



Est. 1873

REPORT TO MAYOR AND COUNCIL

PRESENTED: MAY 13, 2019 - REGULAR EVENING MEETING
FROM: COMMUNITY DEVELOPMENT DIVISION
SUBJECT: COMMUNITY STANDARDS BYLAW

REPORT: 19-79
FILE: 3900-25

RECOMMENDATIONS:

That Council give first, second and third reading to the Community Standards Bylaw 2019 No. 5448, which consolidates, repeals and replaces the Untidy and Unsightly Premises Bylaw 1982 No. 2092, Graffiti Bylaw 2008 No. 4627, Abandoned Properties Bylaw 2005 No. 4401 and Noise Control Bylaw 2015 No. 5172, and their respective amendments;

That Council give first, second and third reading to the Bylaw Notice Enforcement Bylaw 2008 No. 4703 Amendment Bylaw 2019 No. 5449; and further

That Council approve revisions to the existing Noise Control Exemption Policy No. 08-110.

EXECUTIVE SUMMARY:

Council has previously adopted resolutions that, amongst other things, directed staff to:

- a) review the Untidy and Unsightly Premises Bylaw and bring forward a report with any housekeeping items and updates to keep the bylaw current and relevant; and
- b) review Policy 08-108, Bylaw Enforcement - Complaints and Compliance.

Community standards are not static, but rather change over time as communities grow and evolve. The proposed Community Standards Bylaw regulates neighbourhood nuisances, and otherwise strengthens community standards, all by establishing minimum and clear standards in areas such as unsightliness, graffiti, abandoned properties and noise. In particular, the proposed Community Standards Bylaw updates current regulations, as well as consolidates and replaces following bylaws:

1. Untidy and Unsightly Premises By-Law 1982 No. 2092;
2. Graffiti Bylaw 2008 No. 4627;
3. Abandoned Properties Bylaw 2005 No. 4401; and
4. Noise Control Bylaw 2015 No. 5172.

While mostly of a 'housekeeping' nature, the proposed Bylaw provides for more specific criteria with respect to untidiness, unsightliness and noise. The companion Noise Control Exemption Policy (08-110) requires minor housekeeping revisions for consistency with the proposed Community Standards Bylaw. Through education, voluntary compliance and enforcement, the public will be encouraged to comply with these minimum community standards. Although these standards are not uniform across the Lower Mainland, consideration has been given to practices of other jurisdictions. Staff have also reviewed Bylaw Enforcement Complaint and Compliance Policy (08-108), particularly section 4.1, which requires a complainant, making a formal complaint, to reside within a 250 metre radius of an alleged violator. Staff recommend no changes to this Policy at this time.

PURPOSE:

To consolidate several existing bylaws into a consolidated Township of Langley Community Standards Bylaw for enhanced clarity and more effective and efficient administration.

BACKGROUND/HISTORY:

At the Regular Evening Council Meeting of October 1, 2018, Council adopted a resolution directing staff to review the Untidy and Unsightly Premises Bylaw and bring forward any housekeeping items and updates to keep the bylaw relevant.

At the Regular Afternoon Council Meeting of February 25, 2019, Council adopted a resolution directing that the Untidy and Unsightly Premises Bylaw be referred to staff for a report.

Regulations related to property standards are currently covered under four separate bylaws:

1. Untidy and Unsightly Premises By-Law 1982 No. 2092;
2. Graffiti Bylaw 2008 No. 4627;
3. Abandoned Properties Bylaw 2005 No. 4401; and
4. Noise Control Bylaw 2015 No. 5172.

The Untidy and Unsightly Premises Bylaw, which has not been updated since 1982, is outdated and its framework limits the ability for staff to adequately address property maintenance issues related to unsightliness, such as overgrown grass, uncontrolled growth, noxious weeds, and discarded materials that are not in public view. In addition, the current provisions are not entirely clear and include very few defined terms. Most of these provisions are difficult for much of the public to understand.

The Graffiti Bylaw 2008 No. 4627 prohibits the placement of graffiti and has been adequate in enforcing the removal and placement of graffiti, although some updating is appropriate. Given the similar purpose of the Graffiti Bylaw to the Untidy and Unsightly Premises Bylaw, it also makes sense to consolidate these bylaws together.

The Abandoned Properties Bylaw 2005 No. 4401 generally requires an owner of abandoned property to secure structures and or buildings, but is lacking in some specific requirements and enforcement mechanisms. For example, the current bylaw does not have associated fines under the Bylaw Notice Enforcement Bylaw 2008 No. 4703.

The Noise Control Bylaw 2015 No. 5172 regulates, prohibits and imposes requirements in relation to noise within the Township, however these regulations require updates to clarify and strengthen appropriate community standards in relation to sound. The Community Standards Bylaw also simplifies sound restrictions by providing for broad general prohibitions, and then specifying certain exemptions.

DISCUSSION/ANALYSIS:

The following changes are reflected in the proposed Community Standards Bylaw:

Unsightliness

As a result of the transition from rural to urban in many areas of the Township, staff have received an increase in public inquiries related to tall grass and uncontrolled growth, which are not covered under the current Untidy and Unsightly Premises Bylaw. Other municipalities within the lower mainland address these concerns in their regulations, as follows:

Concern	City of Abbotsford	City of Delta	City of Surrey
Tall Grass	Yes (limit 10 inches long)	Yes (limit 20 centimeters long)	Yes (limit 20 centimeters long)
Uncontrolled Growth	Yes	Yes	Yes
Noxious Weeds	Yes	Yes	Yes

Provisions have been added to the proposed Community Standards Bylaw to address, among other things, the following concerns:

- Tall grass;
- Uncontrolled growth;
- Noxious weeds;
- Accumulation of yard waste;
- Accumulation of construction material not in current reasonable use;
- Parking of vehicles on front yard landscaping;
- Storage of discarded materials and rubbish; and
- Wrecked vehicles.

Graffiti

The regulations for graffiti placement and removal are set out under Part 5 of the Community Standards Bylaw. These provisions are similar to the current Graffiti Bylaw 2008 No. 4627, with slight updates to clarify the language of the provisions and definitions.

Abandoned Properties

The proposed Community Standards Bylaw contains clear requirements in relation to boarding as a method to secure an abandoned property. In such cases, the following would apply:

7.1 (b) (i) provides an inspector with the authority to direct the owner of a property to paint boards or otherwise treat them so the colour of the plywood blends with the exterior of the building or structure.

This may not be appropriate in all circumstances and therefore would ultimately be left to the discretion of the inspector. For example, in circumstances where a boarded building or structure is within an area that is visible to public view and denigrates the appearance of a neighbourhood, an inspector may require the owner to paint or treat boards under section 7.1 (b) (i). Circumstances where an owner may not be required to paint or treat boards may include where structures are not visible from public view or structures that an owner is in a process of demolishing, where the owner is nearing completion of that process.

7.1 (b) (ii) and (iii) further strengthen the boarding requirements that are already in place under the prior Abandoned Properties Bylaw 2005 No. 4401.

Through the process of responding to abandoned property complaints under the current Abandoned Properties Bylaw 2005 No. 4401, staff have noted that the current boarding requirements allow for boards to be easily removed from a building or structure. In response, section 7.1 (b) (ii) and (iii) would further strengthen the existing boarding requirements that are already in place, including adding minimum installation standards for boarding.

Repeat Nuisance Service Calls

Part 8 of the Community Standards Bylaw allows for staff to impose fees for repeat nuisance service calls, where there are three or more nuisance service calls responses to the same property within a twelve month period. This allows the Township to recover expenses related to responding to nuisance properties. Neighbouring jurisdictions such as the City of Surrey and City of Abbotsford have similar regulations in place that impose fees on nuisance properties.

Sound Regulations

The analysis of sound is technical and can be complex in nature. As a result, an acoustics engineering consulting firm was engaged to assist with updating the sound provisions and terms for sound regulations, particularly found under Part 9 of the Community Standards Bylaw.

The proposed regulations are consistent with the consultant's recommendations, that the bylaw provisions be more consistent with industry standard noise assessment practices, as found in other municipalities around the Lower Mainland. The primary changes reflected in Part 9 are:

- How sound is measured;
- A dBA scale has been added to measure low frequency or bass sound; and
- The creation of three categories of sound zones (Quiet, Intermediate and Activity Zones).

