveyed contemplate environmental management of shooting ranges in their bylaw. Legal guidance obtained by the City confirms that the City is under no legislated obligation to issue permits for firearms discharge, and as noted, very few municipalities actually do.

Survey of Firearms Bylaws in Municipalities with Shooting Ranges

Municipality	Discharge of Firearms Bylaw	Municipality Issues Firearms Permits	Municipal Permit Required for Shooting Range	Permit Issuing Authority
City of Abbotsford	Yes	No	No	N/A
City of Burnaby	Yes	No	No	N/A
City of Chilliwack	Yes	No	No	N/A
City of Coquitlam	Yes	Yes	No	General Manager of Engineering
City of Delta	Yes	No	No	N/A
Township of Langley	Yes	No	No	N/A
District of Mission	Yes	Yes	Yes	Corporate Officer
District of Squamish	Yes	Yes	No	District Police Service
City of Surrey	Yes	No	No	N/A

Proposed Amendments to Discharge of Firearms Bylaw

Staff propose amendments to the Discharge of Firearms Bylaw that would remove all reference to a permit from the Bylaw. This would have little to no effect on the City's procedures, as this provision has not been previously enforced. This amendment would clarify the City's role in the regulation of shooting ranges to encompass only land use approval and noise regulation. Staff also propose to exempt shooting ranges from the spatial restriction for firearm discharge in Section 10 of the Bylaw, as these restrictions should not apply to a lawful land use. Discharge of Firearms Bylaw 647, 1975 and proposed Discharge of Firearms Amendment Bylaw No. 2783 are included as **Attachments A and B**.

Alternately, if Council wishes to maintain the regulation to issue permits for shooting ranges, a process for application requirements and authorization would need to be established. One possibility could be to use the firearms permit as a trigger for the applicant to supply a Site Profile to the City. A Site Profile is a form that is forwarded to the Province in order to screen properties for potential contamination

from past uses. In accordance with the *Environmental Management Act*, the City must require a Site Profile when issuing a permit for certain activities (including shooting ranges). Staff feel that this approach would not necessarily be beneficial, as the Province has already been notified of the potential for contamination at the existing PMGC site. Further, any new proposals for shooting ranges in the City would be required to undertake a rezoning process, in which a Site Profile would already be submitted.

If Council wishes for the City to take a greater role in environmental management of shooting range sites, the City could require further environmental management components as part of the permitting process, including requiring a Site Profile, and potentially an Environmental Management Plan, water sampling, or other measures. This would require additional staff resources and expertise depending on the level of detail involved. This approach begins to overlap with provincial jurisdiction, and as such, would require permission from the Province. Legal advice also cautioned that the City may be taking on additional liability with this approach.

Noise Control Bylaw

In relation to discharge of firearms, the City's Noise Control Bylaw can specify a reasonable maximum decibel level permitted to be created by an activity, and can restrict the hours of certain activities that can cause higher than normal noise levels. A noise bylaw cannot have the effect of preventing the lawful use of a property, and so any proposed noise level restrictions must be reasonable enough to permit the use to continue.

In response to resident complaints of excessive noise from the PMGC range, the City attended the site twice in June 2017 to test sound levels. Preliminary testing done by the City's Bylaw Enforcement Officers during an event at the PMGC on June 18, 2017, showed that noise levels in the surrounding area during operation of the range were below the City's maximum permitted decibel levels, and largely within recommended standards for existing shooting ranges. The highest noise level recorded at the site was 76 dBA (a-weighted decibels), while the majority of shots registered between 58 and 72 dBA dependent on location. Ambient background noise at the locations ranged from 44 to 55 dBA. Currently, the highest non-continual sound allowed within the 'quiet zone' as described in the City's Noise Bylaw, is 80 dBA.

