



**REPORT TO ELECTORAL AREA SERVICES COMMITTEE  
MEETING OF WEDNESDAY, 06 JUNE 2007**

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**SUBJECT**    **PROPOSED NEW NOISE BYLAW FOR THE JUAN DE FUCA ELECTORAL AREA AND AMENDMENT TO THE TICKET INFORMATION AUTHORIZATION BYLAW**

**PURPOSE/ISSUE**

At the present time, two noise bylaws are in place for the Juan de Fuca Electoral Area (Bylaws 961 and 1527). Both of these bylaws need updating and can be consolidated into one new bylaw. The new bylaw will be similar to the ones recently adopted for the other two Electoral Areas.

**HISTORY/BACKGROUND**

In 2006, new noise bylaws were adopted for Saltspring Island and the Southern Gulf Islands Electoral Areas. Staff was tasked with bringing a new bylaw forward for the Juan de Fuca Electoral Area in 2007. Adoption of this noise bylaw will also result in the need to amend Bylaw 1857, "Capital Regional District Ticket Information Authorization Bylaw, 1990" to consolidate ticketing authority and the applicable fines.

**ALTERNATIVES**

1. Retain Bylaws 961 and 1527 as they are.
2. Adopt a new noise bylaw to cover all of the Juan De Fuca Electoral Area.
3. Direct staff to make changes to the draft noise bylaw and report back to the next Electoral Area Services Committee meeting.

**FINANCIAL IMPLICATIONS**

The advertising costs to provide public notice of the proposed bylaw will be approximately \$500. Other costs associated with the service include the cost of responding to complaints, carrying out investigations, general administration costs as well as legal services. As bylaw enforcement staff allocate their costs according to time spent on numerous services, the cost of the service will vary according to the number of issues and decisions to proceed with legal enforcement. Annual budgets are based on past trends and comparisons with other bylaw enforcement services. There is a small amount of revenue collected as result of fines.

**SUMMARY/CONCLUSIONS**

The existing noise bylaws for the Juan de Fuca Electoral Area are outdated and need to be replaced by a consolidated bylaw. Police and Bylaw Enforcement Officers need a mechanism to deal with people who are creating a nuisance and the adoption of the noise bylaw and the complementary ticketing authority bylaw will prove to be an effective tool for responding to complaints about disturbances. Therefore staff recommends Alternative No. 2 to adopt a consolidated noise bylaw to cover all of the Juan de Fuca Electoral Area and to proceed with the complementary amendments to the Capital Regional District Ticket Information Authorization Bylaw.

**RECOMMENDATION**

That the Electoral Area Services Committee recommend to the Board:

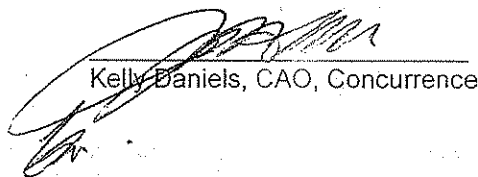
1. That Bylaw No. 3441, "Noise Suppression Bylaw (Juan de Fuca Electoral Area) No. 1, 2007" be introduced and read a first, second, and third time.
2. That Bylaw No. 3442 "Capital Regional District Ticket Information Authorization Bylaw, 1990, Amendment Bylaw No. 37, 2007" be introduced and read a first, second, and third time.



Don Brown  
Chief Bylaw Officer



Robert Lapham, General Manager  
Planning and Protective Services  
Concurrence



Kelly Daniels, CAO, Concurrence

Attachments:

- Bylaw No. 961
- Bylaw No. 1527
- Bylaw No. 3341
- Bylaw No. 3342

CAPITAL REGIONAL DISTRICT  
BYLAW NO. 3441

\*\*\*\*\*  
A BYLAW FOR THE ABATEMENT AND CONTROL OF DISTURBING NOISE IN THE JUAN DE FUCA  
ELECTORAL AREA IN THE CAPITAL REGIONAL DISTRICT  
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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;

“**Construction**” includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, earth moving, grading, excavating, the paying of pipe and conduit whether above or below ground level, street and highway building, equipment installation and alteration and the structural installation of construction components and materials in any form or for the purpose, and includes any work in connection therewith;

“**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 Juan de Fuca Electoral Area;

“**Legitimate Farm Operations**” means any of the normal activities involved in carrying on a farm business, as defined under the Farm Practice Protection (right to farm) Act, on lands included in the Agricultural Land Reserve, farm class lands or land zoned for agriculture use;

“**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 (8:00 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, 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 legitimate 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. 961 "Noise Suppression Bylaw, 1981", and Bylaw No. 1527 "Noise Suppression Bylaw (Sooke), 1987" are repealed and replaced by this Bylaw.

**SECTION 9 CITATION**

This Bylaw may be cited as "Noise Suppression Bylaw (Juan de Fuca) No.1, 2007".

READ A FIRST TIME THIS	day of	2007
READ A SECOND TIME THIS	day of	2007
READ A THIRD TIME THIS	day of	2007
ADOPTED THIS	day of	2007

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Secretary





**"SCHEDULE 11 TO BYLAW NO. 1857****NOISE SUPPRESSION BYLAW (JUAN DE FUCA ELECTORAL AREA) NO. 1, 2007**

<b>WORDS OR EXPRESSIONS DESIGNATING OFFENCE</b>	<b>SECTION</b>	<b>FINE</b>
1. Noise which disturbs	2	\$100.00 (first offence) 200.00 (second offence) 500.00 (subsequent offences)
2. Loading/Unloading noise	3(1)	\$100.00 (first offence) 200.00 (second offence) 500.00 (subsequent offences)
3. Construction noise	3(2)	\$100.00 (first offence) 200.00 (second offence) 500.00 (subsequent offences)
4. Amplified music - outdoors	3(3)	\$100.00 (first offence) 200.00 (second offence) 500.00 (subsequent offences)
5. Amplified music - indoors	3(4)	\$100.00 (first offence) 200.00 (second offence) 500.00 (subsequent offences)
6. Vehicle noise	3(5)	\$100.00 (first offence) 200.00 (second offence) 500.00 (subsequent offences)
7. Firearms noise	3(6)	\$100.00 (first offence) 200.00 (second offence) 500.00 (subsequent offences)"