Part 9 also simplifies the regulation of sound in the Township, by providing for broad standards applicable to each sound zone, and then allowing for specific exemptions under Part 10 of the Community Standards Bylaw.

Bylaw Notice Enforcement Bylaw Amendment Bylaw 2019 No. 5449

Proposed fine amounts corresponding to the violations under the Community Standards Bylaw have been added. Fine amounts corresponding to the following bylaws have also been repealed, as part of the Bylaw Notice Enforcement Bylaw Amendment Bylaw 2019 No. 5449:

1. Untidy and Unsightly Premises By-Law 1982 No. 2092;
2. Graffiti Bylaw 2008 No. 4627; and
3. Noise Control Bylaw 2015 No. 5172.

As noted above, there are presently no fine amounts related to the Abandoned Properties Bylaw 2005 No. 4401 that need to be repealed.

Proposed Council Policy No. 08-110 Sound Control Bylaw Exemption (Attachment B)

Revisions have been made to the current Policy 08-110 to reflect changes that have been made to the proposed sound regulations under Part 9 of the Community Standards Bylaw.

In addition, Schedule 'A' and Schedule 'B' have been removed from Policy 08-110, to allow the Township greater flexibility in amending these documents going forward. Policy 08-110 outlines what information is required on a form provided by the Township as part of the exemption application, and outlines the requirements of the notification letter.

Council Policy 08-108 Complaint and Compliance (Attachment C)

Staff have reviewed Policy 08-108, and in particular section 4.1 (4.1.1.1) of Policy 08-108, which requires a formal complainant to reside within a 250 metre radius of an alleged violator. No recommended changes have been made by staff at this time.

Limited resources require bylaw enforcement to establish clear parameters and a consistent process in accepting complaints, which also prioritizes bylaw enforcement work. The purpose of limiting the area to 250 metres is to address bylaw issues that directly impact a complainant.

Staff continue to receive complaints from complainants that reside outside of a 250 metre radius of an alleged violator. Many of those complaints include a lengthy list of properties in violation of a variety of bylaw infractions, and were identified through canvassing areas in the Township or reviewing properties on the Township's geosource web map. If the 250 metre radius is expanded or removed, the bylaw enforcement department will see an increase in work, without the current staff necessary to support the additional workload.

FINANCIAL IMPLICATIONS:

The proposed Bylaw, if adopted by Council, will trigger the need for new sound measuring equipment and staff training, the costs of which are minimal and absorbed within existing operating budgets.

The potential need for additional bylaw enforcement resources will be assessed and if necessary incorporated as part of future budgets for Council's consideration.

Respectfully submitted,

Ruby Senghera
MANAGER, BYLAW ENFORCEMENT
for
COMMUNITY DEVELOPMENT DIVISION

This report has been prepared in consultation with the following listed departments.

CONCURRENCES	
Division / Department	Name
CORPORATE ADMINISTRATION DIVISION	V. Gafka
PROTECTIVE SERVICES - FIRE	S. Gamble
PARKS AND RECREATION	C. Blair

- Attachment A Existing Noise Control Exemption Policy No. 08-110
- Attachment B Proposed Sound Control Bylaw Exemption Policy No. 08-110
- Attachment C Complaint and Compliance Policy No. 08-108

COUNCIL POLICY

Subject: Noise Control Bylaw Exemption

Policy No: 08-110
Approved by Council: 2015-10-19
Revised by Council: 2016-05-30

1. Purpose

- 1.1 This policy sets out the Township's approach to exemptions under Part 8 of Noise Control Bylaw 2015 No. 5172.

2. Background

- 2.1 N/A

3. Related Bylaw

- 3.1 Noise Control Bylaw 2015 No. 5172.

4. Policy

- 4.1 Definitions

4.1.1 In this Policy:

- (a) **"Bylaw"** means Noise Control Bylaw 2015 No.5172 as amended, revised, consolidated or replaced from time to time;
- (b) **"Council"** means the council of the Township;
- (c) **"Exemption Application"** means an application for an exemption from one or more provisions of the Bylaw;
- (d) **"Manager of Bylaws"** means the person appointed by Council to the position having that name and his or her designates;
- (e) **"Manager of Permit, Licence & Inspection Services"** means the person appointed by Council to the position having that name and his or her designates;
- (f) **"Noise"** means a sound prohibited under Part 4, 5 or 6 of the Bylaw; and
- (g) **"Township"** means the Corporation of the Township of Langley.

4.2 Exemption Application

4.2.1 An Exemption Application must be in the form set out in Schedule “A” hereto and must contain all of the following information:

- (a) the name, address and telephone number of the applicant;
- (b) a description of the activity which will generate the Noise for which the exemption is sought, including the proposed location, time and duration of the activity;
- (c) the number of the building permit authorizing the construction which will generate the Noise for which the exemption is sought (if applicable);
- (d) the provision of the Bylaw from which the exemption is sought;
- (e) the reasons for the requested exemption;
- (f) a description of the measures which will be undertaken by the applicant to mitigate the Noise for which the exemption is sought; and
- (g) a non-refundable application fee of \$50.00.

4.3 Exemption Criteria

4.3.1 Exemptions will only be granted if the Manager of Bylaws, the Manager of Permit, Licence and Inspection Services, or Council, as applicable, is of the opinion that an exemption is warranted, taking into account the following criteria:

- (a) the proposed location, time and duration of the activity which will generate the Noise for which the exemption is sought;
- (b) the nature of the Noise for which the exemption is sought, including whether the Noise constitutes expressive activity protected by section 2(b) of the *Canadian Charter of Rights and Freedoms*;
- (c) the reasons for the requested exemption;
- (d) the adequacy of the measures which will be undertaken by the applicant to mitigate the Noise for which the exemption is sought;
- (e) the impact of the Noise for which the exemption is sought on the health of the community and the environment;
- (f) whether granting an exemption may result in liability for the Township;

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- (g) whether granting an exemption presents a real and substantial harm to the interests of the Township generally;
 - (h) whether the applicant has previously been granted or refused an exemption under the Bylaw in respect of the Noise for which the exemption is sought; and
 - (i) whether the applicant has previously breached Noise Control Bylaw 2015 No. 5172.

4.3.2 For the purposes of section 3.3.1(b), speech and music produced by humans, except hate speech, may constitute expressive activity protected by section 2(b) of the *Canadian Charter of Rights and Freedoms*.

4.4 Construction Noise Notification

4.4.1 If the Manager of Permit, Licence and Inspection Services or Council, as applicable, grants an exemption for construction noise, the applicant for the exemption must deliver a completed copy of the notification letter attached hereto as Schedule "B" to every property which, in the opinion of the Manager of Permit, Licence and Inspection Services or Council, as applicable, will be affected by the requested exemption. The applicant must send the notification letter at least three days before the commencement of the construction work which will generate the exempted noise.



Schedule A

Noise Control Bylaw 2015 No. 5172 Exemption Application

1**Applicant Information**

Date		Name	
Address			
City	Province	Postal code	
Phone	Alternate phone	Email	

2**Exemption Details**

Description of noise - generating activity	Building permit # (if applicable)
Bylaw provision(s) in relation to which the exemption is sought	
Reasons for exemption	
Description of measures you will undertake to mitigate the noise for which the exemption is sought	

Applicant's signature

Print name

Date (mm/dd/yyyy)

☐ Non-refundable fee of \$50 paid

Any personal information collected on this form will be managed in accordance with the Freedom of Information and Protection of Privacy Act. Direct enquiries, questions, or concerns regarding the collection, use, disclosure, or safeguarding of personal information associated with this form to: Supervisor, Information, Privacy, and Records Management, Township of Langley, 20338 - 65 Avenue, Langley, BC V2Y 3J1 foi@tol.ca 604.532.7396

CA15-453

Community Development | 20338 – 65 Avenue, Langley, BC V2Y 3J1 | T 604.533.6018 | F 604.533.6182 |
cdinfo@tol.ca

SCHEDULE B

CONSTRUCTION NOISE NOTIFICATION LETTER

[Company Letterhead]

Date: **[Date]**

Notice to Residents and Businesses Neighbouring **[Project Name]**

Regarding: Construction Noise

We are **[Company Name]**, working on **[Project Name]** at **[Project Address]**. The Township of Langley has granted **[Company Name]** special permission to **[Description of construction work]** between the hours of **[Start Time]** and **[End Time]** on **[Exemption Date]**.

