

The Corporation of the
CITY OF WHITE ROCK



Governance and Legislation Committee
AGENDA

Monday, February 1, 2021, 5:00 p.m.

City Hall Council Chambers

15322 Buena Vista Avenue, White Rock, BC, V4B 1Y6

***Live Streaming/Telecast:** Please note that all Committees, Task Forces, Council Meetings, and Public Hearings held in the Council Chamber are being recorded and broadcasted as well included on the City's website at: www.whiterockcity.ca

The City of White Rock is committed to the health and safety of our community. In keeping with Ministerial Order No. M192 from the Province of British Columbia, City Council meetings will take place without the public in attendance at this time until further notice.

T. Arthur, Director of Corporate Administration

Pages

1. CALL TO ORDER

1.1. MOTION TO CONDUCT GOVERNANCE AND LEGISLATION
COMMITTEE MEETING WITHOUT PUBLIC IN ATTENDANCE

RECOMMENDATION

WHEREAS COVID-19 has been declared a global pandemic;

WHEREAS the City of White Rock has been able to continue to provide the public access to the meetings through live streaming;

WHEREAS holding public meetings in the City Hall Council Chambers, where all the audio/video equipment has been set up for the live streaming program, would not be possible without breaching physical distancing restrictions due to its size, and holding public meetings at the White Rock Community Centre would cause further financial impact to City Operations due to staffing resources and not enable live streaming;

WHEREAS Ministerial Orders require an adopted motion in order to hold public meetings electronically, without members of the public present in person at the meeting;

THEREFORE BE IT RESOLVED THAT the Governance and Legislation Committee (including all members of Council) authorizes the City of White Rock to hold the February 1, 2021 meeting to be video streamed and

available on the City's website, and without the public present in the Council Chambers.

2. ADOPTION OF AGENDA

RECOMMENDATION

THAT the Governance and Legislation Committee adopt the agenda for February 1, 2021 as circulated.

3. ADOPTION OF MINUTES

3

RECOMMENDATION

THAT the Governance and Legislation Committee adopt the meeting minutes for November 9, 2020 as circulated.

4. LIGHTING REQUESTS FOR THE WHITE ROCK PIER

10

Corporate report dated February 1, 2021 from the Director of Corporate Administration titled "Lighting Requests for the White Rock Pier".

RECOMMENDATION

THAT the Governance and Legislative Committee directs staff to draft and bring forward a policy regarding Lighting Requests for the White Rock Pier that details a plan for programming the Pier lights for national and local events and holidays, including requests from non-profit agencies.

5. COMMUNITY ENERGY MAPPING

17

Corporate report dated February 1, 2021 from the Director of Engineering and Municipal Operations titled "Community Energy Mapping".

RECOMMENDATION

THAT the Governance and Legislation Committee recommend that Council direct staff to report back on project realignments needed to incorporate Community Energy Mapping for White Rock, including budget considerations.

6. WHITE ROCK NOISE CONTROL BYLAW, 2013, NO. 2018

20

At the January 11, 2021 Regular Council meeting, Councillor Manning requested that this item be added to the agenda for discussion.

7. CONCLUSION OF THE FEBRUARY 1, 2021 GOVERNANCE AND LEGISLATION COMMITTEE MEETING



Governance and Legislation Committee

Minutes

November 9, 2020, 5:00 p.m.

City Hall Council Chambers

15322 Buena Vista Avenue, White Rock, BC, V4B 1Y6

PRESENT: Mayor Walker
Councillor Chesney
Councillor Johanson
Councillor Kristjanson
Councillor Manning
Councillor Trevelyan

ABSENT: Councillor Fathers

STAFF: Guillermo Ferrero, Chief Administrative Officer
Tracey Arthur, Director of Corporate Administration
Jim Gordon, Director of Engineering and Municipal Operations
Carl Isaak, Director of Planning and Development Services
Jacquie Johnstone, Director of Human Resources
Colleen Ponzini, Director of Financial Services
Eric Stepura, Director of Recreation and Culture
Stephanie Lam, Deputy Corporate Officer
Debbie Johnstone, Committee Clerk

1. CALL TO ORDER (Councillor Manning, Chairperson)

The Chairperson called the meeting to order at 5:00 p.m.

1.1 MOTION TO CONDUCT GOVERNANCE AND LEGISLATION COMMITTEE MEETING WITHOUT THE PUBLIC IN ATTENDANCE

Motion Number: 2020-G/L-085 It was MOVED and SECONDED

WHEREAS COVID-19 has been declared a global pandemic;

WHEREAS the City of White Rock has been able to continue to provide the public access to the meetings through live streaming;

WHEREAS holding public meetings in the City Hall Council Chambers, where all the audio/video equipment has been set up for the live streaming program, would not be possible without breaching physical distancing restrictions due to its size, and holding public meetings at the White Rock Community Centre would cause further financial impact to City Operations due to staffing resources and not enable live streaming;

WHEREAS Ministerial Order No. 192 requires an adopted motion in order to hold public meetings electronically, without members of the public present in person at the meeting;

THEREFORE BE IT RESOLVED THAT the Governance and Legislation Committee (including all members of Council) authorizes the November 9th meeting to be video streamed and available on the City's website, and without the public present in the Council Chambers.

