



City of Richmond

Report to Committee

To: Community Safety Committee

Date: June 18, 2015

From: Edward Warzel
Manager, Community Bylaws

File: 12-8060-01/2015-Vol
01

Re: **Limiting Construction and Demolition Activities-Noise Bylaw Amendments**

Staff Recommendation

1. That Noise Regulation Bylaw No. 8856, Amendment Bylaw No. 9263 be introduced and given first, second and third readings; and
2. That the Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 9268 be introduced and given first, second, and third reading.

Phyllis L. Carlyle
General Manager, Law & Community Safety
(604-247-4104)

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	APPROVED BY CAO
Law Building Approvals	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS: 	

Staff Report

Origin

This report provides information on the following referral from the April 8, 2015 Planning Committee meeting:

1. That staff examine options:
 - (1) to limit construction and demolition activity during weekends and statutory holidays and define allowable construction activities during restricted periods;
 - (2) to require construction and demolition sites to post work hours, contact information, and emergency contacts on-site; and
 - (3) to involve the community in monitoring potential violations.

This report supports Council's 2014-2018 Term Goal #1 A Safe Community:

Maintain emphasis on community safety to ensure Richmond continues to be a safe community.

1.1. Policy and service models that reflect Richmond-specific needs.

Analysis

Current Construction Exemption in Noise Bylaw

The current Noise Regulation Bylaw No. 8856 provides regulations regarding sound levels in the City of Richmond. The regulations also provide an exemption for construction noise:

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

*(m) by **construction**, provided that it has a **rating level** which does not exceed 85 **dba** when measured at a distance of 15.2 m (50 feet) from the source of **sound**, and only:*

- (i) between 7:00 a.m. and 8:00 p.m. Monday through Friday that is not a **holiday**;*
- (ii) between 10:00 a.m. and 8:00 p.m. on a Saturday that is not a **holiday**; and*
- (iii) between 10:00 a.m. and 6:00 p.m. on a Sunday or **holiday**;*

Number of Complaints

Vancouver Coastal Health, as a contracted partner to Community Bylaws, receives the City of Richmond's noise complaints.

The following chart indicates the number of construction complaints that were received in 2014 and 2015:

Year	Total Construction Noise Complaints	Noise Complaints For Sound Outside of Exempt Hours	Permits Issued For Sound Outside of Exempt Hours	Actual Number of Construction Complaints Outside of Exempt Hours
2014	116	89	6	83
* 2015	36	33	0	33

*Statistics available as of May 19, 2015

Regulatory Landscape Limiting Construction Noise

In reviewing construction noise regulations in the Metro Vancouver area, 13 municipalities were surveyed to determine the current limitations on construction in local communities (**Attachment 1**).

Of the 13 municipalities outside of Richmond:

- 2 municipalities allow construction on Sunday by anyone, for example a new townhouse development
- 5 municipalities allow construction on statutory holidays by anyone, for example a new townhouse development
- 4 municipalities allow construction on Sunday either by the owner or the owner's contractor on the owner's property
- 3 municipalities allow construction on statutory holidays either the owner or the owner's contractor on the owner's property
- 7 municipalities do not allow construction on Sundays
- 5 municipalities do not allow construction on statutory holidays

Regulatory Landscape Requiring Construction Site Signs

A further review of construction noise regulations in the Metro Vancouver area, resulted in a survey of 13 municipalities to determine if any of their noise bylaws required:

- Posting of permissible construction work hours on all subject sites.
- Posting of contact/emergency information at all construction sites.

Of the 13 municipalities only 2 municipalities require the posting of permissible construction work hours and contact/emergency information at sites. Currently 3 other municipalities are in the process of considering similar amendments to their bylaw (**Attachment 2**).

Construction signs on sites potentially provide important contact information and in addition may also include the following:

- the permitted construction hours, and any exemptions to the permitted construction hours;
- the name of the general contractor for the construction;
- the name and telephone number of a representative of the general contractor who can be contacted about noise issues generated by construction; and
- the telephone number for general bylaw enforcement enquiries at the City of Richmond.