It is important to note that it is recommended by RCMP best practices that noise from firearms should be measured using a method that accurately captures the impulsive nature of the noise created. Current City practices do not reflect this. Some municipalities including Abbotsford and the Capital Regional District (Salt Spring Island) have amended their noise bylaws to include provisions specific to impulse noise such as those created by the discharge of firearms. It is recommended that if the PMGC is permitted to continue to operate, that Bylaws staff do further testing using impulse sound measurement methods in order to establish more accurate noise readings from the PMGC range. With this data, staff will be able to recommend amendments to the Noise Control Bylaw that reasonably restrict noise created by shooting ranges. Staff propose to report back to Council in the near future with further amendments to the Noise Control Bylaw regarding maximum noise limits for firearms.

Proposed Amendments to Noise Control Bylaw

In an effort to address noise concerns but to not restrict the PMGC ranges' lawful ongoing use, for the time being staff propose to restrict noise from discharge of firearms at ranges near residential areas to certain times of the day and week, which generally reflect current operating hours of the Club. There

would be no shooting at the PMGC range beyond these hours, subject to municipal fines. Special events that occur occasionally throughout the year and that must operate beyond these allotted hours could be permitted with an application for a noise abeyance submitted to the City. This provision of the bylaw would have no effect on the TMSA shooting range as there are no residences in their vicinity. Noise Control Bylaw 2138, 2003, and proposed Noise Control Amendment Bylaw No. 2784 are included as **Attachments C and D**. The Bylaw Notice Enforcement Bylaw would also need to be amended to add a ticketing provision for the proposed new section of the Noise Control Bylaw. The fee would be in line with other tickets issued under the Noise Control Bylaw. The proposed Bylaw Notice Enforcement Amendment Bylaw No. 2785, 2017 is included as **Attachment E**.

RELEVANT OBSERVATIONS:

Other Roles of the Municipality

If Council wishes for the City to play a part in the environmental management of shooting ranges, it is likely best done so in an advocacy role. The most obvious action is to encourage the Province to adopt some form of proactive approach to environmental management of shooting ranges. This could potentially be in the form of best management practices guidelines similar to those of the US Environmental Protection Agency. This is an issue that could be brought to the table by the City at the 2018 UBCM conference.

RELEVANT POLICY: *Zoning Bylaw 2505, 2011; Discharge of Firearms Bylaw 647, 1975; Noise Bylaw 2138, 2004*

STRATEGIC ALIGNMENT: Community Livability – Provide and encourage a community conducive to safe, healthy living

DESIRED OUTCOME: Adoption of amendments to the Discharge of Firearms Bylaw that will remove the City permitting requirement for firearms discharge, and amendments to the Noise Control Bylaw that will specifically apply to shooting ranges. The City would regulate shooting ranges purely through land use approval and noise bylaw regulations, and would act as an advocate for a proactive approach to environmental management of shooting ranges at the provincial level.

RESPONSE OPTIONS: If the proposed bylaw amendments are adopted, the PMGC would be able to continue to operate during established hours assuming federal approvals are in place. The TMSA range would not be impacted.

IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: None identified.

FINANCIAL: None identified.

IMPLEMENTATION/COMMUNICATION: If third reading of the bylaws is granted, the bylaws will come back to Council for adoption at a future meeting.

KATZIE FIRST NATION CONSIDERATIONS: None identified.

OTHER: None identified.

Prepared by: M. Bandy, Development Services Technician
Reviewed by: L. Grant, Manager of Community Development
Submitted by: K. Zanon, Director of Community Services
Approved by: M. Roberts, CAO

ATTACHMENT(S):

- A. Discharge of Firearms Bylaw 647, 1975
- B. Draft Discharge of Firearms Bylaw Amendment Bylaw No. 2783, 2017
- C. Noise Control Bylaw 2138, 2003
- D. Draft Noise Control Bylaw Amendment Bylaw No. 2784, 2017
- E. Draft Bylaw Notice Enforcement Bylaw Amendment Bylaw No. 2785, 2017

DISCHARGE OF FIREARMS BYLAW

Bylaw No. 647 and amendments thereto

CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of the bylaws listed below. The amending bylaws have been consolidated with the original bylaw for convenience only.