The noise which will be generated by **[Project Name]** on **[Exemption Date]** is only permitted under Noise Control Bylaw 2015 No. 5172 with special permission from the Township of Langley. While we regret the need to impose noise created by our construction work on you, this noise is necessary to complete **[Project Name]**.

We will make every effort to minimize the noise and should we have an opportunity to finish earlier than expected, we will do so. The following steps are being taken to reduce the noise:

[Describe the steps which have been taken or which will be taken to minimize the noise nuisance]

We apologize for any inconvenience this may cause you and thank you for your patience. If you have any questions or concerns about **[Project Name]**, please contact one of the following:

- **[Construction company 24-hour monitored contact phone number and name]**
- Township of Langley at 604.533.6018
- Township of Langley Bylaw Enforcement at 604.532.7551
- The RCMP after hours at 604.532.3200



COUNCIL POLICY

Subject: Sound Control Bylaw Exemption	Policy No: 08-110 Approved by Council: 2015-10-19 Revised by Council:
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1. Purpose

- 1.1 This policy sets out the Township's approach to exemptions under Part 11 of the Community Standards Bylaw 2019 No. 5448.

2. Background

- 2.1 N/A

3. Related Bylaw

- 3.1 Community Standards Bylaw 2019 No. 5448.

4. Policy

- 4.1 Definitions

- 4.1.1 In this Policy:

- (a) **"Bylaw"** means Community Standards Bylaw 2019 No. 5448 as amended, revised, consolidated or replaced from time to time;
- (b) **"Council"** means the council of the Township;
- (c) **"Exemption Application"** means an application for an exemption from one or more provisions of the Bylaw;
- (d) **"Manager of Bylaws"** means the person appointed by Council to the position having that name and his or her designates;
- (e) **"Manager of Permit, Licence & Inspection Services"** means the person appointed by Council to the position having that name and his or her designates;
- (f) **"Noise"** means a sound prohibited under Part 9 of the Bylaw; and
- (g) **"Township"** means the Corporation of the Township of Langley.

4.2 Exemption Application

4.2.1 An Exemption Application must be in the form provided by the Township and must contain all of the following information:

- (a) the date, name, address and telephone number of the applicant;
- (b) a description of the activity which will generate the Noise for which the exemption is sought, including the proposed location, time and duration of the activity;
- (c) the number of the building permit authorizing the construction which will generate the Noise for which the exemption is sought (if applicable);
- (d) the reasons for the requested exemption;
- (e) a description of the measures which will be undertaken by the applicant to mitigate the Noise for which the exemption is sought; and
- (f) a non-refundable application fee of \$50.00.

4.3 Exemption Criteria

4.3.1 Exemptions will only be granted if the Manager of Bylaws, the Manager of Permit, Licence and Inspection Services, or Council, as applicable, is of the opinion that an exemption is warranted, taking into account the following criteria:

- (a) the proposed location, time and duration of the activity which will generate the Noise for which the exemption is sought;
- (b) the nature of the Noise for which the exemption is sought, including whether the Noise constitutes expressive activity protected by section 2(b) of the *Canadian Charter of Rights and Freedoms*;
- (c) the reasons for the requested exemption;
- (d) the adequacy of the measures which will be undertaken by the applicant to mitigate the Noise for which the exemption is sought;
- (e) the impact of the Noise for which the exemption is sought on the health of the community and the environment;
- (f) whether granting an exemption may result in liability for the Township;
- (g) whether granting an exemption presents a real and substantial harm to the interests of the Township generally;

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- (h) whether the applicant has previously been granted or refused an exemption under the Bylaw in respect of the Noise for which the exemption is sought; and
 - (i) whether the applicant has previously breached Township bylaws, including the Bylaw.

4.3.2 For the purposes of section 3.3.1(b), speech and music produced by humans, except hate speech, may constitute expressive activity protected by section 2(b) of the *Canadian Charter of Rights and Freedoms*.

4.4 Construction Noise Notification

4.4.1 If the Manager of Permit, Licence and Inspection Services or Council, as applicable, grants an exemption for construction noise, the applicant for the exemption must deliver a completed copy of the notification letter, in the form provided by the Township, to every property which, in the opinion of the Manager of Permit, Licence and Inspection Services or Council, as applicable, will be affected by the requested exemption. The applicant must send the notification letter at least three days before the commencement of the construction work which will generate the exempted noise.



COUNCIL POLICY

**Subject: Bylaw Enforcement:
Complaint and Compliance**

Policy No: 08-108
Previous Policy No: 02-017
Approved by Council: 1998-07-20
Revised by Council: 2007-04-16
Revised by Council: 2016-05-30

1. Purpose:

- 1.1. To maintain the health, safety, and protection of persons and property by resolving complaints and obtaining compliance with bylaws relating to the use of property within the Township.

2. Background:

- 2.1. N/A

3. Related Policies:

- 3.1. 08-101 Bylaw Enforcement

4. Policy

4.1. Justification for Taking Action

- 4.1.1. Complaint investigation should be taken by a person designated by Council as a bylaw enforcement officer in response to:

4.1.1.1. When one (1) or more formal complaints (complainants must provide their name, their address, and their phone number) have been made to the Bylaw Department from a complainant who resides within 250 metres radius of an alleged violator

4.1.1.2. a request from the Administrator

4.1.1.3. a staff report requesting assistance in obtaining compliance with a bylaw relating to the use of property

4.1.1.4. observation of a bylaw violation, which constitutes an obvious hazard to life or property

4.2. Action Procedure

- 4.2.1. A property use complaint form will be completed for all property use complaints received.

- 4.2.2. Action to obtain compliance with a bylaw may not be commenced until the validity of the complaint, the nature of the infraction, and applicable section of the regulatory bylaw is determined.
- 4.2.3. If the validity of a complaint cannot be confirmed, e.g. noise, a letter may be sent informing the alleged violator of the complaint received. This letter, while clearly stating that the Township is not currently in a position to confirm the alleged infraction, should include the pertinent position of the municipal bylaw for the alleged violator's information.
- 4.2.4. During the course of investigation, notes should be kept and all conversations and interviews with the alleged offender(s) should be confirmed by letter.
- 4.2.5. Should the complaint be valid, and a time frame has been given to the alleged offender to comply with the bylaw being breached, a letter confirming the time allowed may be sent by regular mail. If upon expiry of the time frame prescribed in the initial letter, the bylaw infraction has not been resolved, and no extenuating circumstances exist, a second letter will be sent. This letter, while stipulating a similar allowable time frame for compliance, will inform the alleged violator of the municipality's intention to take further action, which may include the issuance of an MTI or bylaw notice, as may be necessary to achieve compliance.
- 4.2.6. If the bylaw violation is not resolved by the expiry of the time frame stipulated in the second letter, a third letter will be prepared for and signed by the Manager of Bylaws.
- 4.2.7. The Manager of Bylaws, in the third letter, will notify the offender(s) of the proposed action and offer to meet with the offender(s) should they wish to give reasons why non-compliance should be allowed to continue.
- 4.2.8. Where a meeting has been held, a follow-up letter will be sent confirming the details of the meeting. This letter will contain the date by which compliance is required to forestall any further action.
- 4.2.9. Should compliance still not be obtained, the bylaw officer will prepare a memo to the manager of bylaws with recommendation as to the appropriate action to be undertaken, e.g. Council report, legal action.
- 4.2.10. The Manager of Bylaws, to gain compliance, may prepare a report for Council recommending that action be taken under section 260 of the Community Charter as appropriate. In addition to the written report, the Manager of Bylaws should attend the meeting of Council at which the written report is considered to provide such other information as may be necessary to fully inform Council of the nature of the nuisance and bylaw violation.
- 4.2.11. If at any time during the above procedure, the violation is resolved, the authorized action can be suspended or halted, and the complainant and the alleged offender will be notified by separate letters that the infraction has been resolved.

