

CAPITAL REGIONAL DISTRICT

BYLAW NO. 3378

**A BYLAW FOR THE ABATEMENT AND CONTROL OF DISTURBING NOISE IN THE ELECTORAL
AREA OF THE SOUTHERN GULF ISLANDS IN THE CAPITAL REGIONAL DISTRICT**

WHEREAS: the Capital Regional District, pursuant to Section 724 of the *Local Government Act* is empowered to regulate or prohibit the making of noise or sounds;

NOW THEREFORE, the Regional Board of the Capital Regional District, in open meeting assembled, enacts as follows:

SECTION 1 DEFINITIONS AND INTERPRETATIONS

In this Bylaw:

“**Board**” means the Board of the Capital Regional District;

“**Enforcement Officer**” means a person appointed by the Capital Regional District as a Bylaw Enforcement Officer, or any member of the Royal Canadian Mounted Police;

“**Electoral Area**” means the Electoral Area of the Southern Gulf Islands;

“**Ticket**” means municipal ticket information in the form described in the *Community Charter* Bylaw Enforcement Ticket Regulation, B.C. REG. 425/2003.

“**Public Facility**” means any facility that is permitted to hold public assemblies in accordance with local government land use and building bylaws and includes facilities that are licensed pursuant to the *Liquor Control and Licensing Act*.

SECTION 2 GENERAL PROHIBITION

No person shall make, cause to be made, or continue to make any noise or sound in the Electoral Area which creates a noise that disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons at or near the source of such noise or sound.

SECTION 3 SPECIFIC PROHIBITIONS

Without limiting the generality of the prohibition contained in Section 2:

1. No person shall load or unload any truck, motor vehicle, or trailer in or upon any public or private place or premises before the hours of 7:00 am (8 am on Saturdays, Sundays or Holidays) or after 7:00 pm.
2. No person shall construct or use construction equipment before the hours of 7:00 am (8 am on Saturdays, Sundays or Holidays) or after 7:00 pm.
3. No person or business shall play amplified music outdoors between the hours of 11:00 pm and 7:00 am (8 am on Saturdays, Sundays or Holidays), that disturbs or tends to disturb other people as described in Section 2 of this Bylaw.

4. No person or business shall play amplified music indoors between the hours of 11:00 pm and 7:00 am (8 am on Saturdays, Sundays or Holidays), unless all reasonable measures have been taken to abate the noise that disturbs other people as described in Section 2 of this Bylaw.
5. No person shall operate on a property any automobile, truck, motorcycle, trail bike, bus, motorized hang glider, or other vehicle which by reason of disrepair, lack of a sufficient muffler, or any other cause, creates noise or sound that disturbs the quiet, peace, rest, enjoyment or comfort of individuals or the public.
6. No person shall discharge a firearm before the hours of 9 am or after 7 pm that disturbs or tends to disturb other people as described in Section 2 of this Bylaw.

SECTION 4 EXEMPTIONS

The provisions of this Bylaw shall not apply to:

1. Any vehicle of the police, fire department, or other public body, or any ambulance or any other public services or emergency vehicle, while engaged in service of public convenience or necessity.
2. The sounding of a horn or other signalling device where such sounding is properly and necessarily used as a danger or a warning signal.
3. The use of bells or chimes by churches, schools or any public body.
4. Forestry, farming, construction or industrial activities where hours of operation are determined by factors such as tides, ferry schedules, weather conditions or fire hazards in forests, providing all reasonable measures have been taken to abate noise as described in Section 2.
5. The operation of farm equipment and the noise associated with normal farm operations, providing all reasonable measures have been taken to abate noise as described in Section 2.
6. A public assembly use or activity in a public park or public facility in connection with a public meeting, public celebration or other public gathering.

SECTION 5 OFFENCE

1. No person, owner, tenant, or occupier of private premises, shall do any act or permit any act or thing to be done which contravenes this Bylaw.
2. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable upon conviction to the penalties prescribed by the *Offence Act* provided that the minimum penalty is not less than ONE HUNDRED (\$100.00) DOLLARS.
3. A separate offence shall be deemed to be committed if a contravention of this Bylaw occurs or continues to occur upon receipt of a subsequent complaint.
4. The penalties imposed under Subsection (2) hereof, shall be in addition to and not a substitution for any other penalty or remedy imposed by this Bylaw or any other statute, law, or regulation.

SECTION 6 INSPECTIONS

An Enforcement Officer is hereby authorized to enter, at all reasonable times, on any property subject to this Bylaw, to ascertain whether this Bylaw is being observed.

SECTION 7 SEVERABILITY

If any section or lesser portion of this Bylaw is held to be invalid by a Court, such invalidity shall not affect the remaining portions of the Bylaw.

SECTION 8 REPEAL

Capital Regional District Bylaw No. 1552 "Noise Suppression Bylaw (North and South Pender Island) No.1, 1987" and Capital Regional District Bylaw No. 1217 "Noise Suppression Bylaw No. 2, 1984" are repealed and replaced by this Bylaw.

SECTION 9 CITATION

This Bylaw may be cited as Bylaw No. 3378 "Noise Suppression Bylaw (Southern Gulf Islands) No.1, 2006".

READ A FIRST TIME THIS	13 th	day of	September	2006
READ A SECOND TIME THIS	13 th	day of	September	2006
READ A THIRD TIME THIS	8 th	day of	November	2006
ADOPTED THIS	8 th	day of	November	2006

Chair

Corporate Secretary