Certified copies of the original bylaw should be consulted for all interpretations and applications of the bylaws on this subject.

<u>BYLAW NO.</u>	<u>ADOPTED</u>
647	May 28, 1975
907	August 17, 1982
1086	March 4, 1986
2032	April 3, 2001
2616	July 16, 2013

The bylaw numbers in **bold** at the end of the clause refer to the bylaws that amended the principal bylaw.

DISCHARGE OF FIREARMS BYLAW

Consolidated Copy - Bylaw No. 647, and amendments

A Bylaw to Regulate the Discharge of Firearms.

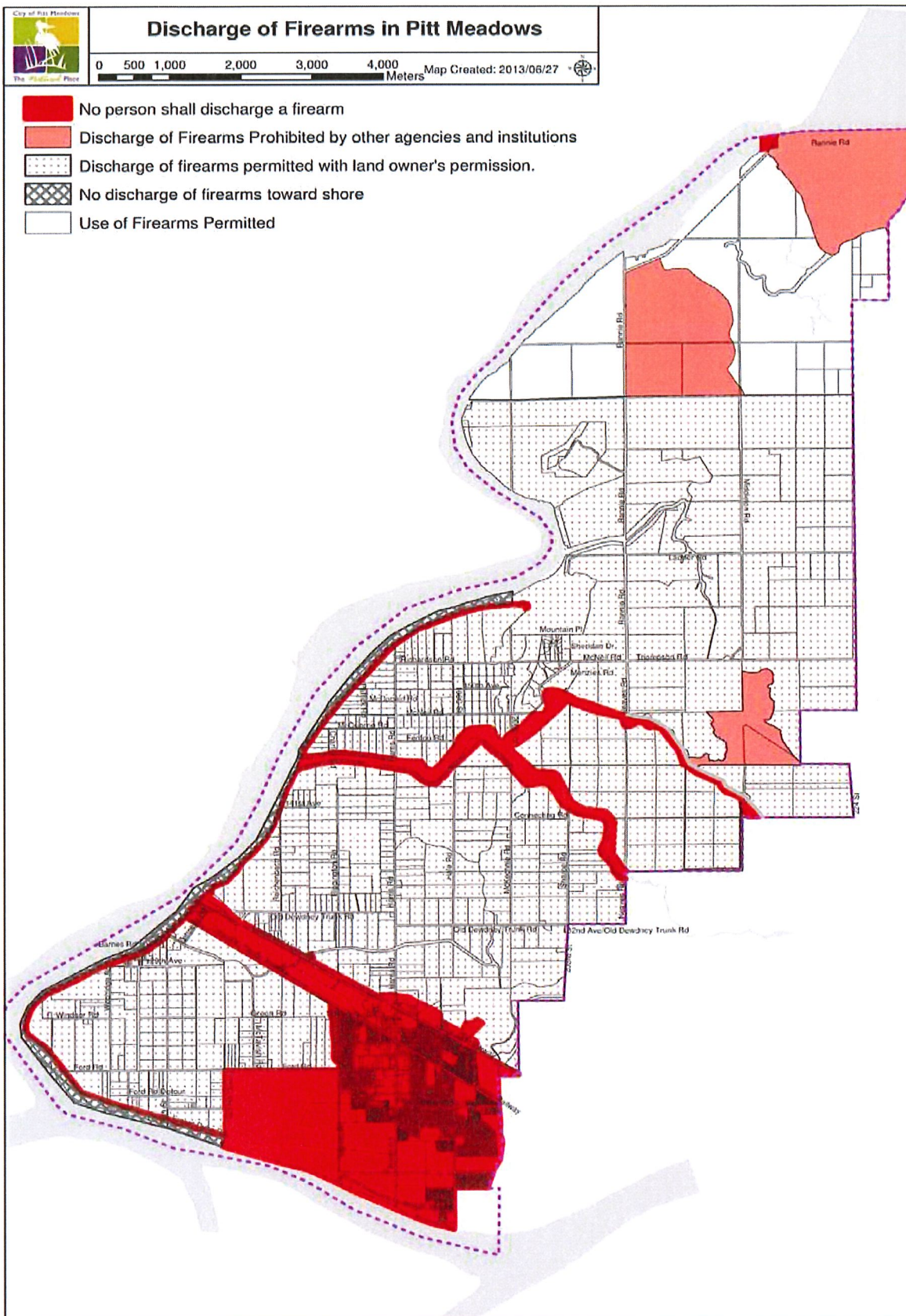
The Municipal Council of The Corporation of the District of Pitt Meadows, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "**Pitt Meadows Discharge of Firearms Regulation Bylaw No. 647, 1975**".
2. For the purposes of this Bylaw the word "Firearms" means a rifle, pistol, or shotgun and includes airguns, air rifles, air pistols and spring guns, but does not include weapons used for the discharge of blank ammunition in connection with an athletic or sporting event.
3. "Public Highway" means highway as defined in the Municipal Act.
4. The provisions of this Bylaw shall not apply to Peace Officers required to use firearms in the line of duty.
5. No person shall discharge a firearm within the limits of the Municipality in those areas shown as "closed to discharge of firearms: on Schedule "A" attached hereto and as hereinafter provided.
6. No person shall discharge a firearm utilizing a single projectile within the Municipality except as specifically provided under Section 7(c) and Section 8 hereto.
7. A permit to allow the discharge of firearms within the Municipality shall be required:
 - (a) for the operation of a pistol, rifle, trap and/or skeet shooting range, and
 - (b) for an organized trap or skeet shooting event not located on a shooting range permitted to operate under this Bylaw, and
 - (c) when the discharge of firearms is to be conducted by a person who is the holder of a valid resident trapping licence and a resident hunting or firearms licence issued by the Province of British Columbia who has produced written permission from the owner or the lessee of the land upon which he proposed to operate his trap line.