Sample signage, specifications, and the placement of signs could play an important role in communicating this information to the public (**Attachment 3**). It is suggested that a sign or signs be placed where the construction value of the work being performed exceeds \$150,000.

Community Involvement

Community involvement can provide assistance in monitoring construction activity as noise violations from the public are reported through:

- Phone Community Bylaws 604-276-4345
- Email communitybylaws@richmond.ca
- Online through the Customer Feedback System www.richmond.ca
- Phone Vancouver Coastal Health 604-233-3147
- Email healthprotectionrh@vch.ca

Daytime complaints, between 8:15 am and 5 pm, would be managed by the Community Bylaw Call Centre and Vancouver Coastal Health. RCMP dispatch (E-Comm) would receive all complaints between 5 pm to 8:15 am and dispatch bylaw officers or police officers to these complaints as appropriate.

Restricting Construction Noise on Sundays and Holidays

Based on the survey of other municipalities below are proposed options for addressing construction noise on weekends and statutory holidays. Staff recommend Option 3 and recommend that Council give, first, second and third readings to Noise Regulation Bylaw No. 8856, Amendment Bylaw No. 9263 (**Attachment 4**).

Program Options

Option 1: Status Quo

Council could choose to remain with the status quo with regard to the current limitations on construction activities. Construction noise up to 85dBA would be permitted on Saturdays from 10:00 am to 8:00 pm and on Sunday and holidays from 10:00 am to 6:00 pm.

Factors to consider include:

1. Some residents in the community would like to see a reduction in the current permitted construction schedule, which in turn would decrease noise levels in the community. A lack of change does nothing to address these concerns.
2. Maintaining the status quo would align the City with the municipalities that continue to permit construction activity seven days a week.

Option 2: Total Prohibition on Sundays and Holidays

Council could choose to manage construction activities in the community by prohibiting construction noise completely on Sunday and all holidays, maintaining the current restrictions on Saturdays and by posting informational signs on all construction sites.

Factors to consider include:

1. A reduced permitted construction schedule may extend the overall length of most major projects resulting in some potential increased costs to the home builder or developer and ultimately the home purchaser.
2. Homeowners and residents would not be able to work on their own homes on Sundays and holidays when it would typically be most convenient for them.
3. Total prohibition of construction activity on Sundays and holidays would address construction noise throughout the week and provide residents a reprieve on the weekend.
4. There would be a cost to home builders or developers for the production and installation of signs for the construction site.

Option 3: Prohibit on Sunday and Holidays with Exemption for Residents (*Recommended*)

Council could choose to limit construction activities in the community by prohibiting noise completely on Sunday and all statutory holidays, but provide an exemption for home owners and occupiers working on their own home and by posting informational signs on all construction sites. The restriction on Saturday would remain the same. This option would align the City with the municipalities that prohibit construction noise caused by major projects while allowing residents to complete home repairs and small scale construction on weekends.

Factors to consider include:

1. Some residents in the community would like to see a reduction in the current permitted construction schedule, which in turn would decrease noise levels in the community.
2. A home owner exemption would recognize that for many the weekend is the only time when residents can personally address home repairs and renovations.
3. This option addresses major construction noise levels while balancing residents concerns relative to maintenance and small scale construction in respect to of their own home.

4. There would be a cost to home builders or developers for the production and installation of signs for the construction site.

Violations and Related Fines

Also included in the bylaw amendments are provisions to add a violation and fine related to noise regulation and Provincial Court jurisdiction to the Notice of Bylaw Violation Dispute Adjudication bylaw No. 8122 under the jurisdiction of the City's program. The adjudication program has proven to be extremely efficient, successful, and convenient, and this amendment would further expand the program and its benefits.