Motion CARRIED

2. ADOPTION OF AGENDA

Motion Number: 2020-G/L-086 It was MOVED and SECONDED

THAT the Governance and Legislation Committee adopt the agenda for November 9, 2020 as amended by deferring Item 8 titled Lightspark: Innovative Technology to Map Carbon and Energy Intensity in Residential Communities to a future meeting.

Motion CARRIED

3. ADOPTION OF MINUTES

Councillor Kristjanson arrived at the meeting at 5:02 p.m.

Motion Number: 2020-G/L-087 It was MOVED and SECONDED

THAT the Governance and Legislation Committee adopt the following meeting minutes as circulated:

- September 23, 2020; and
- September 28, 2020.

Motion CARRIED

4. **CITY COMMITTEES**

Note: Staff were requested to add the following information on the City's Committee Calendar: include the Councillor Liaison of each committee and the Committee Term.

It was noted that a review of the City's committees / structure would be beneficial. The Committee mandates and how they align with Council corporate priorities would be included within the review.

There are some current vacancies on various committees, advertising will be placed in the coming weeks to help fill them.

Motion Number: 2020-G/L-088 It was MOVED and SECONDED

THAT The Governance and Legislation Committee recommend the Environmental Advisory Committee meet twice in December 2020.

Motion CARRIED

Motion Number: 2020-G/L-089It was MOVED and SECONDED

THAT the Governance and Legislation Committee:

1) Recommend that Council extend the following City's Advisory Bodies / Committee appointments to March 31, 2021:

- Arts and Cultural Advisory Committee;
- Advisory Design Panel
- Economic Development Advisory Committee;
- Environmental Advisory Committee;
- History and Heritage Advisory Committee;

- Public Art Advisory Committee;
- Seniors Advisory Committee;
- Tour de White Rock Task Force;
- Water Community Advisory Panel;
- White Rock Sea Festival Task Force; and

2) Endorse that there be a full review of the City's Advisory Bodies / Committees to be conducted early in 2021 (including the work the Committees are producing and required involvement by staff to maintain the Committees) .

Motion CARRIED

5. CONTINUED POLICY REVIEW: HUMAN RESOURCES (400 SERIES)

The Director of Human Resources gave an outline of each of the noted policies for consideration.

Motion Number: 2020-G/L-90 It was MOVED and SECONDED

THAT the Governance and Legislation Committee recommend Council endorse the following Human Resource policies as circulated:

- a. Policy 401 - Employee Recognition Program;
- b. Policy 405 - Respectful Workplace; and
- c. Policy 406 - Anti-Racial Discrimination and Anti-Racism.

Motion CARRIED

6. CONTINUED POLICY REVIEW: COUNCIL AND ADMINISTRATION

Note: In relation to Policy 120 - City News, staff were asked to review the ads for possible repetitiveness, consider some format changes in order to receive more interest.

Motion Number: 2020-G/L-91 It was MOVED and SECONDED

THAT The Governance and Legislation Committee recommends Council endorse Policy 112 - Freedom of the City as circulated.

Motion CARRIED

Motion Number: 2020-G/L-92 It was MOVED and SECONDED

THAT the Governance and Legislation Committee recommend Council endorse Policy 129 - City News as circulated.

Motion CARRIED

Motion Number: 2020-G/L-93 It was MOVED and SECONDED

THAT the Governance and Legislation Committee recommend Council endorse Policy 130 - Operational Communications Objective as circulated.

Motion CARRIED

Motion Number: 2020-G/L-94 It was MOVED and SECONDED

THAT The Governance and Legislation Committee recommend Council endorse Policy 131 - City Website as circulated.

Motion CARRIED

Motion Number: 2020-G/L-95 It was MOVED and SECONDED

THAT The Governance and Legislation Committee recommend Council endorse Policy 132 - Communication of Council Decisions: Facebook Live as circulated.

Motion CARRIED

Motion Number: 2020-G/L-96 It was MOVED and SECONDED

THAT The Governance and Legislation Committee recommend Council endorse Policy 133 - Internal Handling of Media Requests as circulated.

Motion CARRIED

Motion Number: 2020-G/L-97 It was MOVED and SECONDED

THAT The Governance and Legislation Committee recommend Council endorse Policy 134 - Media Releases as circulated.