A permit for the discharge of firearms may be issued providing the applicant is covered by an existing public liability and property damage insurance policy in the minimum amount of \$100,000.00 validated for the duration of the permit.
8. Notwithstanding Section 5, 6, and 7 hereof, but subject to **(Bylaw No. 907)** the Migratory Birds Convention Act, the Wildlife Act and regulations thereto, a person may discharge a firearm within the Municipality without first obtaining a permit therefor when:
 - (a) he is engaged in a farm operation and the firearm is discharged for the purpose of protecting his crops or livestock from birds or animals, or
 - (b) he is engaged in the humane destruction or slaughter of domestic livestock, or

- (c) he is engaged in a commercial slaughterhouse operation, or
 - (d) he is engaged in shooting on pistol, rifle, trap or skeet shooting range duly authorized by a permit pursuant to Section 7 of this Bylaw,
 - (e) he is engaged in shooting an air gun, air pistol, air rifle or spring gun on property owned or occupied by the person performing the shooting or by his parents or guardians and provided the shooting is conducted on property not designated "Closed to the Discharge of Firearms: on Schedule "A" attached hereto.
9. Notwithstanding the provisions of Section 7 hereof, a person may, outside those portions of the Municipality shown as "closed to discharge of firearms" on Schedule "A" which said schedule is hereto annexed and made part of this Bylaw, during that period of each year when the hunting of wildlife may be carried out in accordance with the laws of the Province of British Columbia and as required by the laws of the said Province and of Canada for the hunting and killing of such wildlife, discharge firearms therein without the necessity of obtaining a permit therefor pursuant to this Bylaw.
10. Notwithstanding any provisions of this Bylaw, no person shall discharge, within the limits of the Municipality, any firearm on or across any public highway or within 150 yards of any public highway, school building, school yard, public park, playground, church, workshop, place of business, dwelling house, farm building or other place where persons may be assembled or engaged in work of any kind.
11. Every person who violates any of the provisions of this Bylaw, or who suffers or permits any act or the provisions of this Bylaw, who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, or who does by any of the provisions of this Bylaw, or who does any act which violates any of the provisions of this Bylaw, shall be guilty of an infraction thereof and upon summary conviction therefor shall be liable to a fine and penalty not exceeding Five Hundred Dollars (\$500.00), or in default, payment thereof or in the alternative to imprisonment for a period of time not exceeding sixty (60) days.
12. The following Bylaws are hereby repealed:
- (a) Pitt Meadows Firearms Bylaw No. 490, 1970.
 - (b) Pitt Meadows Firearms (Rifles) Bylaw No. 289, 1953.