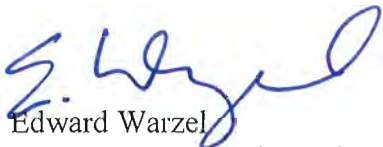
The Community Charter permits maximum fines of up to \$10,000 for prosecutions under bylaw if this is specifically set out in the bylaw. The current noise bylaw contains the default under the *Offence Act* which provides for a maximum fine of \$2000. An amendment to the noise bylaw is proposed in order to increase the default amount to \$10,000.

Financial Impact

None.

Conclusion

This report provides information on the City's current construction noise regulations in the City's Noise Bylaw as well as information on related restrictions in other municipalities in the Metro Vancouver area. Based on this information, City staff is recommending an amendment to the Noise Bylaw No. 8856 to reflect Option 3 in this staff report. Furthermore, the community involvement will be encouraged through the placement of a construction noise sign, monitoring, compliance and the reporting of complaints to Community Bylaws, Vancouver Coastal Health and the RCMP.



Edward Warzel
Manager, Community Bylaws
(604-247-4601)
EW:ew

- Att. 1: Permitted Hours of Construction by Municipality
2: Posting of Signs on Construction Sites by Municipality
3: Construction Sign Sample and Specifications
4: Noise Regulation Bylaw No. 8856, Amendment Bylaw No. 9263
5: Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 9268