- 4.2.12. At the approval of the Manager of Bylaws, *sections* 4.2.1 through 4.2.10 may be expedited by the laying of an information or other action as appropriate and reasonable, including the issuance of a bylaw notice under the Bylaw Notice Enforcement Bylaw 2008 No. 4703 and amendments thereto, where this course of action may be deemed necessary, e.g. failure to heed to stop work order, a noise bylaw infraction persists, or some other violation requiring immediate action.
- 4.2.13. In accordance with a Council resolution, staff may proceed directly to enforcement for a repeated violation, e.g. where an illegal suite has been previously decommissioned and found by inspection to have been recommissioned.
- 4.2.14. To maintain consistency and in consideration of Township resources, the Manager of Bylaws will be responsible for all communications with the Township's legal counsel and will advise the bylaw officer of the file status.

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

COMMUNITY STANDARDS BYLAW 2019 NO. 5448

EXPLANATORY NOTE

Community Standards Bylaw 2019 No. 5448 is a bylaw to regulate, prohibit and impose requirements in relation to noise, untidiness, unsightliness and abandonment of property in the Township of Langley, and it repeals and replaces the Corporation of the Township of Langley Noise Control Bylaw 2015 No. 5172 and all amending bylaws, the Corporation of the Township of Langley Untidy and Unsightly Premises Bylaw 1982 No. 2092 and all amending bylaws, the Corporation of the Township of Langley Graffiti Bylaw 2008 No. 4627 and all amending bylaws, and the Corporation of the Township of Langley Abandoned Properties Bylaw 2005 No. 4401 and all amending bylaws.

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

COMMUNITY STANDARDS BYLAW 2019 NO. 5448

The Municipal Council of the Corporation of the Township of Langley, in Open Meeting Assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as “Community Standards Bylaw 2019 No. 5448”.

WHEREAS the Corporation of the Township of Langley deems it necessary and desirable for the purpose of health, safety, protection, wellbeing and enhancement of the community to mitigate the adverse health effects of noise in the Township of Langley, prevent the unsightliness of property, and to regulate abandoned or unoccupied buildings on properties within its jurisdiction;

WHEREAS the *Community Charter* authorizes a municipality to adopt, for the purposes of ensuring health, safety and the well-being of its community, bylaws which regulate, prohibit and impose requirements in relation to noise;

WHEREAS the *Community Charter* authorizes a municipality to adopt, for the purposes of the protection and well-being of its community, bylaws which prohibit the untidiness and unsightliness of properties, including the placement of graffiti;

AND WHEREAS the *Community Charter* authorizes a municipality to adopt, for the purposes of ensuring health, safety and the protection of persons and property, bylaws which require the owner of property to take measures to safeguard abandoned or unoccupied buildings;

NOW THEREFORE, the Municipal Council of the Corporation of the Township of Langley, in Open Meeting Assembled, ENACTS AS FOLLOWS:

PART 1 – TITLE

- 1.1 This Bylaw may be cited for all purposes as “Community Standards Bylaw 2019, No. 5448”.
- 1.2 Schedule “A” is attached hereto and forms a part of this Bylaw.

PART 2 – INTERPRETATION AND DEFINITIONS

“**Activity Zone**” means any area of land zoned to permit industrial or commercial use under the *Zoning Bylaw*, unless such land qualifies as a *Quiet Zone* under this Bylaw.

“**ALR**” means agricultural land designated as an agricultural land reserve under the *Agricultural Land Commission Act*, S.B.C. 2002, c. 36, as amended or replaced, and includes an agricultural land reserve under a former Act.

“Approved Sound Meter” means an acoustic instrumentation system which:

- (a) is comprised of a microphone, wind screen and recorder which conforms to class 1 or class 2 requirements for an integrating sound level meter, as defined under the current version of IEC 61672-1, or another standard as required by the *Manager of Bylaws*;
- (b) has been field calibrated before and after each sound measurement using a class 1 or class 2 field calibrator as defined under the current version of IEC 60942, or another standard as required by the *Manager of Bylaws*; and
- (c) has been calibrated, along with the field calibrator, within the past two years by an accredited lab to an identifiable national institute standard acceptable to the *Manager of Bylaws*.

“Abandoned Property” means any *Building, Structure* or improvement which has remained unoccupied by the *Owner*, or *Occupant* lawfully entitled to occupy the *Building, Structure*, or improvement for a continuous period of over thirty (30) days.

“Building” has the same meaning as defined in the Langley Building Bylaw 2008 No. 4642, as amended or replaced.

“Building Inspector” means the person to whom the *Municipality* has assigned the responsibility for administering its *Building* regulation bylaws and their deputy or designate.

“Discarded Materials” means items of little or no apparent economic value, or in a dismantled or damaged condition, or not in use for the purpose for which they were manufactured or intended to be used, including, but not limited to, deteriorated lumber, broken concrete, old newspapers, furniture parts, household appliance parts and fixtures, hot tub covers and old hot tubs, pool liners, vehicle parts, shopping carts, abandoned, broken or neglected equipment, abandoned, broken or neglected boats or boat parts, or scattered remains of items.

“Construction” means erecting, repairing, altering, adding, installing, demolishing, removing, excavating or shoring, conducted in accordance with the *Municipality’s Building* regulation bylaws.

“Construction Sound Sign” has the meaning ascribed to it under section 10.7 of this Bylaw.

“Council” means the council of the *Municipality*.

“Daytime” means from 7:00 a.m. to 10:00 p.m.

“dBA” means units of A-weighted decibels; the equivalent continuous *Sound* pressure level measured using the “A” weighting network on an *Approved Sound Meter*.

“dBC” means units of C-weighted decibels; the equivalent continuous *Sound* pressure level measured using the “C” weighting network on an *Approved Sound Meter*.

“Domestic Equipment” means a domestic air conditioner or evaporative cooler, heat pump, swimming pool pump, spa pump, or domestic heating equipment (including central heating and hot water systems) on a residential *Property*.

“Emergency” means any situation where immediate action must be taken to preserve the environment, public health, safety or an essential service of the *Municipality*.

“Emergency Vehicle” means:

- (a) a *Vehicle* carrying rescue or first aid equipment if there is an *Emergency*;
- (b) a *Vehicle* driven by a member of a fire department in the discharge of their duties; and
- (c) a *Vehicle* driven by a peace officer, constable or member of the police branch of Her Majesty's Armed Forces in the discharge of their duties.

“Firearm” means a barrelled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such a barrelled weapon and anything that can be adapted for use as a firearm.

“Graffiti” means one or more letters, symbols or marks, howsoever made, on any *Building*, *Structure* or thing but does not include marks made accidentally or any of the following:

- (a) a sign, mural, public notice or traffic control mark authorized by the *Municipality*, a bylaw of the *Municipality*, or by Provincial or Federal legislation; and
- (b) in the case of private *Property*, a symbol or mark for which the *Owner* or *Occupant* of the *Property* on which the letter, symbol or mark appears has received prior written authorization from the *Municipality*.

“Highway” has the same meaning ascribed to it in the Highway and Traffic Bylaw 2010 No. 4758 as amended or replaced.

“Impulsive Sound” means a *Sound* that is characterized by brief bursts of *Sound* pressure, with the duration of each impulse usually less than 1 second, including without limitation, *Sounds* containing bangs, clicks, clatters, or thumps from hammering, banging of doors, and other metal impacts.

“Intermediate Zone” means any area of land included within any zone under the *Zoning Bylaw*, which is not otherwise defined as a *Quiet Zone* or an *Activity Zone* under this Bylaw.

“Inspector” means:

- (a) a peace officer;
- (b) a bylaw enforcement officer designated by the *Municipality*;
- (c) a local assistant to the Fire Commissioner;
- (d) a *Building Inspector*, or their designate; and
- (e) any officer, employee or representative of the *Municipality* appointed under this Bylaw.

“Manager of Bylaws” means the person appointed by Council to the position having that name, their designates and, except with respect to an Exemption Application under Part 11 of this Bylaw, their authorized agents.

“Manager of Permit, Licence & Inspection Services” means the person appointed by *Council* to the position having that name, their designates and, except with respect to an Exemption Application under Part 11 of this Bylaw, their authorized agents.

“Municipal Clerk” means the person appointed by *Council* to the position having that name, and their designates.

“Municipality” means the Corporation of the Township of Langley.

“Nighttime” means any time not defined as *Daytime*.

“Normal Farm Practice” has the meaning ascribed to it in the *Farm Practices Protection (Right to Farm) Act*, R.S.B.C. 1996, c. 131, as amended or replaced.