SCHEDULE "A"
(Bylaw No. 2616)



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**CITY OF PITT MEADOWS
DISCHARGE OF FIREARMS BYLAW AMENDMENT BYLAW NO. 2783, 2017**

A Bylaw to amend sections of Discharge of Firearms Bylaw No. 647, 1975.

WHEREAS, it is deemed expedient to amend City of Pitt Meadows Discharge of Firearms Bylaw No. 647, 1975;

NOW THEREFOR, the Council of the City of Pitt Meadows in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as the **"City of Pitt Meadows Discharge of Firearms Bylaw Amendment Bylaw No. 2783, 2017"**
2. Section 6 is amended as follows:

By deleting the words "Section 7(c) and"
3. Section 7 is deleted in its entirety and subsequent sections are renumbered accordingly
4. Section 7 (formerly Section 8) is amended as follows:

By deleting the words "Section 5, 6, and 7 hereof," and replacing them with "Section 5 and 6 hereof,"

By deleting the words "without first obtaining a permit therefor" after "Municipality"
5. Section 7 (formerly Section 8)(d) is deleted and replaced with the following:

(d) he is engaged in shooting as a member or guest of a firearms shooting club on a shooting range approved by the Chief Provincial Firearms Officer for the purposes of target practice.
6. Section 8 (formerly Section 9) is amended as follows:

By deleting the words "Notwithstanding the provisions of Section 7 hereof,"

By deleting the words "without the necessity of obtaining a permit therefor"
7. Section 9 (formerly Section 10) is amended as follows:

By adding the words "except as specifically provided under Section 7(d)," after the words "Notwithstanding any provisions of this Bylaw,"

8. City of Pitt Meadows Discharge of Firearms Bylaw 647, 1975 and amendments thereto, is hereby amended accordingly.

READ a FIRST, SECOND and THIRD time the ____ day of _____, _____.

ADOPTED the ____ day of _____, _____.

Mayor, John Becker

Corporate Officer, Tina Penney

NOISE CONTROL BYLAW

Bylaw No. 2138 and Amendments thereto

CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of the bylaws listed below. The amending bylaws have been consolidated with the original bylaws for convenience only.

Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws on this subject.

<u>BYLAW NO.</u>	<u>ADOPTED</u>
2138	December 21, 2004
2387	September 2, 2008
2541	March 20, 2012

The bylaw numbers in **bold** at the end of the clause refer to the bylaws that amended the principal bylaw.

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**CITY OF PITT MEADOWS
NOISE CONTROL BYLAW NO. 2138, 2003**

A Bylaw to provide for the Regulation and Prohibition
of Certain Noises and Sounds

WHEREAS the Council deems it necessary to regulate the making of noises in the municipality;

AND WHEREAS the Council deems it necessary to regulate and prohibit the making of certain noises produced on lands used for agricultural purposes;

NOW THEREFORE, the Council of The Corporation of the District of Pitt Meadows in open meeting assembled, ENACTS AS FOLLOWS:

PART 1 – Citation and Interpretation

1. This Bylaw may be cited for all purposes as the **“District of Pitt Meadows Noise Control Bylaw No. 2138, 2003”**.
2. **“District of Pitt Meadows Noise Control Bylaw No. 1612, 1994”** is hereby repealed.
3. In this Bylaw, unless the context otherwise requires:

“agricultural land” means land designated as agricultural land pursuant to the Agricultural Land Commission Act R.S.B.C. 1979, c.9, as that Act may be amended from time to time;