Motion CARRIED

7. FILMING POLICY

Motion Number: 2020-G/L-98 It was MOVED and SECONDED

THAT the Governance and Legislative Committee recommend Council to endorse the Filming Policy as circulated.

Motion CARRIED

8. LIGHTSPARK: INNOVATIVE TECHNOLOGY TO MAP CARBON AND ENERGY INTENSITY IN RESIDENTIAL COMMUNITIES

In accordance with motion 2020-G/L-86 this item was deferred to a future Governance and Legislation Committee meeting.

9. SHORT-TERM RENTAL HOST COMPLIANCE SOFTWARE

Councillor Manning presented a PowerPoint titled "Host Compliance" a program offered by Granicus giving a platform for short-term rental registration, compliance monitoring, fraud, audit and enforcement challenges.

Motion Number: 2020-G/L-99 It was MOVED and SECONDED

THAT the Governance and Legislation Committee requests staff to bring forward for the list of projects for future discussion (Short Term Rental Fees - tiered license fees) so Council can consider it in regard to prioritization.

Motion CARRIED

Motion Number: 2020-G/L-100 It was MOVED and SECONDED

THAT the Governance and Legislation Committee direct staff to add the item of software regarding "Short Term Rental Fees - tiered license fees" as a topic for the upcoming budget discussion / consideration.

Motion CARRIED

10. CLOSED COUNCIL MEETINGS

It was noted that items for closed meetings are usually of an urgent nature but staff do try and wait for a few topics, when possible, prior to requesting a meeting be scheduled.

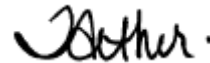
It was noted the Committee would like to see more in relation to information release. The City is currently working on a communication item in regard to closed meetings (FAQ / Q & A) to help the community understand the process.

Further work will be conducted in regard to more information being released to topics as permitted.

11. **CONCLUSION OF THE NOVEMBER 9, 2020 GOVERNANCE AND
LEGISLATION COMMITTEE MEETING**

The Chairperson concluded the meeting at 6:43 p.m.

Mayor Walker



Tracey Arthur, Director of Corporate
Administration

THE CORPORATION OF THE
CITY OF WHITE ROCK
CORPORATE REPORT



DATE: February 1, 2020

TO: Governance and Legislation Committee

FROM: Tracey Arthur, Director, Corporate Administration

SUBJECT: Lighting Requests for the White Rock Pier

RECOMMENDATION

THAT the Governance and Legislative Committee directs staff to draft and bring forward a policy regarding lighting requests for the White Rock Pier that details a plan for programming the Pier lights for national and local events and holidays, including requests from non-profit agencies.

EXECUTIVE SUMMARY

The White Rock Pier is a popular attraction for people from the Lower Mainland and beyond. In June 2018, the City installed coloured lights to Canada's Longest Pier, lighting them for seasonal events.

Recently, groups have requested that the Pier be lit in a specific colour at a specific time for various occasions or events. There is currently no process or policy in place to respond to those requests.

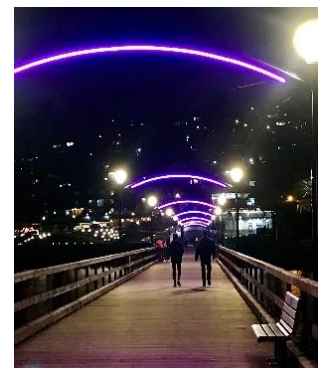
Other municipalities in the province and other well-known attractions accept requests from the community to light their landmarks to reflect significant events or causes. Each follow specific and similar criteria that include an application process and focus on national events and non-profit, non-political and/or non-religious agencies.

This corporate report provides two (2) options for Council's consideration, including retaining the status quo.

INTRODUCTION/BACKGROUND

At 470 metres, the White Rock Pier is Canada's longest pier. The iconic structure was built in 1914. It is a popular destination for people from the Lower Mainland and beyond who come to our seaside community to enjoy breathtaking sunsets and the beauty of Semiahmoo Bay.

To add to the enjoyment of the White Rock Pier, in June 2018, the City of White Rock installed coloured lights, which are programmable with an array of colour options and movement. The Pier lights turn on and off automatically based on daylight conditions.



Currently, the City lights the White Rock Pier for seasonal events, such as red on Valentine's Day and green on St. Patrick's Day, and to support causes, including rainbow colours for Pride Week. Early in the COVID-19 pandemic, the Pier was lit with flashing lights each night to recognize health care workers.

Requests are being made to the City to light the Pier in a specific colour at a specific time for a variety of events and reasons. There is currently no policy in place to respond to these requests.

This report recommends creating a policy for lighting the Pier on an annual schedule, with some flexibility and guidelines for requests.

FINANCIAL IMPLICATIONS

Not applicable.

