

CITY OF SURREY

BY LAW NO. 15028

A by law to amend the provisions of "Surrey Noise Control By-law, 1982, No. 7044" as amended.

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The Council of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

I. "Surrey Noise Control By-law, 1982, No. 7044" as amended, is hereby further amended as follows:

(a) insert the following definition immediately before the definition of "Peace Officer":

"Noise Scare Device" means any device that uses sound as a means of bird control.

(b) Delete existing Sub-section 1.B.6 in its entirety and replace it with the following:

"6. A Noise Scare Device may be used to protect berry crops within the City, subject to the following conditions:

(a) the property on which the Noise Scare Device is used is zoned to permit agricultural uses;

(b) the Noise Scare Device is only operated between 06:30 hours and 20:00 hours or dawn to dusk, whichever is of lesser duration;

(c) no more than one Noise Scare Device per two hectares of crop shall be operated at any one time;

(d) each Noise Scare Device being used shall be alternated or relocated at least once every four days;

(e) each Noise Scare Device, including its timing mechanism, shall be maintained to ensure its proper operation and that the device does not operate outside the hours permitted under (b) above;

(f) each Noise Scare Device shall only be used as part of a wildlife predation management plan and may not be operated on any lot prior to the onset of bird damage to the crop on the lot or after the crop on the lot is harvested;

(g) each Noise Scare Device shall be registered with the City's By-law Enforcement and Licensing Services Section by the owner or occupier of the lot on which the device is to be operated, such registration to specify a telephone number at which the owner or occupiers of the lot can be immediately contacted on a 24 hours-a-day and 7-days-a-week basis;

(h) each Noise Scare Device shall be legibly marked with the operator's name and 24-hour telephone number as referenced in (g) above;

(i) an owner/operator shall operate each Noise Scare Device with a firing frequency of no more than one firing per five minute period in the case of a single shot Noise Scare Device and not more than 11 activations or a maximum of 33 shots in any hour for each multiple shot Noise Scare Device. Multiple shots from a noise scare device are considered as one activation if the shots occur within a period of less than 30 seconds;

(j) a Noise Scare Device shall not be located within 150 metres of a neighbouring residence. Where written permission from the owner of such neighbouring residence is obtained and submitted to the City in relation to reducing or waiving the separation distance, the Manager of By-law Enforcement and Licensing may approve a reduction or waiver of the specified separation distance between a Noise Scare Device and that neighbouring residence."

2. This By law shall be cited for all purposes as "Surrey Noise Control By-law, 1982, No. 7044, Amendment By law, 2003, No. 15028."

PASSED THREE READINGS on the 12th day of May, 2003.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 26th day of May, 2003.

_____MAYOR

_____CLERK