

SQUAMISH-LILLOOET REGIONAL DISTRICT

BYLAW NO. 1438-2015

A bylaw for the regulation of noise in Electoral Area C of the Squamish-Lillooet Regional District

WHEREAS the Squamish-Lillooet Regional District has established a Squamish-Lillooet Regional District Electoral Area C Noise, Nuisance and Disturbance Regulatory Control Service Establishment Bylaw No. 1437-2015;

AND WHEREAS the Squamish-Lillooet Regional District wishes to establish a bylaw that regulates noise pursuant to Section 324 of the *Local Government Act*,

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

1.0 TITLE

1.1 This bylaw may be cited as "Squamish-Lillooet Regional District Electoral Area C Noise Regulation Bylaw No. 1438-2015".

2.0 APPLICATION

2.1 This bylaw applies to Squamish-Lillooet Regional District Electoral Area C as defined in the Letters Patent of the Squamish-Lillooet Regional District and amendments thereto.

3.0 DEFINITIONS

3.1 Within this Bylaw, the following definitions apply:

AGRICULTURAL LAND means land designated as agricultural land pursuant to the *Agricultural Land Commission Act*.

AUTHORIZED PERSON means the Chief Administrative Officer of the Squamish-Lillooet Regional District or his or her designate.

BOARD means the elected and appointed Directors of the Squamish-Lillooet Regional District acting as the Squamish-Lillooet Regional District Board of Directors in assembled meetings thereof.

BONA FIDE FARMER means a person holding a farm land classification under the provisions of the *Assessment Act*.

BYLAW ENFORCEMENT OFFICER means a person appointed by the Squamish-Lillooet Regional District to act on matters of bylaw enforcement.

CONSTRUCTION means erecting, repairing, altering, enlarging, adding to, demolishing or removing a building or other structure, or the blasting, excavating or filling-in of land in any manner.

HOLIDAY means Sunday, New Year's Day, Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, British Columbia Day, Labour Day, Remembrance Day, Christmas Day, Boxing Day and any day set by the Parliament of Canada or by the British Columbia Legislature as a public Holiday.

NOISE means any sound that is liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public by being unreasonably loud or excessive.

Sources of noise can include, but are not limited to:

- a) Sound amplifiers such as stereos or public address systems.
- b) Musical instruments.
- c) Cries of harboured animals.
- d) Intermittent or reiterated cries.
- e) Landing of a helicopter in a residential zone or on a property abutting more than two properties where the primary use is a dwelling.
- f) Landing of a helicopter in an agricultural zone or on a property abutting more than two properties where the primary use is agriculture.
- g) Motorized equipment such as lawnmowers, generators, snow blowers, motorboats, jet skis, dirt bikes, snowmobiles, or similar devices.
- h) Operation of any kind of equipment, machinery, or engine.

NOISE, CONSTRUCTION means any *noise* created by or resulting from *construction*

NOISE, UNREASONABLY LOUD OR EXCESSIVE means any *noise* deemed as such by a *Bylaw Enforcement Officer* or an *RCMP Officer*, based on the following factors:

- a) The proximity of the sound to sleeping facilities.
- b) The land use and zoning of the area from which the noise emanates and the land use and zoning where it is received.
- c) The time of day the noise occurs.
- d) The duration of the noise.
- e) The volume of the noise.
- f) The nature of the noise.
- g) Whether the sound is recurrent, intermittent, or constant.
- h) The nature of the event or activity from which the noise emanates.

PERSON means individual, company, corporation, owner, occupier, partnership, firm, association, society, or party.

REAL PROPERTY means land, with or without improvements so affixed to the land as to make them in fact and law a part of it.

RCMP OFFICER means a member appointed by the Governor in Council pursuant to section 5 or paragraph 6(3)(a) of the Royal Canadian Mounted Police Act.

REGIONAL DISTRICT means the Squamish-Lillooet Regional District (SLRD).

SPECIAL EVENT means any public assembly, show, exhibition, carnival, fair, concert, rave, vehicular race, parade, sporting event, performance or other event attended by, or which

may reasonably be expected to be attended by, more than 200 people, and which may occur on one day or on consecutive days.