“activity zone” includes every area of the municipality, which is not specifically designated as a quiet zone in Schedule “C” which is attached to and forms part of this Bylaw;

“Bylaw Enforcement Officer” means the person designated as such by Council;

“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;

“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;

“District” means The Corporation of the District of Pitt Meadows;

“farming equipment” means tractors, combines, mechanical pickers, pesticide spraying machinery, irrigation pumps, fans boilers, trucking or products used on agricultural land;

“holiday” includes:

- (a) Sunday, Christmas Day, Good Friday and Easter Monday;
- (b) Canada Day, Victoria Day, British Columbia Day, Labour Day, Remembrance Day and New Year's Day;
- (c) December 26th; and
- (d) A day set by the Parliament of Canada or by the Legislature or appointed by proclamation of the Governor General or the Lieutenant Governor, to be observed as a day of general prayer or mourning, a day of public rejoicing and thanksgiving, a day for celebrating the birthday of the reigning Sovereign, or as a public holiday.

“noise scare devices” means for Category “A” - Propane Cannons and Category “B” - fixed Scaring Devices that do not create impulse sounds such as AV-Alarm Systems, Phoenix Wailers, Distress Call Systems or similar devices that use sound as a means of bird or pest control and includes the devices referred to in Sec. 6.6;

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

“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 here in, means any place or parcel where sound originating from any source, other than a source on such parcel, is received;

“quiet zone” means those areas within the municipality, which are so designated from time to time in Schedule “B” 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. SI.4 -1971.

4. GENERAL REGULATIONS

- 4.1 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.
- 4.2 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 there from, 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 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.
- 4.4 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.

5. CONSTRUCTION HOURS

- 5.1 No person in the District shall on any day before 07:00 hours or after 21:00 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.
- 5.2 No person in the District 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 09:00 hours and 18:00 hours, provided that such construction is not being carried out for profit or gain.

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NOISE CONTROL BYLAW NO. 2138, 2003**

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- 5.3 Where it is impossible or impractical to comply with this section, the Director of Operations and Development Services may give written approval to carry on the work that is found to be necessary at designated hours.
- 5.4 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.

6. USE OF NOISE SCARE DEVICES ON AGRICULTURAL LANDS

- 6.1 A person may employ propane powered exploders, "AV-Alarm" systems, Phoenix Wailers, Distress Call Systems, or similar noise scare devices to create noise or sound as a method of bird or pest control between the hours of 06:00 hours and 20:00 hours of any day.
- 6.2 A person may employ a starting pistol, orchard pistol, or similar noise scare device to create noise as a method of bird or pest control except that such use shall not create noise that disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or people in the vicinity.

To increase the distance from 150m from neighbouring residences to 200m.

- 6.3 No person shall operate a Category "A" Propane Cannon Noise Scare Device to create noise as a method of bird or pest control within 200m of neighbouring residences and not within 300m of the Urban-Residential/ALR edge.
(Bylaw No. 2387)
- 6.4 No person shall operate a Category "B" Fixed Scaring Device to create noise as a method of bird or pest control within 100m of neighbouring residences and not within 200m of Urban-Residential/ALR edge.
- 6.5 No more than one firing per 5 minutes for Single Shot Cannons and no more than 11 activations or 33 shots in an hour for a Multiple Shot Cannon. Multiple shots from a cannon are regarded as one activation if they occur in less than a 30 second period.
- 6.6 On a parcel that is two hectares or more in area, no more than one propane powered exploder AV-Alarms, Phoenix Wailers, distress call systems may be used to produce noise for each two hectares of the area of the parcel at one time.
- 6.7 No person shall operate a bear banger device to create noise as a method of bird or pest control. **(Bylaw No. 2387)**
- 6.8 No person shall operate propane cannons to create noise as a method of bird or pest control between noon and 1500 hours. **(Bylaw No. 2387)**

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NOISE CONTROL BYLAW NO. 2138, 2003**