“Noxious Weeds” means the plants designated as weeds in the *Weed Control Act*, R.S.B.C. 1996, c.487 and Regulations, as amended or replaced, including but not limited to, blackberry bushes, morning glory, and English Ivy.

“Nuisance Service Calls” means a *Municipality* or RCMP response to abatement of any activity, conduct or condition occurring on or near property which substantially and unreasonably interferes with another *Person’s* use and enjoyment of a public place or of *Property* occupied by that *Person*, or which causes injury to health, comfort or convenience of an *Owner* or *Occupant* of *Property* and which is caused by or arises from a *Person’s* failure to comply with the requirements of this Bylaw.

“Occupant” means:

- (a) a *Person* residing on or in *Property*;
- (b) a *Person* entitled to the possession of *Property* if there is no *Person* residing on or in the *Property*; or
- (c) a leaseholder.

“Owner” has the same meaning as defined in the *Community Charter*, R.S.B.C. 2003, c.26, as amended or replaced.

“Person” includes a natural person, a company, corporation, partnership, firm, association, society, or party and the personal or other legal representatives of a *Person* to whom the context can apply according to law.

“Point of Reception” means a position that:

- (a) in the opinion of the *Inspector*, or other person authorized by the *Municipality*, best represents the location at which the Sound, emanating from another *Property*, is received and the resulting disturbance is experienced; and
- (b) is at least 1.2 m from the surface of the ground and any other sound reflecting surface.

“Power Equipment” means any equipment used in lawn and garden care or the maintenance and repair of a *Building*, *Structure* or residential *Property*, including, but not limited to, leaf blowers, trimmers, rototillers, chain saws, blowers, brush cutters, lawn mowers, snow blowers, pressure washers, carpet cleaning equipment and power tools.

“Property” means all real property including but not limited to *Buildings*, *Structures* and improvements situated on real property.

“Quiet Zone” means any area of land included within any zone under the Zoning Bylaw, which contains *Residential Premises*, except where any part of such land directly borders an *Activity Zone*.

“Residential Premises” means a *Property* used primarily for residential accommodation, and includes hotels and motels.

“Representative Time Period” means the measurement period over which a sample of the level or character of the *Sound* under investigation will be taken as determined by an *Inspector*, or other person authorized by the *Municipality*, to best represent the *Sound* causing the disturbance.

“Rubbish” means solid and semi-solid wastes including, but not limited to, paper, trash, refuse, garbage, cardboard, waste material, demolition material, compost, cans, bottles, yard clippings, wood, rubber, plastics, glass and bedding.

“Sound” means a fluctuation in pressure, particle displacement or particle velocity propagated in any medium, or the auditory sensation that may be produced by it.

“Sound Device” means any device that is designed to produce, play or amplify a *Sound*, except a device that is designed to assist the hearing-impaired; for certainty, a *Sound Device* shall include, but not be limited to, a musical instrument, radio, record player, cassette player, CD player, MP3 player, speaker, stereo, telephone, cell phone, television, microphone, megaphone, alarm, amplifier and other similar devices.

“Statutory Holiday” means

- (a) New Years Day, Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, British Columbia Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, and Boxing Day, or any other statutory holiday that may be declared by the Province of British Columbia; and
- (b) the day named in lieu of a day that is named in paragraph (a) and that falls on a Saturday, or Sunday.

“Structure” has the same meaning as defined in the Langley Building Bylaw 2008 No. 4642, as amended or replaced.

“Tonal Sound” means a *Sound* which contains one or more distinguishable, discrete, continuous tones or notes, including without limitation:

- (a) sound characterized by a whine, hiss, screech, or hum; and
- (b) music.

“Unsightly” means an accumulation of *Rubbish* or other *Discarded Materials*.

“Utility Service Provider” means a lawful provider of an electrical, water, natural gas or telecommunications service to consumers in the *Municipality*.

“Vehicle” has the same meaning as defined in the Langley Highway and Traffic Bylaw 2010 No. 4758, as amended or replaced.

“Wrecked Vehicle” has the same meaning as defined in the *Zoning Bylaw*.

“Zoning Bylaw” means the Township of Langley Zoning Bylaw 1987 No. 2500, as amended or replaced, or any registered land use contract, as applicable.

PART 3 – UNSIGHTLINESS

3.1 No *Owner* or *Occupant* of *Property* shall cause, permit or allow:

- (a) the *Property* to become or remain *Unsightly*;
- (b) the accumulation of cut tree branches, cut trees, cut bushes or other growth, unstacked firewood, dirt piles, or uncontained compost materials on the *Property*;
- (c) the accumulation of construction material not in reasonable use for the *Construction*, maintenance or as part of the reasonable equipment or furnishings of a *Building* on the *Property*, for more than 15 days, unless they are not visible from any other *Property*;
- (d) the storage of *Discarded Materials*, *Rubbish*, *Wrecked Vehicles*, *Vehicle* parts, household chattels and fixtures, furniture, appliances, and other household items of value on the *Property*, unless the item is in a closed *Building*, not including a temporary *Structure* such as a tent canopy or tarp, such that it is not visible from any other *Property*;
- (e) a fence or wood ties to be leaning or collapsed on the *Property*;
- (f) a *Vehicle*, boat, trailer or recreational *Vehicle* to be parked or stored on a front yard of the *Property* that is visible from any other *Property*.

PART 4 – NOXIOUS WEEDS AND OVERGROWTH

4.1 No *Owner* or *Occupant* of *Property* shall cause, permit or allow on the *Property*:

- (a) *Noxious Weeds*;
- (b) the accumulation of uncontrolled growth, except where the *Property* is lawfully used for agricultural use under the *Zoning Bylaw*; or
- (c) grass, weeds or other similar ground cover to be over 20 centimeters in height, except where the *Property* is lawfully used for agricultural use under the *Zoning Bylaw*.

PART 5 – GRAFFITI

5.1 No Person shall:

- (a) place *Graffiti*, or cause or permit *Graffiti* to be placed on private *Property* so as to be visible from any other *Property*;
- (b) place *Graffiti* on a wall, fence, *Building* or *Structure* on public *Property*; or
- (c) fail to remove *Graffiti* from private *Property*, so as not to be visible from any other *Property*, when so instructed to do so by an *Inspector* or other *Person* authorized by the *Municipality*.

PART 6 – GENERAL REGULATIONS

- 6.1 An *Inspector*, or other *Person* authorized by the *Municipality*, may enter upon any *Property* at any reasonable time for the purpose of administering this Bylaw, including for the purpose of inspecting a *Property* to determine whether the *Property* is an *Abandoned Property* and whether an *Abandoned Property* has been or is being secured in accordance with Part 7 of this Bylaw.

PART 7 – ABANDONED PROPERTIES

- 7.1 The *Owner* of a *Property* that has or will become an *Abandoned Property* shall ensure the *Property* is made secure against unauthorized entry or occupation, vandalism or other intentional damage or fire hazard by one or more of the following methods in accordance with the *Municipality's* bylaws, to the satisfaction of an *Inspector* or other *Person* authorized by the *Municipality*:

- (a) securing all entries;
- (b) affixing structural barriers to doors, windows and other points of ingress using materials and installation effective to preclude entry and in a manner that does not denigrate views of the *Abandoned Property* from public places or any other *Property* and shall be installed and maintained in good condition and repair, including, but not limited to, as follows:
 - (i) if directed by an *Inspector* or other *Person* authorized by the *Municipality*, all boards will be painted or otherwise treated so that the colour of the plywood blends with the exterior of the *Building* or *Structure*,
 - (ii) all boards used in the covering of doors, windows and other points of ingress shall be installed from the exterior and shall be properly fitted in a watertight manner within the side jams, head jamb, and the exterior bottom sill of the door or window so that any exterior trim remains uncovered by the boarding, and
 - (iii) all boards shall be at minimum 12.7mm (0.5 inch) exterior grade sheet plywood secured with nails or screws spaced not greater than 304.8mm (12 inches) on centre;
- (c) installing security fencing or other perimeter barriers, to the specifications of the *Municipality*; and