LEGAL IMPLICATIONS

Not applicable.

COMMUNICATION AND COMMUNITY ENGAGEMENT IMPLICATIONS

The City of White Rock would use media relations and social media to inform the community that requests can be made, based on specific criteria, to light the White Rock Pier with meaningful colours. A calendar of those colours and the reasons for the lights would be posted on the City's website at whiterockcity.ca and shared on the City's social media channels.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

In relation to this task Communications, Information Technology (IT) and Engineering and Municipal Operations would work together. IT would be involved with the programming and implementing the light schedule and Engineering and Municipal Operations would be responsible for the maintenance and repairs of the lighting fixtures. Communications would be the lead on managing information to the community.

CLIMATE CHANGE IMPLICATIONS

Not applicable.




ALIGNMENT WITH STRATEGIC PRIORITIES




This recommendation supports the City's corporate vision: "We all can live, work and play in an enjoyable atmosphere."

OPTIONS / RISKS / ALTERNATIVES

Other municipalities in British Columbia have policies or practices in place to light their assets, including buildings and bridges. Privately owned and crown corporations also follow a similar policy. Lighting policy details are similar, with request and notice periods of 30 days or more and specific requirements for who can apply to have a structure lit.

The following are some examples.

| Private Ownership | Structure with Lighting | Lighting Policy Details | Apply |
|---|---|--|--|
| Calgary Tower Lighting Schedule Aspen Properties Ltd. |  | <ul style="list-style-type: none"> • 30 days in advance of lighting date • Traditional lightings for Easter, Hanukkah and Christmas. • Not for religious figures, organizations, institutions, or other religious holidays. • No personal occasions (such as birthdays) political events or observances. | Online Form completed by official from the requesting organization |
| Municipality | Structure with Lighting | Lighting Policy Details | Apply |
| City of Coquitlam Special Lighting Features Lafarge Lake Fountain City Hall Light Columns Skytrain Guideway Pillars |  | <ul style="list-style-type: none"> • Local, provincial or national awareness issue or related to community health. • Local, provincial or national significance. • Local festival or event. • Welcome visiting dignitaries. • No personal, political or commercial. • Lighting: 24 hours | Online form |
| City of Vancouver Light Up City Hall |  | <ul style="list-style-type: none"> • Important events and cultural occasions. • One-day campaign - direct connection to Vancouver residents. Personal, political, or commercial not considered. • Events of national or international significance or as approved by City Council. | Online form |

| Municipality | Structure with Lighting | Lighting Policy Details | Apply |
|---|--|--|---|
| Resort Municipality of Whistler Requests to Light a Landmark Fitzsimmons Creek Bridge |  | <ul style="list-style-type: none"> • Light up the Fitzsimmons Bridge to support a cause. • Considered by Council at a regular Council meeting. • Writing to Council page for more information on submitting a request. | Scan or email form Letter to Council |
| Crown Corporation | Structure with Lighting | Lighting Policy Details | Apply |
| BC Place The Northern Lights Display Vancouver: B.C. Pavilion Corporation (PavCo) |  | <ul style="list-style-type: none"> • 30 days before requested lighting date • Community-based organizations and causes important to B.C. • No commercial, individual, recognition or personal occasions. • No religious, political events, institutions or professions or requests made via petitions or social media campaigns. | Online contact |
| CN Tower Night Lighting Toronto: Canada Lands Co. |  | <ul style="list-style-type: none"> • Non-political, registered, national charitable events or causes. • No commercial requests, individual recognition or personal occasions, religious or political events or observances, institutions or professions. 14 days in advance. | Online form |

The City has received requests to light the White Rock Pier in specific colours and periods of time. While we do not have the ability at this time to match colours precisely, the City can provide an array of colours.

Based on the practices of other B.C. municipalities and institutions with local, provincial and national landmarks, the following options are available for Council's consideration to be applied to lighting requests for the White Rock Pier:

1. Approve the development of a City policy that details the plan for programming the White Rock Pier lights for national and local events and holidays, including requests from non-profit agencies. The City would continue to light the White Rock Pier for seasonal events and City-supported causes.
2. Maintain the status quo, with the City planning and programming the White Rock Pier lights, including for seasonal events and City-supported causes.


CONCLUSION

Currently, the City has been lighting the White Rock Pier for seasonal events, such as red on Valentine's Day and green on St. Patrick's Day, and to support causes, such as rainbow colours for Pride Week. Early in the COVID-19 pandemic, the Pier was lit with flashing lights each night to recognize health care workers.

The City also lights the White Rock Pier for national and local events and holidays, some of which correspond with Council's Recognition and Strategic Messages Policy 135 (Attachment A).

