

COLUMBIA SHUSWAP REGIONAL DISTRICT

BYLAW NO. 5754

A BYLAW TO ENHANCE THE QUALITY OF LIFE FOR THE CITIZENS OF THE COLUMBIA SHUSWAP REGIONAL DISTRICT

WHEREAS, the Board of the Columbia Shuswap Regional District desires to protect the quality of life for its citizens, endeavours to promote civic responsibility, and strives to encourage good relationships between neighbours;

AND WHEREAS the Board wishes to exercise its authority under Section 324 of the Local Government Act related to noise control;

AND WHEREAS the Columbia Shuswap Regional District, pursuant to supplementary Letter Patent dated October 1, 1981, was granted the power to exercise the authority under section 932 of the Municipal Act pertaining to control of noise;

NOW THEREFORE BE IT RESOLVED that the Board of the Columbia Shuswap Regional District in open meeting assembled, hereby ENACTS AS FOLLOWS:

PART I - INTERPRETATION

- 1.1 Words or phrases defined in the British Columbia Interpretation Act, Motor Vehicle Act or Local Government Act or any successor legislation, shall have the same meaning when used in this Bylaw unless otherwise defined in this Bylaw.
- 1.2 Terms used in this Bylaw are defined in Schedule "A" attached to this Bylaw.
- 1.3 A reference to an enactment refers to an enactment of the Province of British Columbia and a reference to an enactment, including a bylaw of the *Regional District*, refers to that enactment as it may be amended or replaced from time to time.
- 1.4 The headings contained in this Bylaw are for convenience only and are not to be construed as defining, or in any way limiting, the scope or the intent of the provisions of this Bylaw.
- 1.5 If any part of this Bylaw is for any reason held invalid by any court of competent jurisdiction, the invalid portion shall be severed and the severance shall not affect the validity of the remainder.

PART II – NOISE REGULATIONS

3.1 General Prohibitions:

- (a) No *person* being the owner, occupier or tenant of *real property* shall allow or permit such *real property* to be used so that noise or sound which occurs thereon or emanates therefrom, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any *person* or *persons* on the same property or in the neighbourhood or *vicinity* of that property.

- (b) No *person* shall make or cause, or permit to be made or caused, any noise or sound on a highway or other public place in the *Regional District* which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any *person* or *persons* in the neighbourhood or *vicinity* of that place.

3.2 Specific Prohibitions:

Without limiting the generality of Section 3.1 herein, between the hours of 12:00 a.m. and 7:00 a.m. any of the following sounds are deemed by the *Board* to be objectionable and disturbing the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public and are, therefore, generally prohibited:

- (a) the use of a megaphone, microphone or other voice amplification device, or shouting, clamouring, banging or making similarly disruptive sounds, whether produced outdoors or from the occupants within a *premises*, vehicle or vessel, such that the sound can be heard from a neighbouring lot or from another *premises* in the *vicinity*;
- (b) sound from a radio, stereophonic equipment, television, musical instrument, computer or other instrument or other apparatus for the production or amplification of sound, whether produced outdoors or from within a *premises*, vehicle or vessel, such that the sound can be heard from a neighbouring lot or from another *premises* in the *vicinity*;
- (c) no *person* shall construct, erect, reconstruct, alter, repair or demolish any building, structure or thing or excavate or fill in land in any manner so as to generate any noise that can be heard from a neighbouring lot or from another *premises* in the *vicinity*.

3.3 Exemptions:

Section 3.1 does not apply to the following, or *persons* engaged in any of the following activities:

- (a) operating or in charge of Fire Department, Police or Ambulance or Emergency vehicles while in the execution of their duties;
- (b) operating any motor vehicle, machinery or other apparatus or thing during an emergency or for a civic, provincial or federal purpose such as avalanche or rock fall control, snow removal, civil defence exercises, construction, alteration, excavation, maintenance, improvement and repair of highways, water and sewer mains and other public works, buildings and structures and park property;
- (c) performing works of an emergency nature for the preservation or protection of life, health or property;
- (d) farm operations or other activities conducted on land designated by the Province as a farm area or Agricultural Land Reserve (ALR) or that is the subject of an aquaculture licence, and in accordance with Agricultural Land

Commission (ALC) regulations or normal farm practices under the Farm Practices Protection (Right to Farm) Act;

- (e) commercial snow clearing and removal operations;
- (f) operating a commercial delivery vehicle;
- (g) community or private events held at a community hall, or events held by a non-profit society, Community Association, or as endorsed by the *Regional District*;
- (h) wedding ceremonies including reception celebrations; and,
- (i) barking dogs.

PART III - ENFORCEMENT

- 4.1 The provisions of this Bylaw may be enforced by a *Bylaw Enforcement Officer* or by a *peace officer* unless otherwise specified.
- 4.2 No *person* shall obstruct or interfere with a *Bylaw Enforcement Officer* or peace officer in the exercise of their duties.
- 4.3 A *Bylaw Enforcement Officer* or *peace officer* shall have the right to enter upon the property of any owner or occupant at all reasonable times and in a reasonable manner to inspect and determine whether the requirements, restrictions and regulations of this Bylaw are being met.

PART IV - PENALTY

- 5.1 A *person* who contravenes any provisions of this Bylaw, or who directs, permits, suffers or allows any act or thing to be done in contravention or violation of any of the provisions of this Bylaw, commits an offence and each day that the offence continues constitutes a separate offence.
- 5.2 If proceedings are brought under the Offence Act, a *person* convicted of an offence under this Bylaw is liable to pay a fine in the maximum amount established under that Act, and any further penalties, costs, fines and compensation that may be ordered by the court under that Act or the Local Government Act, or both.
- 5.3 If proceedings are brought under the CSRD Ticket Information Utilization Bylaw No. 5296, a *person* convicted of an offence is liable to pay a fine of up to \$1,000.

PART V – APPLICATION

- 6.1 The provisions of this Bylaw apply to lands located within Electoral Areas B, C, D, E and F situated within the geographic boundaries of the *Regional District*.

PART VI – TITLE

- 7.1 This Bylaw may be cited as the “CSRD Noise Bylaw No. 5754”.

READ a FIRST TIME this 20 day of April, 2017.

AMENDED THIS 18 day of January, 2018.

READ a SECOND TIME AS AMENDED this 18 day of January, 2018.

READ a THIRD TIME this 18 day of January, 2018.

ADOPTED this ____ day of _____, 2018.

Chair

Chief Administrative Officer

CERTIFIED true copy of Bylaw No. 5754, as adopted.

(Deputy) Manager, Corporate
Administration Services

SCHEDULE “A”

Attached to CSRD Noise Bylaw No. 5754

In this Bylaw:

“Bylaw Enforcement Officer” means the persons duly appointed by the Board as such, and shall include any peace officer, the Chief Administrative Officer or designate, Corporate Officer or designate, Manager, Development Services or designate; and the Manager of Operations or designate;

“Board” means the Board of Directors of the Regional District;

“peace officer” has the same meaning as in the British Columbia Interpretation Act and includes the Royal Canadian Mounted Police (RCMP) and bylaw enforcement officer;

“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;

“premises” means any place occupied by an individual as a residence;

“real property” means land, with or without improvements so affixed to the land as to make them in fact and in law a part of the real property, and includes, as the context requires, individual premises located on the real property;

“Regional District” means the Columbia Shuswap Regional District or the area within the geographic boundaries of the electoral area as the context may require.

“vicinity” means close to neighbouring or near a particular place of origin.