- 7.3 If an *Inspector* or other *Person* authorized by the *Municipality* determines that a *Property* is an *Abandoned Property* that has not been or is not being secured in accordance with this Bylaw, the *Inspector* or other *Person* authorized by the *Municipality* may give notice to the *Owner* to secure the *Property* in accordance with this Bylaw.
- 7.4 The *Owner* will secure the *Abandoned Property* in accordance with the requirements of this Bylaw, or as otherwise contained in the notice, or as required by the *Inspector* or other *Person* authorized by the *Municipality*.
- 7.5 The *Owner* of an *Abandoned Property* that has been damaged because of unauthorized entry or occupation, or otherwise, will, within 5 days of service of notice of the damage from an *Inspector* or other *Person* authorized by the *Municipality*, effect such repairs as may be necessary or required by the *Inspector* or other *Person* authorized by the *Municipality*, and install or take such security measures as may be required by the *Inspector* or other *Person* authorized by the *Municipality* to secure the *Property* against further unauthorized entry or occupation or damage.
- 7.6 Service of the *Municipality's* notice under Part 7 of this Bylaw will be sufficient if the *Municipality's* notice:
- (a) in the case of service on an individual, is served personally or mailed by regular mail to an address of the *Owner*, including the address of the *Owner* shown on the registered title of the *Property*; or
 - (b) in the case of service on a corporation, is served personally on a director, officer or shareholder of the corporation or by leaving it at or mailing it by regular mail to the registered office of the corporation.
- 7.7 Notice under Part 7 of this Bylaw will be deemed served on the date that the notice is mailed or delivered in accordance with Section 7.6 of this Bylaw.

FEES FOR ATTENDANCE

- 7.8 In accordance with Schedule "A" of this Bylaw, an *Owner* shall be responsible for paying, immediately upon receipt of an invoice from the *Municipality*, all costs of attendance of a *Building Inspector*, *Inspector*, RCMP, *Municipal* fire department personnel, or other *Persons* authorized by the *Municipality*, howsoever or whensoever incurred, if the *Property* is an *Abandoned Property* and has not been secured or repaired in accordance with this Bylaw.
- 7.9 Any costs not paid by the *Owner* pursuant to an invoice served in accordance with Section 7.6 of this Bylaw shall, if unpaid as at December 31 in any year, be added to and collected in the same manner as property taxes within the *Municipality*, in accordance with Section 399 of the *Local Government Act*, R.S.B.C 2015, c.1, as amended or replaced

MUNICIPAL WORK IN DEFAULT

- 7.10 If the *Owner* fails within 10 days to secure or repair an *Abandoned Property* in compliance with a notice received pursuant to Sections 7.3 or 7.5 of this Bylaw, or otherwise fails to comply with any provision of this Bylaw, then the *Municipality*, or its contractors, employees or agents, may enter onto the *Property* and perform the required work to secure or repair the *Property* in accordance with this Bylaw.
- 7.11 The *Owner* shall reimburse the *Municipality* for any expenses incurred by the *Municipality* as a result of any attendances at the *Abandoned Property* by an *Inspector* or other *Person* authorized by the *Municipality* under this Bylaw, as well as any other work undertaken pursuant to Section 7.10 of this Bylaw, including reasonable clean-up costs, immediately upon receipt of an invoice from the *Municipality*.
- 7.12 Any amounts imposed, charged or incurred by or on behalf of the *Municipality* pursuant to Sections 7.10 and 7.11 of this Bylaw shall, if unpaid as at December 31 in any year, be added to and collected in the same manner as property taxes within the *Municipality*, in accordance with Section 399 of the *Local Government Act*, as amended or replaced.

PART 8 – REPEAT NUISANCE SERVICE CALLS

- 8.1 Where there are 3 or more *Nuisance Service Call* responses at the same *Property* within a 12 month period, the *Municipality* may impose upon the *Owner* of that *Property* the nuisance abatement fees set out in Schedule “A” to this Bylaw, for each additional *Nuisance Service Call* response within the 24 month period following the date of the first *Nuisance Service Call*, and issue a notice in accordance with Section 8.2.
- 8.2 A notice issued by the *Municipality* in accordance with section 8.1 shall state at least the following:
- (a) the particulars of the nuisance;
 - (b) that the nuisance must cease or non-compliance must be remedied within the time prescribed in the notice;
 - (c) that if the *Owner* fails to comply with the notice, the *Municipality* may impose the nuisance abatement fees in accordance with Section 8.1 of this Bylaw; and
 - (d) that the imposition of the nuisance abatement fees are in addition to the *Municipality's* right to seek other remedies or actions available for abatement of the nuisance.
- 8.3 Service of the *Municipality's* notice pursuant to Sections 8.1 and 8.2 of this Bylaw will be sufficient if the *Municipality's* notice:
- (a) in the case of service on an individual, is served personally or mailed by regular mail to an address of the *Owner*, including the address of the *Owner* shown on the registered title of the *Property*; or
 - (b) in the case of service on a corporation, is served personally on a director, officer or shareholder of the corporation or by leaving it at or mailing it by regular mail to the registered office of the corporation.

- 8.4 Notice under Sections 8.1 and 8.2 of this Bylaw will be deemed served on the date that the notice is mailed or delivered in accordance with Section 8.3 of this Bylaw.
- 8.5 If any fees imposed pursuant to this Bylaw are unpaid as of December 31st in the year that they are imposed, they shall be added to and collected in the same manner as property taxes within the *Municipality*, in accordance with Section 399 of the *Local Government Act*, as amended or replaced.
- 8.6 Nuisance abatement fees may be imposed by the *Municipality* even if no *Person* has been charged with an offence relating to a nuisance, a *Person* charged with an offence relating to a nuisance was acquitted of all charges before a court, or the charges are withdrawn, stayed or otherwise do not proceed.
- 8.7 Nothing contained in Sections 8.1 to 8.6 of this *Bylaw* shall be construed to limit the *Municipality's* other remedies or actions available for violation of this Bylaw or any other bylaw of the *Municipality*.

PART 9 – SOUND CONTROL

- 9.1 Subject to the exemptions set out in this Bylaw, no *Person* shall make, cause, or permit to be made or caused, a *Sound*, which exceeds:
- (a) 55 *dBA* or 70 *dB*C when received at a *Point of Reception* in a *Quiet Zone* during the *Daytime*;
 - (b) 45 *dBA* or 60 *dB*C when received at a *Point of Reception* in a *Quiet Zone* during the *Nighttime*;
 - (c) 60 *dBA* or 75 *dB*C when received at a *Point of Reception* in an *Intermediate Zone* during the *Daytime*;
 - (d) 50 *dBA* or 65 *dB*C when received at a *Point of Reception* in an *Intermediate Zone* during the *Nighttime*; or
 - (e) 70 *dBA* or 85 *dB*C when received at a *Point of Reception* in an *Activity Zone*.
- 9.2 For the purposes of section 9.1 of this Bylaw, a *Sound* under investigation shall be measured:
- (a) by an *Inspector*, a qualified professional engineer specializing in acoustics, or other *Person* authorized by the *Municipality*;
 - (b) from a *Point of Reception*;
 - (c) over a *Representative Time Period*; and
 - (d) with an Approved Sound Meter.
- 9.3 For a measurement under section 9.2 of this Bylaw, the measured *Sound* level pressure of a *Sound* may be adjusted to account for *Impulsive Sound*, *Tonal Sound*, or other special qualities.

- 9.4 Subject to the exemptions set out in this Bylaw, where a *Sound* cannot be reliably, accurately, or quickly measured under sections 9.1 and 9.2 of this Bylaw, or where in the discretion of the *Inspector*, the disturbance caused by the *Sound* is unreasonable, a measurement under sections 9.1 and 9.2 of this Bylaw is not required, and the following general prohibition applies:
- (a) a *Person* must not make or cause a *Sound* in a *Highway*, park, greenway, plaza or other public place, which disturbs, or tends to disturb, the quiet, peace, rest, enjoyment, comfort, or convenience of *Persons* in the neighbourhood or surrounding *Properties*; and
 - (b) an Owner or Occupier of private *Property* must not make, cause, or permit any other *Person* to make or cause, a *Sound* on that *Property*, which can be heard by a *Person* not on the same *Property*, and which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of persons in the neighbourhood or surrounding *Properties*.

PROHIBITED TYPES OF SOUND

- 9.7 Subject to the exemptions set out in this Bylaw, the following types of *Sound* are specifically prohibited anywhere in the Municipality:
- (a) *Sound* made by a combustion engine that is operated without using an effective exhaust muffling system in good working order; and
 - (b) *Sound* made by music from a Sound Device, whether pre-recorded or live, after 2:00 a.m. and before 7:00 a.m. on any day.