A policy outlining a pre-approved process to address requests to the City to change the White Rock Pier lighting would be preferred to the status quo and provide staff with guidelines, clarity and consistency. A policy would support non-profit organizations, promote events of local and provincial importance and give the community an understanding of the guidelines for requesting lighting of the White Rock Pier.

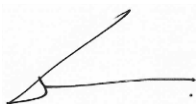
Respectfully submitted,



Tracey Arthur
Director, Corporate Administration

Comments from the Chief Administrative Officer

I concur with the recommendations of this corporate report.



Guillermo Ferrero
Chief Administrative Officer

THE CORPORATION OF THE
CITY OF WHITE ROCK
15322 BUENA VISTA AVENUE, WHITE ROCK, B.C. V4B 1Y6



POLICY TITLE: RECOGNITION AND STRATEGIC MESSAGES

POLICY NUMBER: COUNCIL - 135

| | |
|---|--|
| <i>Date of Council Adoption:</i> April 16, 2012 | <i>Date of Last Amendment:</i> February 25, 2019 |
| <i>Council Resolution Number:</i> 2011-234, 2012-104 , 2013-082, 2015-285, 2017-063, 2019-042, 2019-091 | |
| <i>Originating Department:</i> Administration | <i>Date last reviewed by the Governance and Legislation Committee:</i> February 25, 2019 |

Policy

1. Mayor and Council greetings will be placed in a strategic fashion in various municipal guides and speciality publications.
2. Each greeting is based on merit and is a Communications Officer decision in consultation with the Mayor.
3. Up to eleven (11) paid strategic messages be placed in the Peace Arch News annually as follows:
 - a. National Volunteer Week
 - b. Canada Day
 - c. Remembrance Day
 - d. Christmas Day/New Year's Day
 - e. And that Mayor and Council each bring forward one event (seven total) to be approved by Council as a paid strategic message for the remainder of the term (Appendix A).

Rationale

To balance public recognition of significant dates within budget limitations in a manner that is consistent with the City's mission and value statements.

APPENDIX A

LIST OF COUNCIL SELECTED STRATEGIC MESSAGES IN EFFECT COUNCIL TERM (2018 – 2022)

February - Black History Month
February - Family Day
March - International Women's Day
April - Easter
June – National Indigenous Peoples Day
June/July – Pride Week
August- BC Day
December - Hanukkah

THE CORPORATION OF THE
CITY OF WHITE ROCK
CORPORATE REPORT



DATE: February 1, 2021

TO: Governance and Legislation Committee

FROM: Jim Gordon, P.Eng., Director, Engineering and Municipal Operations

SUBJECT: Community Energy Mapping

RECOMMENDATION

THAT the Governance and Legislation Committee recommend that Council direct staff to report back on project realignments needed to incorporate Community Energy Mapping for White Rock, including budget considerations.

EXECUTIVE SUMMARY

Staff and Council at times receive solicitations during the course of business for products and services that may or may not benefit the City and are not included in current work plans, requiring review and assessment as to whether the program or services should be considered and benefit the community as a whole. A recent example is contact made by a company with respect to its software product that is described as providing a detailed community energy intensity analysis and purported to help to illustrate potential energy savings at the homeowner level.

This report outlines steps the City must take should Council wish to pursue software products that may provide potential energy savings to homeowners. These steps must provide equal opportunity to all similar software vendors.

PREVIOUS COUNCIL DIRECTION

| Motion # & Meeting Date | Motion Details |
|---|---|
| <i>Governance & Legislation Committee September 28, 2020 Council Oct 5, 2020</i> | <i>Council endorsed Policy 301 – Procurement Policy</i> |

INTRODUCTION/BACKGROUND

The City received solicitations from a software vendor for a product intended to illustrate potential energy savings investments at the homeowner level.

It appears that the vendor has technology to map carbon and energy intensity in residential communities. The product is designed to show opportunities for energy efficiency programs or energy upgrades in various areas of residential communities. The homeowners in these areas would then be encouraged to make upgrades and the City could direct them to various Provincial

and Federal Programs to help cover the costs. Program costs for the services provided by the vendor are proposed to be up to \$350K that potentially could be funded up to 80% from the Federation of Canadian Municipalities (FCM).

The vendor's promotional materials suggest that the software will provide a building by building energy map for the community. Next steps would be to encourage homeowners to make building upgrades and to participate in various senior government and utility financial assistance programs.

If homeowners finance and undertake various building upgrades, GHG emissions and energy consumption will be reduced.

This type of program is not included in Council's Strategic Priorities Plan approved by Council on November 2020 or in the Five Year Financial Plan currently underway.

Staff note that solicitations from vendors that result in single sourcing of a City expense may compromise the procurement process. As per the City's procurement policy, procurement of goods and services through single sourcing is discouraged unless a valid business case can be made such that entering into a competitive bid process would be detrimental to City operations or where the value of goods is low. If Council decides to proceed with initiating this type of program, staff will undertake this process ensuring that there is an open and fair process that provides opportunities for multiple vendors through a Requests for Proposals process focused on desired outcomes consistent with existing programs and budgets.