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7. OTHER

- 7.1 No person shall operate any outdoor public address system in the District without first having obtained a permit therefore.
- 7.2 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.
- 7.3 Notwithstanding any other provision of this Bylaw, between the hours of 07:00 hours and 21:00 hours from Monday to Saturday and between the hours of 09:00 hours and 21:00 hours 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 dBA.
8. No person shall cause any sound to be made anywhere in the District that has a sound level in excess of that authorized by this Bylaw and no owner or occupier of real property in the District 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.
9. Except as provided herein, sound levels emanating from or impinging upon real property shall not exceed values prescribed by the following tables:

Quiet Zone

	Continual Sound	Non-Continual Sound
Daytime	55 dBA	80 dBA
Nighttime	45 dBA	75 dBA

Activity Zone

	Continual Sound	Non-Continual Sound
Daytime	65 dBA	80 dBA
Nighttime	60 dBA	75 dBA

10. 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) kilometers per hours (km/h):
- with a licenced gross vehicle weight of 2,700 kg or more **88 dBA**
 - all other motor vehicles **80 dBA**

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NOISE CONTROL BYLAW NO. 2138, 2003**

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- (b) Vehicles exceeding fifty (50) kilometers per hour (km/h):
- with a licenced gross vehicle weight of 2,700 kg or more **92 dBA**
 - all other motor vehicles **85 dBA**
11. A person may perform work 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 Director of Operations and Development Service or his designate. Requests to do so must include name, 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.
12. The Bylaw Enforcement Officer or any designated person of the District is hereby authorized to measure sound levels with sound level meter in accordance with the provisions of this Bylaw and the sound levels thereby measured shall be deemed to be conclusive statements 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) meters to the motor vehicle;
- (b) The sound level emanating from real property must be measured at a distance no greater than six (6) meters from the property line;
- (c) The sound level impinging upon real property must be measured inside the property line of the affected property no further than six (6) meters from the property line.
14. The provisions of this Bylaw do not apply to :
- (a) police, fire or other emergency vehicles proceeding upon an emergency;
 - (b) excavation, construction or repair of bridges, streets, highways or lands by the District;
 - (c) snow removal or highway cleaning operations by the District;
 - (d) operation of a public transportation system;
 - (e) operation of a public address system required under a building or fire code; and
 - (f) farming equipment and farm vehicles operating legitimately on agricultural land.
15. A Bylaw Enforcement Officer may enter on any property at anytime for the purpose of ascertaining whether the regulations and requirements of this Bylaw are being observed.

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16. 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 no way affect the validity of the remaining portions of this Bylaw.
17. 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) and not less than One Hundred dollars (\$100.00) 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.

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) meter and a distance of greater than three (3) meters 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) kilometers per hour, a windscreen must be used. No test shall be attempted when the when velocity is above forty (40) kilometers 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 minimum sound level emanating from the source for purposes of the application of the Bylaw.

Schedule "B"

For the purpose of this bylaw, all real property which is classified by the City of Pitt Meadows Zoning Bylaw No. 2505, 2011 as:

- A 1 General Agricultural
- A 2 Large Lot Agricultural -
- A 3 Agricultural and Farm Industrial
- A 4 Agricultural and Golf Course
- A 5 Agricultural and Wildlife Management
- RR-1 Estate Lot Rural Residential
- RR-2 Large Lot Rural Residential
- RR3 Medium Lot Rural Residential
- RR-4 Small Lot Rural Residential
- RR-5 Rural Residential Cluster Housing
- RS Large Lot Residential
- R-1 Medium Lot Residential
- R-2 Small Lot Residential
- RD Duplex Residential
- RM 1 Multi Family Residential 1
- RM 2 Multi Family Residential 2
- RM 3 Multi Family Residential 3
- RM 4 Multi Family Residential 4
- RM 5 Multi Family Residential 5
- CD A Comprehensive Development A
- CD B Comprehensive Development B
- CD C Comprehensive Development C
- CD D Comprehensive Development D
- CD E Comprehensive Development E
- CD F Comprehensive Development F
- CD G Comprehensive Development G
- CD H Comprehensive Development H
- CD I Comprehensive Development I
- CD J Comprehensive Development J

And any other residential or comprehensive development residential zones which might be added to the Zoning Bylaw No. 2505, 2011 as amended from time to time shall be QUIET ZONES.