PART 10 – GENERAL SOUND CONTROL EXEMPTIONS

POWER EQUIPMENT

- 10.1 A *Person* may make, cause, or permit to be made or caused, a *Sound* from *Power Equipment* during the *Daytime*, as long as the *Sound* does not exceed 75 dBA when received from a *Point of Reception*.
- 10.2 No *Person* shall make, cause, or permit to be made or caused, a *Sound* from *Power Equipment* during the *Nighttime*.

CONSTRUCTION

- 10.3 A *Person* may make, cause or permit to be made or caused, a *Sound* from *Construction*:
- (a) between the hours of 7:00 a.m. and 8:00 p.m. on weekdays, except for *Statutory Holidays*; and
 - (b) between the hours of 9:00 a.m. and 5:00 p.m. on Saturdays.
- 10.4 No *Person* shall make, cause or permit to be made or caused, a *Sound* from *Construction* on a Sunday or a *Statutory Holiday*.

- 10.5 A *Person* who has been issued a permit to undertake *Construction* whose value exceeds \$250,000 shall, forthwith after receipt of the permit, post or cause to be posted a sign on the *Property* where the *Construction* will be undertaken which complies with the requirements of Section 10.6 of this Bylaw.
- 10.6 A *Construction Sound Sign* required under section 10.5 of this Bylaw shall:
- (a) be posted in a prominent location on the *Property* where the *Construction* will be undertaken and be clearly visible from at least one highway adjacent to that *Property*;
 - (b) have a maximum height of 3.65m above grade;
 - (c) have a maximum area of 3.0m²;
 - (d) contain script that is at least 5.08cm high and is a colour that contrasts with the background colour of the *Construction Sound Sign*; and
 - (e) state at least the following:
 - (i) the permitted *Construction* hours, and any exemptions to the permitted *Construction* hours,
 - (ii) the name of the general contractor for the *Construction*,
 - (iii) the name and telephone number of a representative of the general contractor who can be contacted about the *Sound* generated by the *Construction*,
 - (iv) the telephone number for the *Municipality's* bylaw enforcement department, and
 - (v) any other information as required by the *Municipality*.

GENERAL

- 10.7 Notwithstanding any other provision in this Bylaw, Parts 9 and 10 of this Bylaw do not apply to:
- (a) the lawful use and operation of the Langley Regional Airport;
 - (b) the lawful use and operation of:
 - (i) the Langley Events Centre; or
 - (ii) a community centre or recreation centre owned or operated by the Municipality;
 - (c) Normal Farm Practices, including, but not limited to, the use of a bird scare device as defined in the Audible Bird Scare Devices Farm Bylaw 2013 No. 5005, as amended or replaced;

- (d) the lawful operation of a licensed business or non-profit organization in accordance with a noise mitigation plan, or noise mitigation recommendations, prepared by a professional engineer specializing in acoustics, and approved by Council in conjunction with the adoption of a bylaw or the issuance of a permit;
- (e) the discharge of fireworks authorized by and in compliance with a permit issued under the Fire Prevention Bylaw 2014 No. 4965, as amended or replaced;
- (f) the discharge of a Firearm by a government official or employee in the lawful discharge of their duties, including, but not limited to, the discharge of a Firearm at the Fort Langley National Historic Park Site;
- (g) an *Emergency Vehicle*;
- (h) work undertaken by or on behalf of the *Municipality* including, but not limited to:
 - (i) the *Construction*, installation, operation, inspection, maintenance, repair or replacement of *Municipal Highways* and utilities;
 - (ii) the maintenance of *Municipal* parks and greenways;
 - (iii) residential waste collection, including the collection of garbage, organics, recycling and other items that have been discarded after primary use;
- (i) the use of bells, chimes, or other calls to worship by religious institutions, and the use carillons, where such carillons have been lawfully erected in accordance with the *Municipality's* bylaws;
- (j) by works and activities authorized by the British Columbia School Board 35 (Langley) and conducted by its employees, agents and contractors on *Property* owned or operated by the British Columbia School Board 35 (Langley);
- (k) by lawful outdoor athletic and recreational activity that takes place during the *Daytime*, except where such activity involves the use of a *Sound Device*, *Firearm*, *Vehicle*, recreational *Vehicle*, boat, or other electronic or motorized equipment;
- (l) engine brakes in a *Vehicle* for the purpose of safely operating a *Vehicle*;
- (m) the sounding of a horn or other signaling device in a *Vehicle*, boat, recreational *Vehicle*, or train, where such sounding is properly and necessarily used as a danger or warning signal;
- (n) *Sound* from a security alarm in a *Vehicle*, provided the *Sound* does not continue for more than 10 minutes;
- (o) *Sound* from a home or business security alarm, provided the *Sound* does not continue for more than 10 minutes;
- (p) the *Emergency* repair of a utility or Highway by a *Utility Service Provider* or by the *Municipality* or its employees, agents, or contractors.; and
- (q) filming or a special event authorized by the *Municipality* and in compliance with all requirements of the *Municipal* authorization.

10.8 In the event of a conflict between Part 9 and Part 10 of this Bylaw, Part 10 shall prevail.

PART 11 – PERMITTED SOUND CONTROL EXEMPTIONS

EXEMPTION APPLICATION

- 11.1 A Person may submit an application for an exemption from Parts 9 and/or 10 of this Bylaw (an “Exemption Application”):
- (a) to the *Manager of Permit, License & Inspection Services* regarding *Sound* generated by *Construction*; and
 - (b) to the *Manager of Bylaws* regarding *Sound* generated by an activity other than *Construction*.
- 11.2 An Exemption Application must comply with the requirements of any applicable Council policy.
- 11.3 Unless expressly permitted by the *Manager of Permit, License & Inspection Services* or the *Manager of Bylaws*, an Exemption Application must be received by the *Municipality* at least 7 business days prior to the commencement of the *Sound* in respect of which the exemption is sought.

GRANT OR DENIAL OF AN EXEMPTION

- 11.4 Within 14 business days of receiving an Exemption Application, the *Manager of Permit, License & Inspection Services* or the *Manager of Bylaws* shall:
- (a) grant an exemption from one or more provisions of Parts 9 and/or 10 of this Bylaw, with any terms and conditions they deem reasonable; or
 - (b) deny an exemption from one or more of the provisions of Parts 9 and/or 10 of this Bylaw on reasonable grounds.
- 11.5 An exemption granted under Section 11.4(a) of this Bylaw must be in writing and must state at least the following:
- (a) the provision or provisions of this Bylaw in relation to which the exemption is granted;
 - (b) the time period during which the exemption is effective; and
 - (c) any terms or conditions of the exemption.
- 11.6 An exemption denied under Section 11.4(b) of this Bylaw must be in writing and must state at least the following:
- (a) the reason for refusing the exemption; and
 - (b) the applicant’s right to request that *Council* reconsider the decision to deny the exemption.

- 11.7 An applicant who has been denied an exemption pursuant to Section 11.4 of this Bylaw may request that *Council* reconsider the decision to deny the exemption in accordance with the following procedures:
- (a) the applicant may apply for reconsideration by providing written notice to the *Municipal Clerk* within 14 business days of receiving this decision; and
 - (b) the applicant may make written submissions to *Council* in respect of the decision.
- 11.8 Within 30 days of receiving an application under Section 11.7 of this Bylaw, *Council* shall:
- (a) grant an exemption from one or more provisions of Parts 9 and/or 10 of this Bylaw, with any terms and conditions it deems reasonable; or
 - (b) uphold the decision to deny the exemption.
- 11.9 An exemption granted pursuant to Section 11.8(a) of this Bylaw must be in writing and must specify:
- (a) the provision or provisions of this Bylaw in relation to which the exemption is granted;
 - (b) the time period during which the exemption is effective; and
 - (c) any terms or conditions of the exemption.
- 11.10 A decision made under section 11.8(b) of this Bylaw must be in writing and must specify the reason for upholding the decision.
- 11.11 An exemption granted pursuant to Sections 11.4(a) or 11.8(a) of this Bylaw may be revoked by the decision-maker who granted the exemption, if the decision-maker is of the opinion that the *Person* benefiting from the exemption:
- (a) contravened a term of the exemption or did not comply with a condition of the exemption; or
 - (b) contravened a bylaw of the *Municipality*.