FINANCIAL IMPLICATIONS

Staff estimate that a budget of \$350K would need to be approved to deliver a program of this nature. A potential grant opportunity is currently available through FCM of up to 80% of the cost, however, the amount of grant funding is not certain and could be considerably less than 80%. Council would need to provide a letter of support to FCM for the project budget and necessary staff resources as part of the grant application.

LEGAL IMPLICATIONS

The program and RFP would need to be crafted to provide opportunities for multiple vendor submissions that complies with the City's Purchasing Policy and related provincial/federal legislation around procurement. As with all procurements, applications would then be assessed and scored on a number of criteria.

COMMUNICATION AND COMMUNITY ENGAGEMENT IMPLICATIONS

Not applicable.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

Not applicable.

CLIMATE CHANGE IMPLICATIONS

If the program results in individual homeowners making energy efficiency improvements, GHG emissions and energy consumption would be reduced.

ALIGNMENT WITH STRATEGIC PRIORITIES

Although this type of program does not align with any of Council's Strategic Priorities, it is consistent with the Corporate Vision that "Our environment is protected and nurtured."

OPTIONS / RISKS / ALTERNATIVES

The following alternate option is available for consideration:

1. Not support the program at this time.
2. Direct staff to develop a citywide program to identify GHG and energy reduction opportunities for individual White Rock homeowners, subject to Council's approval of \$350K program funding in the 2021 Financial Plan.

CONCLUSION

Council could consider approving the unbudgeted amount of \$350K in the 2021 Financial Plan for a program to identify GHG and energy reduction opportunities for individual White Rock homeowners; however, there is no clear outcome that is not contingent on homeowner investments in upgrades. The addition of this program would impact existing timelines for items currently identified in the 2021-2022 Council Strategic Priorities Plan and is not strongly aligned with the current identified priorities of Council.

If Council wishes to proceed, it is recommended that staff be directed to report back on how this could be achieved and how other projects in the plan would be affected.

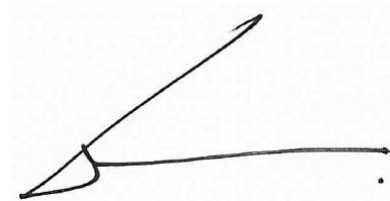
Respectfully submitted,



Jim Gordon, P. Eng
Director, Engineering & Municipal Operations

Comments from the Chief Administrative Officer

I concur with the recommendation(s) of this corporate report.



Guillermo Ferrero
Chief Administrative Officer

**THE CORPORATION OF THE
CITY OF WHITE ROCK
BYLAW 2018**



A bylaw to provide for the regulation of certain noises or
sounds in the City of White Rock

DISCLAIMER: THIS BYLAW IS CONSOLIDATED FOR CONVENIENCE ONLY. THE CITY DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BYLAW PROVISIONS.

Consolidated as of November 9, 2015

| TABLE OF CONSOLIDATION | | | |
|------------------------|------------------|---------------|-----------------------|
| BYLAW | DATE APPROVED | AMENDMENT NO. | SUBJECT MATTER |
| 2114 | November 9, 2015 | No. 1 | Updates to the bylaw. |
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WHEREAS Division 10 of Part 3 of the *Community Charter* authorizes a local government to regulate, prohibit and impose requirements in relation to nuisances, disturbances and other objectionable situations;

AND WHEREAS the Council of the Corporation of the City of White Rock deems it expedient to provide for regulations and prohibitions regarding the making of noise;

AND WHEREAS Council may by bylaw regulate, prohibit and impose requirements in relation to the protection and enhancement of the well-being of its community in relation to nuisances, disturbances and other objectionable situations, including noise that is liable to disturb the peace, quiet, rest, enjoyment, comfort or convenience of individuals or the public.

NOW, THEREFORE, the Council of the Corporation of the City of White Rock in open meeting assembled hereby enacts as follows:

1. This Bylaw may be cited as “White Rock Noise Control Bylaw, 2013, No. 2018.”
2. “White Rock Noise Regulation Bylaw, 1996, No. 1468” and any amendments thereto are hereby repealed.

3. **DEFINITIONS:**

In this Bylaw:

“**Bylaw Enforcement Officer**” means a person employed by or under contract to the City to administer and regulate City bylaws.

“**City**” means the Corporation of the City of White Rock.

“**Construction**” means an activity which includes erection, alteration, repair, relocation, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, the laying of pipe and 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.