Schedule "C"

For the purpose of this bylaw, all real property which is classified by the City of Pitt Meadows Zoning Bylaw No. 2505, 2011 as:

- C-1 Highway Commercial
- C-2 Neighbourhood Centre Commercial
- C-3 Community Commercial
- C-4 Local Commercial
- C-5 Gas Station Commercial
- C 6 Neighbourhood Pub Commercial
- MC Main Street Commercial
- TC Towncentre Commercial
- I 1 General Industrial
- I 2 Light Industrial Warehouses
- I 3 Light Industrial Business Park
- I 4 Industrial Storage
- I 5 Airport

And any mining activity undertaken in accordance with permits issued under the Mines Act and other commercial and industrial zones, which may be added to the City of Pitt Meadows Zoning Bylaw No. 2505, 2011 as amended from time to time, shall be ACTIVITY ZONES

**CITY OF PITT MEADOWS
NOISE CONTROL BYLAW AMENDMENT BYLAW NO. 2784, 2017**

A Bylaw to amend Noise Control Bylaw No. 2138, 2004.

WHEREAS, it is deemed expedient to amend City of Pitt Meadows Noise Control Bylaw No. 2138, 2004.

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

1. This Bylaw may be cited as the **"City of Pitt Meadows Noise Control Bylaw Amendment Bylaw No. 2784, 2017,"**
2. City of Pitt Meadows Noise Control Bylaw No. 2138, 2004 is hereby amended as follows:
 - a) Section 3 is amended by inserting the following definition:

"outdoor shooting range" means an outdoor facility that is designed or intended to be used for the discharge of firearms for the purposes of target practice or target shooting; and
 - b) Section 7 is amended by inserting the following subsection:

 7.4 Despite section 7.1, no person shall discharge a firearm at an outdoor shooting range that is located within 200 m of the nearest property line of any parcel of land that is used for residential purposes outside of the following hours:

 Wednesday 18:00 hours – 21:00 hours
 Saturday 10:00 hours – 16:00 hours
 Sunday 10:00 hours – 16:00 hours
3. City of Pitt Meadows Noise Control Bylaw 2138, 2004 and amendments thereto, is hereby amended accordingly.

READ a FIRST, SECOND and THIRD time the ____ day of _____, _____.

ADOPTED the ____ day of _____, _____.

Mayor, John Becker

Corporate Officer, Tina Penney

**CITY OF PITT MEADOWS
BYLAW NOTICE ENFORCEMENT AMENDMENT
BYLAW NO. 2785, 2017**

A Bylaw of the City of Pitt Meadows to amend sections of Bylaw Notice Enforcement
Bylaw No. 2439, 2009

WHEREAS, IT IS DEEMED EXPEDIENT TO AMEND City of Pitt Meadows Bylaw Notice Enforcement Bylaw No. 2439, 2009.

NOW THEREFORE, the Council of the City of Pitt Meadows in open meeting assembled, ENACTS AS FOLLOWS:

PART I – INTERPRETATION

Citation/Title

1. This Bylaw may be cited as the **City of Pitt Meadows Bylaw Notice Enforcement Amendment Bylaw No. 2785, 2017**
2. In Schedule “A” to Bylaw No. 2439, 2009, the section entitled Noise Control Bylaw 2138, is amended by inserting the following categories in numerical order and renumbering subsequent categories accordingly:

Discharge of firearm at a shooting range within 200m of residential property outside of permitted hours	7.4	80	100	n/a
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3. City of Pitt Meadows Bylaw Notice Enforcement Bylaw No. 2439, 2009 and amendments thereto, is hereby amended accordingly.

READ a FIRST, SECOND and THIRD time the ____ day of _____, _____.

ADOPTED the ____ day of _____, _____.

Mayor, John Becker

Corporate Officer, Tina Penney