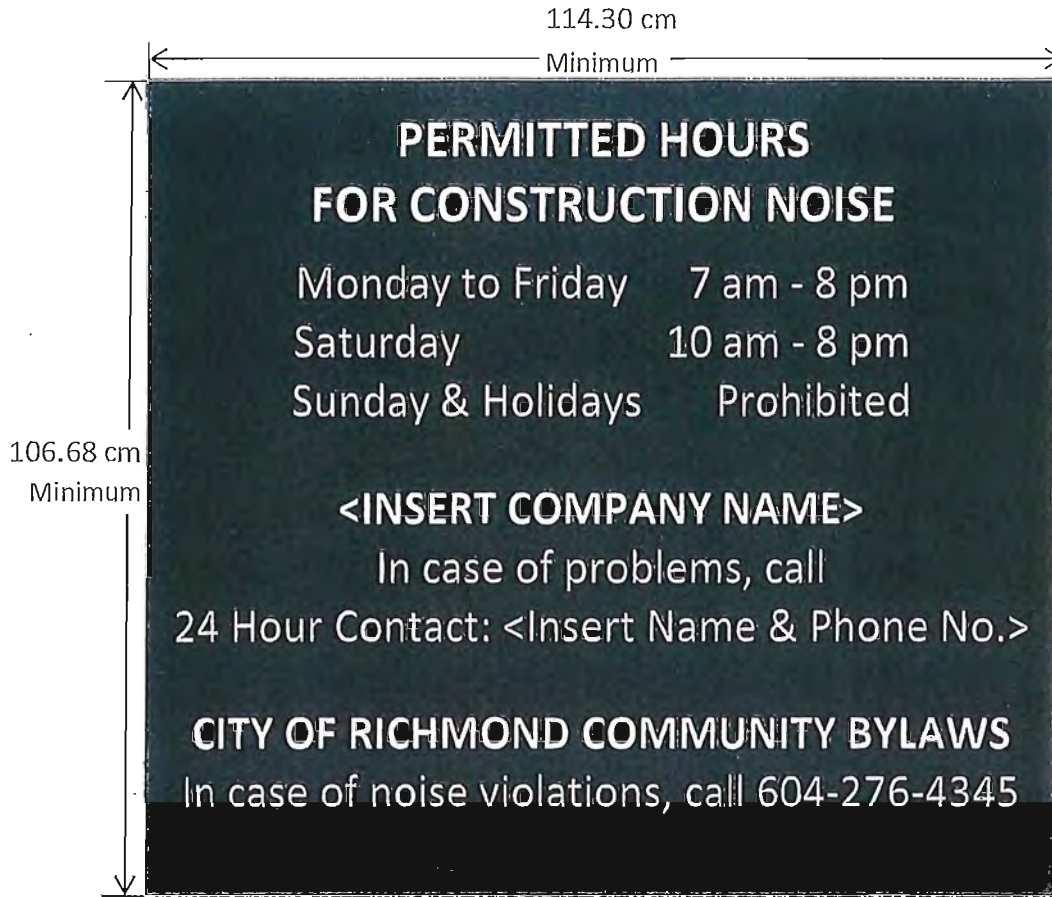
Attachment 1

Construction Hours by Municipality				
Municipality	Weekdays	Saturdays	Sundays	Stat Holidays
Abbotsford	7am - 9pm	7am - 9pm	9am - 9pm	9am - 9pm
Burnaby	7am - 8pm	9am - 8pm	Owner 9am - 8pm	Owner 9am - 8pm
Coquitlam	7am - 10pm	7am - 10pm	Owner 9am - 6pm	Owner 9am - 6pm
Delta	7am - 7pm	9am - 5pm	Not Permitted	Permitted
Langley Township	7am - 10pm	7am - 10pm	7am - 10pm	7am - 10pm
<i>Langley Township (Proposed)</i>	<i>7am - 8pm</i>	<i>9am - 5pm</i>	<i>Not Permitted</i>	<i>Not permitted</i>
Mission	7am - 8pm	7am - 8pm	Not Permitted	Permitted
New Westminister	7am - 8pm	7am - 8pm	Owner 9am - 6pm	Owner 9am - 6pm
North Vancouver City	7am - 8pm	9am - 7pm	Not Permitted	Not permitted
North Vancouver District	7am - 7pm	9am - 5pm	Not Permitted	Not permitted
Port Moody	7am - 8pm	7am - 8pm	Not Permitted	Not permitted
Richmond	7am - 8pm	10am - 8pm	10am - 6pm	10am - 6pm
Surrey	7am - 10pm	7am - 10pm	Owner 7am - 10pm	Permitted
Vancouver	7:30am - 8pm	10am - 8pm	Not Permitted	Not Permitted
Victoria	7am - 7pm	10am - 7pm	Not Permitted	Not permitted

Attachment 2

Posting of Sign on Construction Property			
Municipality	Yes	No	Amending Bylaw to Include Requirement
Abbotsford		X	
Burnaby		X	
Coquitlam		X	<i>City Requests Info Be Posted</i>
Delta		X	
Langley Township	X		<i>Proposed Bylaw</i>
Mission		X	
New Westminster	X		<i>Proposed Bylaw</i>
North Vancouver City	X		
North Vancouver District	X		<i>Proposed Bylaw</i>
Port Moody		X	
Richmond	X		<i>Proposed Bylaw</i>
Surrey		X	
Vancouver	X		
Victoria		X	