PART 12 – PENALTY

- 12.1 A *Person* who contravenes or violates any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or violation of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, commits an offence and shall be liable to a fine under the Township of Langley Bylaw Notice Enforcement Bylaw 2008 No. 4703, as amended or replaced.
- 12.2 Each day that an offence under this Bylaw is continued will constitute a separate and distinct offence.

PART 13 – SEVERABILITY

13.1 If any provision of this Bylaw is found or determined by a court of competent jurisdiction to be invalid, illegal or unenforceable, such provision or portion of the provision will be severable from this Bylaw, and the balance of this Bylaw will continue in full force and effect.

PART 14 – REPEAL

14.1 The following bylaws of the Township and their amendments are repealed:

- (a) Noise Control Bylaw 2015 No. 5172;
- (b) Abandoned Properties Bylaw 2005 No. 4401;
- (c) Graffiti Bylaw 2008 No. 4627; and
- (d) Untidy and Unsightly Premises By-Law, 1982 No. 2092.

READ A FIRST TIME the	day of	, 2019.
READ A SECOND TIME the	day of	, 2019.
READ A THIRD TIME the	day of	, 2019.
ADOPTED the	day of	, 2019.

_____ Mayor _____ Township Clerk

SCHEDULE "A"

Fee Type	Description	Fees
Attendance	Investigation and inspection of Property including attendance by any Inspector.	Actual costs incurred by the Municipality for all related labour, materials, or equipment, as well as all charges contained in any other bylaw of the Municipality.
Repeat Nuisance Service Call	Nuisance abatement fee	\$100 for each additional Nuisance Service Call.

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

BYLAW NOTICE ENFORCEMENT BYLAW 2008 NO. 4703

AMENDMENT BYLAW 2019 NO. 5449

EXPLANATORY NOTE

Bylaw 2019 No. 5449 updates the Township of Langley Bylaw Enforcement Bylaw 2008 No. 4703 to permit a violation of the Township of Langley Community Standards Bylaw 2019 No. 5448 to be addressed through the issuance of bylaw notice.

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

BYLAW NOTICE ENFORCEMENT BYLAW 2008 NO. 4703

AMENDMENT BYLAW 2019 NO. 5449

A Bylaw to Amend the Bylaw Notice Enforcement Bylaw 2008 No. 4703

The Municipal Council of the Corporation of the Township of Langley, in Open Meeting Assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as "Bylaw Notice Enforcement Bylaw 2008 No. 4703 Amendment bylaw 2019 no. 5449".
2. Bylaw No. 4703 cited as "Bylaw Notice Enforcement Bylaw 2008, No. 4703" is further amended by adding the following to Schedule "A":

Township of Langley Community Standards Bylaw 2019 No. 5448

Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine
Allow Property to become or remain Unsightly	3.1 (a)	\$500.00
Allow accumulation of yard waste	3.1 (b)	\$500.00
Allow accumulation of construction material	3.1 (c)	\$500.00
Allow the storage of Discarded Materials, Wrecked Vehicles, Rubbish, or chattels	3.1 (d)	\$500.00
Allow fence or wood ties to be leaning or collapsed	3.1 (e)	\$200.00
Allow storage of a boat, trailer, Vehicle or recreational Vehicle on yard	3.1 (f)	\$200.00
Permit growth of Noxious Weeds	4.1 (a)	\$250.00
Permit accumulation of uncontrolled growth	4.1 (b)	\$250.00

Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine
Permit ground cover to exceed 20 cm in height	4.1 (c)	\$200.00
Place or permit Graffiti on private Property	5.1 (a)	\$500.00
Place Graffiti on public Property	5.1 (b)	\$500.00
Fail to remove Graffiti from private Property	5.1 (c)	\$200.00
Allow Abandoned Property to become or remain unsecure	7.1	\$500.00
Fail to repair damage to Abandoned Property	7.5	\$500.00
Fail to comply with Sound requirements in the Quiet Zone during Daytime	9.1 (a)	\$200.00
Fail to comply with Sound requirements in the Quiet Zone during Nighttime	9.1 (b)	\$250.00
Fail to comply with Sound requirements in the Standard Zone during Daytime	9.1 (c)	\$200.00
Fail to comply with Sound requirements in the Standard Zone during Nighttime	9.1 (d)	\$250.00
Fail to comply with Sound requirements in the Activity Zone	9.1 (e)	\$200.00
Fail to comply with Sound requirements in public place	9.4 (a)	\$200.00
Fail to comply with Sound requirements on private Property	9.4 (b)	\$200.00
Cause or permit a prohibited Sound from a combustion engine	9.7 (a)	\$200.00
Cause or permit a prohibited Sound from amplified music	9.7 (b)	\$250.00

Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine
Cause or permit Sound from Power Equipment during Daytime	10.1	\$200.00
Cause or permit Sound from Power Equipment during Nighttime	10.2	\$250.00
Cause or permit Sound from Construction on a weekday	10.3 (a)	\$500.00
Cause or permit Sound from construction on a Saturday	10.3 (b)	\$500.00
Cause or permit Sound from construction on a Sunday or Statutory Holiday	10.4	\$500.00
Fail to erect Construction Sound Sign	10.5	\$200.00
Fail to meet specifications required for a Construction Sound Sign	10.6	\$200.00

3. Bylaw No. 4703 cited as "Bylaw Notice Enforcement Bylaw 2008, No. 4703" is further amended by deleting the following from Schedule "A":

Township of Langley Noise Control Bylaw 2015 No. 5172

Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine
Noise received inside a Care Facility	4.1	\$200.00
Noise received inside a School	4.2(1)	\$200.00
Noise received on School Property	4.2(2)	\$200.00

Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine
Noise received on a Residential Property during the Daytime	4.3(1)	\$200.00
Noise received on a Residential Property during the Nighttime	4.3(2)	\$200.00
Noise from a Sound Device	5.1	\$200.00
Noise from a licensed business during the Daytime	5.2(1)	\$200.00
Noise from a licensed business during the Nighttime	5.2(2)	\$200.00
Noise from a home security alarm	5.3	\$200.00
Noise from a horn or engine brakes	5.4(1)	\$200.00
Noise from a car security alarm	5.4(2)	\$200.00
Noise from a load, trailer or piece of equipment secured to a Vehicle	5.5(1)	\$200.00
Noise from a combustion engine in a Vehicle that is operated without an effective exhaust muffling system in good working order	5.5(2)	\$200.00
Noise from operating or stopping a Vehicle, or accelerating the engine of a Vehicle when it is stopped	5.5(3)	\$200.00
Noise from Domestic Equipment	5.6	\$200.00
Noise from Power Equipment during the Daytime	5.7	\$200.00
Noise from Power Equipment during the Nighttime	5.8	\$200.00
Noise from a Firearm during the Daytime	5.9	\$200.00

Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine
Noise from a Firearm during the Nighttime	5.10	\$200.00
Noise from commercial or industrial waste collection during the Nighttime	5.11	\$200.00
Noise from Construction	5.12(1), 5.12(2), 5.12(3)	\$500.00
Failure to erect Construction Noise Sign	5.13	\$200.00
Construction Noise Sign does not meet specifications	5.14	\$200.00
General Noise	6.1	\$200.00

Township of Langley Untidy and Unsightly Premises Bylaw 1982 No. 2092

Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine
Allow Property to Become/Remain Untidy	2(a)	\$500.00
Allow Accumulation of Filth/Discarded Materials/Rubbish	2(b)	\$500.00
Deposit or Throw Bottles/Broken/Glass/Rubbish	7	\$100.00

Township of Langley Graffiti Bylaw 2008 No. 4627

Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine
Place Graffiti on Public Place	3	\$500.00
Place Graffiti on Private Property	4	\$500.00
Owner/Occupant Permitting Graffiti	5	\$200.00
Fail to remove Graffiti	6	\$200.00

READ A FIRST TIME the _____ day of _____, 2019.

READ A SECOND TIME the _____ day of _____, 2019.

READ A THIRD TIME the _____ day of _____, 2019.

ADOPTED the _____ day of _____, 2019.

_____ Mayor _____ Township Clerk