

DISTRICT OF SECHELT

Noise Bylaw No. 519, 2012

A bylaw to regulate noise within the District of Sechelt

WHEREAS s. 8 (3) (h) of the *Community Charter, S.B.C. 2003, c.26* provides that Council may by bylaw regulate, prohibit or impose requirements in relation to, among others, the protection and enhancement of the well-being of persons or property in relation to nuisances, disturbances and other objectionable situations;

AND WHEREAS s. 64 of the *Community Charter* provides that the authority under s. 8 (3) (h) may be exercised in relation to, among others, disturbances and noise;

NOW THEREFORE the Council of the District of Sechelt in open meeting assembled enacts as follows:

1. Citation

This bylaw may be cited for all purposes as the “District of Sechelt Noise Bylaw No. 519, 2012”.

2. Definitions

In this bylaw:

Construction means erection, repair, alteration, enlargement, addition, demolition or removal of a building or other structure, or the excavation or filling-in of land in any manner;

Council means the Municipal Council of the District of Sechelt;

District means the District of Sechelt or the area within its boundaries, as the context may require;

Holiday includes Sunday, Canada Day, Victoria Day, B.C. Day, Labour Day, Thanksgiving, Remembrance Day, Christmas Day, December 26th, New Year's Day, Good Friday, Easter Monday, Family Day, and any other holiday fixed by Parliament or the Legislature;

Noise means any sound that is loud, harsh or undesirable and which unreasonably disturbs the quiet, peace, rest, enjoyment, comfort or convenience, of the neighbourhood in which the sound is received, or of a person in the vicinity;

Special Event means an event of a temporary nature which may include commercial activity for profit, or be organized by a non-profit society or individual, located on privately- owned lands within the District or on land controlled by the District.

3. General Regulations

- (1) No person shall at any time cause, or permit to be caused, noise in or on a public place, or private place.
- (2) No person, being the owner or occupier of property shall at any time permit that property to be used so that sound emanating from it constitutes noise.

4. Specific Regulations

- (1) Without limiting the generality of Section 3 of this bylaw, the following specific restrictions apply:

- (a) Sound equipment noise

No person shall cause or permit the playing of a musical instrument or operation of a radio, stereo, television, public address system, or other apparatus for the production or amplification of sound, either on private premises or property or in any public place, in such a manner as to create noise.

- (b) Animal Cries

No person shall cause or permit the keeping or harbouring of an animal, (including fowl and birds) which by its barking, howling, shrieking, calling or other cries creates noise.

- (c) Machine Noise

No person shall cause or permit the operation of a vehicle, vessel, engine, or equipment, including generators, power tools, power equipment, lawnmowers, jet skis, or other machines in such a manner that creates noise.

- (d) Construction Noise

No person shall, on a Monday to Saturday inclusive before 0700 hours or after 2100 hours, or on a Holiday before 0900 hours or after 1700 hours, engage in or permit construction in such a manner as to create noise.

- (e) Holiday Construction - Business Noise

No person shall, as a business, engage in or permit construction on property so as to create noise on a holiday.

(f) Quiet Hours

No person shall cause or permit noise of any kind, which by its nature is unreasonably interrupting or would tend to interrupt the sleep of a person in the neighbourhood or vicinity, on a Monday to Saturday before 0700 hours or after 2300 hours, or on a holiday before 0900 hours or after 2300 hours; except on the night of December 31st and until 0100 hours on the morning of January 1st.

(g) Exemptions to Quiet Provisions

- (i) The playing of musical instruments, the use of a public address system or other apparatus for the production or amplification of sound on private property may be permitted by Council in conjunction with issuance of a Temporary Use Permit.
- (ii) The amplification of sound, playing of music, or use of a public address system may be permitted in conjunction with a Special Event on land controlled by the District.
- (iii) Notwithstanding section 4 (1) (d) the staff person authorized by Council at his discretion may approve construction noise and may issue such terms and conditions applying to said approval as the authorized person deems necessary.

5. Emergencies

- (1) Notwithstanding any provision in this bylaw, a person may perform work of an emergency nature in a manner that creates noise where the work and resulting noise are urgently necessary for the preservation and protection of life, health, or property or highways, but the onus shall be on the person performing the work to show cause that the work was of an urgent emergency nature.

6. Enforcement

- (1) This bylaw may be enforced by an officer of the local detachment of the RCMP, or a Bylaw Enforcement Officer of the District.
- (2) The Bylaw Enforcement Officer and officers of the RCMP are hereby authorized to enter, at all reasonable times, upon any land in order to ascertain whether the regulations of this bylaw are being observed, and for the purposes of noise and disturbances, it is deemed reasonable to enter at any time where there is or has just been an apparent breach of a term of this bylaw.

- (3) No person shall interfere with or obstruct the entry of a Bylaw Enforcement Officer or an officer of the RCMP in the conduct of administration or enforcement of this bylaw.

7. Severability

- (1) Should any section, subsection, clause, paragraph, sentence or word of this bylaw be declared invalid by a court of competent jurisdiction, no other part of this bylaw shall be deemed to be invalid and the balance of the bylaw shall remain in force as a whole except for the part declared invalid.

8. Offence and Penalties

- (1) Except where the penalty is otherwise provided for in the *Community Charter*, every person who offends against any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention or violation of the provisions of this bylaw, or neglects to do or refrains from doing anything required to be done by this bylaw, shall be deemed to have committed an offence under this Bylaw and shall be liable to fines specified under the Bylaw Notice Enforcement Implementation Bylaw No. 515, 2012.
- (2) Each day that a violation is permitted to exist constitutes a separate offence.

9. Repeal

District of Sechelt Noise Control Bylaw No. 220, 1994 and its amendments Bylaw 220-1, 1998 and Bylaw 220-2, 1999 are hereby repealed.

READ A FIRST TIME THIS	7 th	DAY OF	November, 2012
READ A SECOND TIME THIS	5 th	DAY OF	December, 2012
READ A THIRD TIME THIS	5 th	DAY OF	December, 2012
ADOPTED THIS	19 th	DAY OF	December, 2012



Mayor



Interim Corporate Officer