Construction Sign Sample



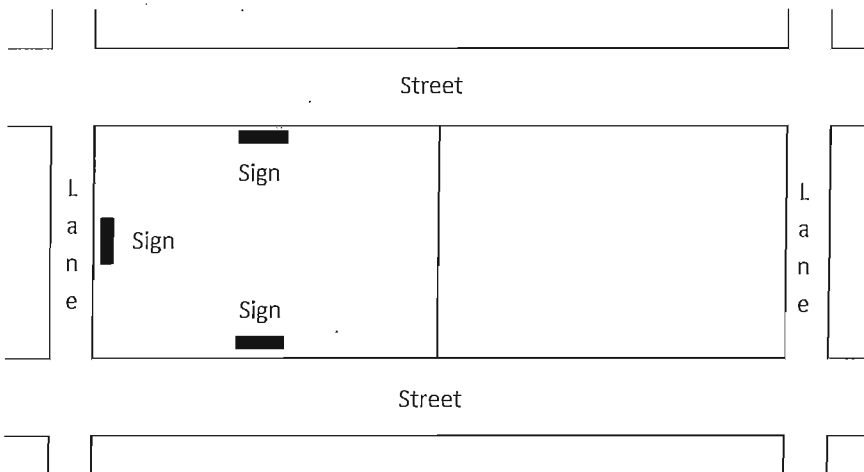
Note: Drawing not to scale

Sign Placement

Height From Ground - maximum 3.65 m

Height From Ground - minimum 1.52 m

Sign Quantity - 1 sign for EACH street and/or lane fronting the property





**Noise Regulation Bylaw No. 8856,
Amendment Bylaw No. 9263**

The Council of the City of Richmond enacts as follows:

1. The **Noise Regulation Bylaw No. 8856** is amended by deleting subsections 4.1.1(m)(i) to (iii) and substituting the following:

- “(i) between 7:00 a.m. and 8:00 p.m. Monday through Friday that is not a **holiday** for any type of **construction**;
- (ii) between 10:00 a.m. and 8:00 p.m. Saturday that is not a **holiday** for any type of **construction**; and
- (iii) between 10:00 a.m. and 6:00 p.m. on a Sunday or **holiday**, provided the **construction** is in connection with a residential building or structure and undertaken personally by the owner or occupier of the **premises**.”

2. The **Noise Regulation Bylaw No. 8856** is amended by adding the following after subsection 4.1.1:

“4.1.2 In respect to the exemption set-out in subsection 4.1.1(m), the owner or occupier of a **premises** where **construction** with a construction value exceeding \$150,000 is being undertaken shall install and maintain a sign on the **premises** in accordance with the following:

- (a) The sign shall measure:
 - (i) at least 1.48 m² for **construction** that is or is in respect to a single-family dwelling or duplex (or two-family) dwelling; and
 - (ii) at least 2.97 m² for all other types of **construction**.
- (b) The sign shall meet the minimum dimensional size and placement specifications and be in the format set-out in schedule D, attached to and forming part of this Bylaw.
- (c) The sign shall include the following information:
 - (i) permitted hours for **construction** noise, as set-out in section 4.1.1(m) of this Bylaw;
 - (ii) name of the company undertaking the **construction**, if applicable;

(iii) the name and phone number of the general contractor, owner or other person who is available to address complaints about the **construction** on a 24 hour per day basis; and

(iv) the phone number for the **City's** Community Bylaws Department, as shown on schedule D attached to and forming part of this Bylaw.

(d) Unless the sign is secured to a building, the sign shall be supported by posts and poles and be capable of withstanding all weather conditions.

(e) The background colour for the sign shall be gray and the words shall be white Helvetica medium block lettering, with a minimum letter height of 2.54 cm.

(f) The owner or occupier shall maintain the sign required by this subsection 4.1.2 on the **premises** from the commencement date of any **construction** to the date that the **construction** receives final building inspection notice permitting occupancy."

3. The **Noise Regulation Bylaw No. 8856** is amended by deleting section 5.2.2 and substituting:

"5.2.2 Every person who contravenes any provision of this bylaw is considered to have committed an offence against this bylaw and is liable on summary conviction, to a fine of not more than Ten Thousand Dollars (\$10,000), and each day that such violation is caused, or allowed to continue, constitutes a separate offence."

4. The **Noise Regulation Bylaw No. 8856** is amended by adding Schedule A attached to and forming part of this bylaw as Schedule D to Bylaw 8856.