“**Construction Equipment**” means any equipment or device designed and intended for use in construction, or material handling, including, but not limited to, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders, or other material handling equipment;

“**Emergency Vehicle**” means any of the following:

- a) a motor vehicle driven by a member of a fire department or the British Columbia Ambulance Service, while in the discharge of his or her lawful duties; or

- b) a motor vehicle, driven by a peace officer, constable or member of the Royal Canadian Mounted Police, or any other duly appointed Police Officer while in the discharge of his or her lawful duty.

“General Maintenance” means the use of *power equipment* for the maintenance and care of lawns, gardens, bushes, shrubs or other vegetation. *(added by Bylaw No. 2114)*

“Holiday” means New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, British Columbia Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, and any other holiday prescribed by regulation, and also includes Easter Monday and Boxing Day. *(added by Bylaw No. 2114)*

Motor Assisted Cycle” shall have the same meaning as defined in the BC *Motor Vehicle Act*.

“Motor Vehicle” or **“Vehicle”** has the same meaning as defined in the BC Motor Vehicle Act and includes a vehicle that is designed to be self-propelled, including off-road vehicles, parts and equipment.

“Noise” includes:

- a) any sound, continuous sound or non-continuous sound which disturbs or tends to disturb the peace, quiet, rest, enjoyment, comfort or convenience of the neighbourhood in which such sound is received, or, of any reasonable person in the vicinity of the source of such sound who receives such sound; or,
- b) any sound, continuous sound or non-continuous sound listed in Schedule “A” attached hereto.

“Nuisance Property” means a property where Bylaw Enforcement Officers have attended to complaints for noise violations and issued notices of violation three (3) times in any twelve (12) month period.

“Occupant” includes:

- 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;
- c) a leaseholder; or
- d) an authorized agent of the owner of the property.

“Peace Officer” includes the following:

- a) a person duly authorized by Council as a Bylaw Enforcement Officer and/or Peace Officer;
- b) a member of the Royal Canadian Mounted Police (RCMP).

“Power Equipment” means any tool, equipment or machinery powered by an internal combustion engine or electronic motor that is used for construction, lawn, garden, building and property maintenance, and includes edge-trimmers, line-trimmers, rototillers, pressure washers, carpet cleaning equipment, and hand operated power tools including but not limited to chain saws, chippers and leaf blowers.

4. RIGHT OF ENTRY:

Pursuant to Section 16 of the *Community Charter*, a Peace Officer may at all reasonable times, in a reasonable manner, and after taking reasonable steps to advise the owner or occupier, enter upon or into a property. With the approval of the owner or occupant, or with the provision of the requisite notice or warrant as outlined in Section 16 of the *Community Charter*, a Peace Officer may enter into a private dwelling, at a reasonable time and in a reasonable manner, to confirm compliance with this Bylaw.

5. SEVERANCE:

If any portion of this Bylaw is held to be ultra vires by a decision of a Court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Bylaw.

6. EXEMPTIONS:

6.1 City Exemption:

Notwithstanding Sections 7, 8, and 9 of this Bylaw and the attached Schedule “A”, the City or its agents, may at any time:

- a) Construct, alter, relocate, repair or demolish buildings and structures;
- b) Excavate, grade, or fill land;
- c) Engage in well-pointing;
- d) Construct, install, alter, relocate, repair or remove public facilities or utilities;
- e) Construct, alter, relocate, repair, fill, or excavate highways.
- f) Allow community and City sponsored special events on City streets or parks.

6.2 Emergency Vehicle Exemption:

The driver of an emergency vehicle is exempt from the provisions of this Bylaw while acting in the course of his or her lawful duty.

7. PROHIBITIONS:

7.1 No person shall make, cause, or permit to be made or caused any noise or sound which is liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public.

7.2 Without restricting the generality of the foregoing, no person shall

- a) make, cause, or permit to be made or caused any objectionable or disturbing noise listed in Schedule “A” to this Bylaw;
- b) make, cause, or permit to be made or caused by intermittent or reiterated cries any noise;
- c) make, cause or permit to be made or caused by or from any vehicle, motor vehicle, or motor assisted cycle, any unreasonable noise or sound;
(updated by Bylaw No. 2114)
- d) make delivery of goods or merchandise to any commercial business in the City outside of the following posted hours:
 - Monday through Saturday – from 6:00am to 9:00pm
 - Sundays and Holidays – from 8:00am to 8:00pm

- e) play or operate or permit to be played or operated any radio, gramophone, or other instrument or any apparatus for the production or amplification of sound in a manner;

deleted by
Bylaw 2114

~~harbour, keep, or control any animal in the municipality which causes a noise or sound; or~~

- f) shout, use megaphones, or make any other noise in or at or on streets, wharves, docks, piers, steamboat landings, railway stations, or other public places;

that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.