4.0 GENERAL PROHIBITIONS

4.1 No *person* shall make, cause to be made, or continue to make any *noise* or sound in Electoral Area C, which unduly disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of reasonable persons at or near the source of such *noise* or sound.

4.2 No owner or occupier of *real property* shall use such *real property*, or permit such *real property* to be used, in Electoral Area C, so that a *noise* which originates from such *real property* disturbs the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.

4.3 No *person* shall make, cause to be made, or continue to make any *noise* or sound in Electoral Area C, which unduly disturbs *bona fide farmers* on parcels in the Agricultural Land Reserve.

4.4 No owner or occupier of *real property* shall use such *real property*, or permit such *real property* to be used, in Electoral Area C, so that a *noise* which originates from such *real property* disturbs *bona fide farmers* on parcels in the Agricultural Land Reserve.

5.0 SPECIFIC PROHIBITIONS

5.1 Without limiting the generality of the prohibitions contained in Section 4 of this Bylaw, no person shall cause or permit the following to occur

SPECIFIC PROHIBITION	MONDAY – SATURDAY	SUNDAY & STATUTORY HOLIDAY
Any amplified music or singing or speech or sounds made by instrument, radio, stereophonic equipment or other device which is audible outside the premises on the real property from where the music or speech originates which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public outside of the following hours, unless written approval is obtained from an <i>Authorized Person</i> .	Before 7:00am or After 11:00pm	Before 9:00am or After 11:00pm
Any <i>construction noise</i> or vibration, which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public outside of the following hours, unless written approval is obtained from an <i>Authorized Person</i> .	Before 7:00am or After 8:00pm	Before 10:00am or After 4:00pm

5.2 The following *noises* are prohibited:

- a) motor vehicles without a functional muffler;
- b) excessive vehicle *noise* such as excessive use of horn, revving of engines, squealing of tires, unattended car alarms, air horns, engine brakes, or exhaust noise;
- c) *unreasonably loud or excessive noise*.

6.0 EXEMPTIONS

6.1 The provisions of this bylaw shall not apply to:

- a) Police, fire, ambulance or other emergency response vehicles and equipment proceeding upon, or engaged in, an emergency, or persons or agency staff engaged in acts of an emergency nature.
- b) Agricultural uses and activities permitted in the Agricultural Land Reserve under the Farm Practices Protection Act as normal farm practices.

- c) Flood protection works undertaken by or on behalf of a dyking authority.
- d) Ministry of Transportation and Infrastructure (MoTI) staff engaged in the creation of, protection, preservation or maintenance of MoTI road works, rights of way, and infrastructure, or traffic control devices.
- e) Any BC Hydro, or other utility company providing public service, in the creation of, protection, preservation or maintenance of utility rights of way and infrastructure.
- f) The sounding of a horn, bell or other signalling device where such sounding is properly and necessarily used as a danger or a warning signal as part of a public address system.
- g) The use of bells or chimes by churches, schools or any public body.
- h) A special event, where a valid permit under the Squamish-Lillooet Regional District Special Events Bylaw No.1247-2012 as amended, has been issued and where such permit allows for an exemption to this bylaw and the terms of that exemption, within the permit.
- i) Any work carried out during restricted hours with the permission of an *Authorized Person*, in writing, specifying the time during such restricted hours when such work may be performed.

7.0 OFFENCE & PENALTY

7.1 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.

7.2 Any person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who refuses, or omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this Bylaw, is guilty of an offence and

- a) pursuant to the *Local Government Act* or the *Offence Act* or both shall be liable on summary conviction to:
 - (i) a fine not exceeding two thousand dollars (\$2,000.00), imprisonment of not more than 6 months, or both,
 - (ii) the costs of prosecution, and
 - (iii) any other penalty or remedy imposed or permissible pursuant to an enactment;
- b) the penalties and remedies imposed under subsection a) shall be in addition to and not in substitution for any other penalty or remedy imposed by or permissible under this Bylaw or any other enactment; and
- c) each day that a violation is caused or allowed to continue constitutes a separate offence under this Bylaw.