5. This Bylaw is cited as "**Noise Regulation Bylaw No. 8856, Amendment Bylaw No. 9263**".

FIRST READING

SECOND READING

THIRD READING

ADOPTED

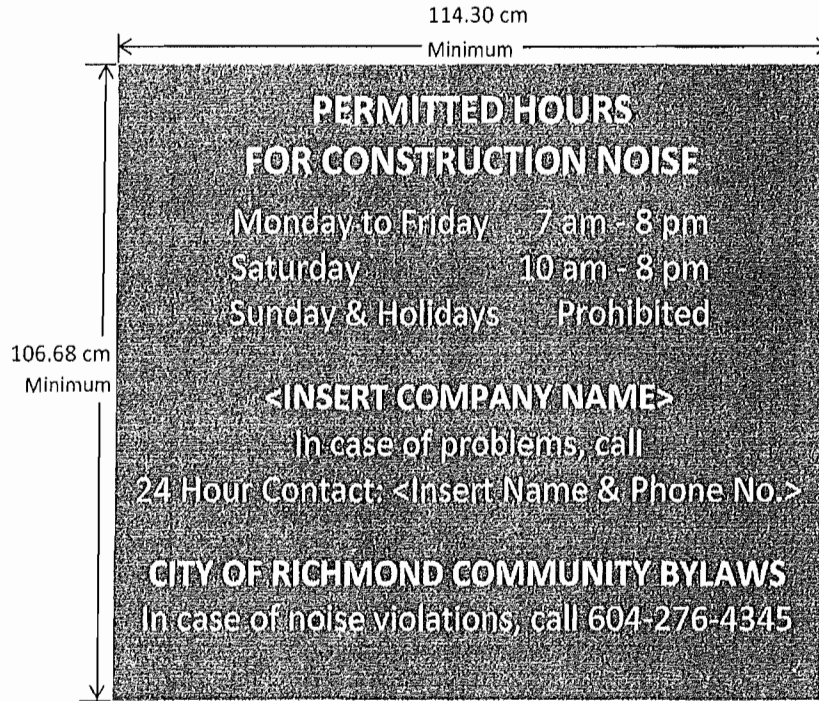
MAYOR

CORPORATE OFFICER



Schedule A to Bylaw 9263

SCHEDULE D TO BYLAW 8856
CONSTRUCTION NOISE EXEMPTION SIGN



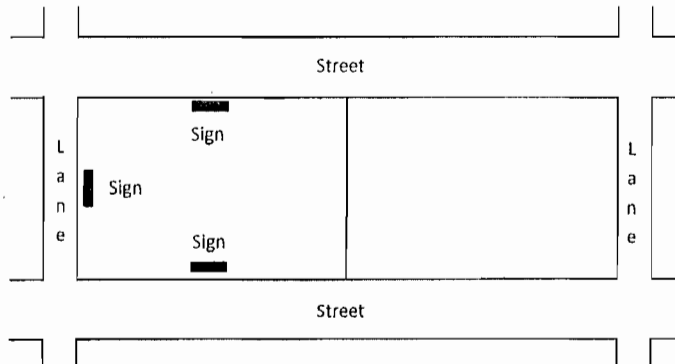
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Sign Placement

Height From Ground - maximum 3.65 m

Height From Ground - minimum 1.52 m

Sign Quantity - 1 sign for EACH street and/or lane fronting the property





Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 9268

The Council of the City of Richmond enacts as follows:

- 1. Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, as amended, is further amended at Schedule A by adding the following to the end of the Noise Regulation Bylaw No. 8856 section:

Table with 8 columns: A1 Bylaw, A2 Description of Contravention, A3 Section, A4 Compliance Agreement Available, A5 Penalty, A6 Early Payment Option, A7 Late Payment Amount, A8 Compliance Agreement Discount. Row 1: Noise Regulation Bylaw No. 8856 (2012), Failure to install or maintain construction noise sign, 4.1.2, No, \$ 300.00, \$ 250.00, \$ 325.00, n/a

- 2. This Bylaw is cited as "Notice Of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 9268".

FIRST READING

SECOND READING

THIRD READING

ADOPTED

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CITY OF RICHMOND APPROVED for content by originating dept. [Signature] APPROVED for legality by Solicitor [Signature]

MAYOR

CORPORATE OFFICER