- 7.3 (a) No person shall before 7:30 a.m. in the morning, or after 7:00 p.m. in the evening, Monday through Friday or before 9:00 a.m. in the morning or after 7:00 p.m. in the evening on Saturday, carry on works in connection with the construction, reconstruction, alteration or repair of any building or structure or carry on any excavation, land clearing, general maintenance or other related activity, or operate any kind of machinery, power equipment, construction equipment or engine in a manner that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public; *(updated by Bylaw No. 2114)*
- (b) In cases where it is impossible and impracticable to comply with section 7.3(a), a person must apply to the Director of Planning and Development, who may then give approval, in writing, to carry on such work outside the permitted hours.”
- 7.4 No person shall on a Sunday or Holiday carry on works in connection with the construction, reconstruction, alteration or repair of any building or structure or carry on any excavation or land clearing or other related activity, nor operate any kind of machine, power equipment, construction equipment or engine in a manner that is liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public, provided that in cases where it is impossible and impracticable to comply with this section Council may give approval in writing to carry on such works on a Sunday or Holiday for a specified length of time.
- 7.5 Notwithstanding section 7.4, on Sundays or *Holidays* between the hours of 9 a.m. in the morning and 6 p.m. in the evening, an owner or occupant of a residential property may conduct *general maintenance* or carry on works in connection with the *construction*, reconstruction, alteration or repair of any dwelling or structure located on the residential property upon which the owner or occupant resides. *(updated by Bylaw No. 2114)*
- 7.6 an owner of real property must not allow such property to become a *nuisance property*. *(updated by Bylaw No. 2114)*
- 7.7 An owner of real property deemed to be a *nuisance property* must not allow such property to remain a *nuisance property* or for offences against this bylaw to continue on the property. *(added by Bylaw No. 2114)*

8. OFFENCE:

- 8.1 Any person who violates any provision of this Bylaw commits an offence. For greater certainty, an owner of property who permits his or her tenant to violate any provision of this Bylaw commits an offence.
- 8.2 Each occasion on which a provision of this Bylaw is violated shall constitute a distinct and separate offence.

9. PENALTIES:

- 9.1 Where a person is in violation of any provision of this Bylaw, a Peace Officer may issue a violation notice, to be served personally upon the person in violation, and such person shall be liable to pay the amount, as prescribed in the City of White Rock, Ticketing For Bylaw Offences Bylaw, 2011, No. 1929, as amended, to the City.
- 9.2 For greater certainty, an owner of property who permits his or her tenant to violate any provision of this Bylaw is in violation of this Bylaw.
- 9.2 If the penalty indicated on the Violation Notice is not paid, and the Violation Notice is not disputed within fourteen (14) days of issuance, the amount in full becomes due and payable to the City.
- 9.3 Any person who contravenes a provision of this Bylaw and fails to pay the penalty indicated may have the amount transferred to a collection agent or be subject to collection through other legal processes.
- 9.4 Every person who commits an offense against this Bylaw shall be liable upon summary conviction to a fine of not less than two thousand dollars (\$2,000.00) and not more than ten thousand dollars (\$10,000.00). *(added by Bylaw No. 2114)*

RECEIVED FIRST READING on the 7th day of October, 2013

RECEIVED SECOND READING on the 7th day of October, 2013

RECEIVED THIRD READING on the 7th day of October, 2013

RECONSIDERED AND FINALLY ADOPTED on the 21st day of October, 2013

MAYOR

CITY CLERK



SCHEDULE "A"

Schedule of Objectionable or Disturbing Noise:

1. The vocal sound made by an animal, bird or fowl, under the control of, or owned by a person, which is creating any kind of sound continually or sporadically for any period in excess of fifteen (15) minutes.
2. The sound made by a combustion engine that is operated without an effective exhaust muffling system in good working order, being in use whenever such engine is in operation.
3. The sound made by operating a vehicle in such a way that the tires squeal.
4. The sound made by a vehicle horn or other warning device used except under as authorized by this Bylaw.
5. The noise made by a vehicle, or a vehicle with a trailer, resulting in banging, clanking, squealing, or other like noise due to an improperly secured load or equipment, or due to inadequate maintenance.
6. The noise made through the operation of a "Jacobs or Jake" brake or other type of engine brake on a motor vehicle for any purpose other than as an emergency braking device for the safe operation of the motor vehicle.
7. The amplified noise of a radio, television, sound playback device, amplification equipment, or musical instrument, which emanates from a motor vehicle and can be heard from outside the motor vehicle.
8. Construction activity is prohibited on Sundays and holidays, except as authorized in this Bylaw.
9. Shouting, the use of megaphones or voice amplification equipment, the making of any other noise, noisy conduct by any person in or at any street, wharf, dock, pier, or public place, is prohibited, save and except Peace Officers or Fire Fighters while in the conduct of their lawful duty.