

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**

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.

“**Construct**” includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting with spray guns, earth moving, grading, excavating, blasting, the laying 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.

“**Continuous Noise**” means any noise or sound continuing for a period of more than three (3) minutes, or during periods totalling more than three (3) minutes in any fifteen (15 minute) period.

“**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.

“**Persistent**” means enduring or constantly repeated.

“**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.

No person, being the owner, tenant or occupier of real property, shall allow or permit the real property to be used so that noise which occurs on, or is emitted from, that real property is liable by its consistent or

persistent nature to disturb the quiet, rest, enjoyment, comfort or convenience of a reasonable person or persons in the neighbourhood or vicinity.

SECTION 3 SPECIFIC PROHIBITIONS

Without limiting the generality of the prohibition contained in Section 2 the following acts are considered by the Board to cause noises or sounds which are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public in the neighbourhood or vicinity of those acts:

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 or after 7:00 pm.
2. No person shall construct or use construction equipment before the hours of 7:00 am or after 7:00 pm.
3. No person shall construct or use construction equipment on Sundays or Statutory holidays.
4. No person shall use a gas powered leaf blower.
5. No person shall use an electric leaf blower before the hours or 8:00 am or after 6:00 pm.

6. No person or business shall play amplified music outdoors between the hours of 11:00 pm and 7:00 am, that disturbs or tends to disturb other people as described in Section 2 of this Bylaw.

Formatted: Bullets and Numbering

7. No person or business shall play amplified music indoors between the hours of 11:00 pm and 7:00 am, unless all reasonable measures have been taken to abate the noise that disturbs other people as described in Section 2 of this Bylaw.

Formatted: Bullets and Numbering

8. 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.

Formatted: Bullets and Numbering

9. No person shall discharge a firearm before the hours of 9:00 am or after 7:00 pm that disturbs or tends to disturb other people as described in Section 2 of this Bylaw.

Formatted: Bullets and Numbering

10. No person shall play a radio, television, musical equipment, or voice amplification equipment that disturbs or tends to disturb other people as described in Section 2 of this Bylaw.

Formatted: Bullets and Numbering

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 (Colwood, Langford and View Royal Electoral Areas), 1981", and Bylaw No. 1527 "Noise Suppression Bylaw (Sooke), 1987" are repealed and replaced by this Bylaw.

