



**REQUEST FOR DECISION REPORT**  
Adoption of Electoral Area B Noise, Nuisance and  
Disturbance Control Service Establishment Bylaw No.  
1495-2016 and Electoral Area B Noise Regulation Bylaw  
No. 1496-2016

**Meeting date:** January 25, 2017

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**To:** SLRD Board

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**RECOMMENDATIONS:**

THAT bylaw 1495-2016, cited as "Squamish-Lillooet Regional District Electoral Area B Noise, Nuisance and Disturbance Control Service Establishment Bylaw No. 1495-2016" be adopted.

THAT bylaw 1496-2016, cited as "Squamish-Lillooet Regional District Electoral Area B Noise Regulation Bylaw No. 1496-2016" be adopted.

**KEY ISSUES/CONCEPTS:**

Local governments may regulate and prohibit noise through the establishment of noise control bylaws. Specifically, regional districts have jurisdiction through s. 324 of the *Local Government Act* (LGA), whereby ...*the board may, by bylaw, regulate or prohibit the making or causing of noises or sounds in or on a highway, or elsewhere in the regional district (i) that disturb or tend to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood, or of persons or public in the vicinity, or (ii) that the board believes are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public...* In conjunction with this regulatory bylaw, a control service establishment bylaw has been prepared, as required by Section 323 of the LGA.

At the November 23, 2016 SLRD Board meeting, the Board resolved:

*THAT bylaw 1495-2016, cited as "Squamish-Lillooet Regional District Electoral Area B Noise, Nuisance and Disturbance Control Service Establishment Bylaw No. 1495-2016" be introduced and read a first, second and third time.*

*THAT bylaw 1495-2016, cited as "Squamish-Lillooet Regional District Electoral Area B Noise, Nuisance and Disturbance Control Service Establishment Bylaw No. 1495-2016" receive participating area approval and consent of the Electoral Area B Director, pursuant to section 347 of the Local Government Act.*

*THAT bylaw 1495-2016, cited as "Squamish-Lillooet Regional District Electoral Area B Noise, Nuisance and Disturbance Control Service Establishment Bylaw No. 1495-2016" be forwarded to the Inspector of Municipalities for statutory approval.*



*THAT bylaw 1496-2016, cited as “Squamish-Lillooet Regional District Electoral Area B Noise Regulation Bylaw No. 1496-2016” be introduced and read a first, second and third time.*

As consent and statutory approvals have been received, *SLRD Electoral Area B Noise Regulation No 1496-2016* and corresponding *SLRD Electoral Area B Noise, Nuisance and Disturbance Control Service Establishment Bylaw No. 1495-2016* are being recommended for adoption.

**RELEVANT POLICIES:**

Squamish-Lillooet Regional District Bylaw Notice Enforcement Bylaw No. 1447-2016  
Squamish-Lillooet Regional District Electoral Area C Noise Regulation Bylaw No. 1438-2015  
SLRD, Electoral Area D Noise Regulation Bylaw No. 1234, 2011  
District of Lillooet Nuisance Bylaw 2006, No. 273

**BACKGROUND:**

The introduction of a noise bylaw for Electoral Area B may be seen as a pre-emptive measure, ensuring that tools are available should issues arise. Further, it is felt that establishing a noise bylaw for Electoral Area B may assist in addressing issues associated with Airbnb; it will also provide for an aligned approach for the Lillooet area, as the District of Lillooet already has a bylaw in place. As with the other SLRD noise bylaws, enforcement is on a complaint basis; having a noise bylaw in place will enable any future complaints to be addressed in a satisfactory, consistent and timely manner.

Bylaw Notice Enforcement Bylaw No. 1447-2016

Bylaw Notice Enforcement Bylaw No. 1447-2016 was adopted in March 2016. It will need to be periodically amended as new bylaws are created and/or existing bylaws revised that could change the ticketable offences and fine amounts in the bylaw. As such, amendments will be made to the Bylaw Notice Enforcement Bylaw to account for the new ticketable offences and fine amounts associated with the Area B Noise Bylaw. Note that the ticketable offences and fine amounts are aligned with those for the Electoral Area D and Electoral Area C Noise Bylaws.

Please note that a Noise, Nuisance and Disturbance Control Service Establishment Bylaw has been drafted, as required by the *Local Government Act (LGA)*, and will allow for other nuisances and disturbances to be added via additional regulatory bylaws at a later date.

**REGIONAL IMPACTS ANALYSIS:**

The Squamish-Lillooet Regional District Electoral Area B Noise Regulation Bylaw No. 1496-2016 would pertain to SLRD Electoral Area B, supporting the policies and objectives of the Electoral Area B Official Community Plan and Agricultural Plan. The bylaw is aligned with District of Lillooet Nuisance Bylaw 2006, No. 273 and other member municipality approaches.

**OPTIONS:**

Option 1 (PREFERRED OPTION)

Adopt Squamish-Lillooet Regional District Electoral Area B Noise, Nuisance and Disturbance Control Service Establishment Bylaw No. 1495-2016.



Adopt Squamish-Lillooet Regional District Electoral Area B Noise Regulation Bylaw No. 1496-2016.

Option 2

Refer the bylaws back to SLRD Staff for more information, or revision.

Option 3

Do not adopt the bylaws.

Option 4

As per the Board's discretion.

**FOLLOW UP ACTION:**

Advise RCMP if SLRD Electoral Area B Noise Regulation Bylaw No. 1496-2016 is adopted and establish a protocol for dealing with noise complaints with the RCMP. Advise District of Lillooet and St'at'imc Nation if SLRD Electoral Area B Noise Regulation Bylaw No. 1496-2016 is adopted.

**ATTACHMENTS:**

Appendix A: Squamish-Lillooet Regional District Electoral Area B Noise, Nuisance and Disturbance Control Service Establishment Bylaw No. 1495-2016

Appendix B: Squamish-Lillooet Regional District Electoral Area B Noise Regulation Bylaw No. 1496-2016

Submitted by: C. Daniels, Planner

Endorsed by: K. Needham, Director of Planning and Development

Reviewed by: L. Flynn, Chief Administrative Officer

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## SQUAMISH-LILLOOET REGIONAL DISTRICT

### BYLAW NO. 1495-2016

A bylaw to establish a Noise, Nuisance and Disturbance Control Service for Electoral Area B of the Squamish-Lillooet Regional District

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**WHEREAS** a regional district may, by bylaw, establish and operate a service under the provisions of Part 9 and Part 10 of the *Local Government Act*;

**AND WHEREAS** pursuant to section 323 of the *Local Government Act*, the Board wishes to establish a regulatory service for the purpose of controlling noise, nuisances and other disturbances for Electoral Area B of the Squamish-Lillooet Regional District;

**AND WHEREAS** pursuant to section 339(2)(a) of the *Local Government Act*, the requirement that an establishing bylaw contain a maximum requisition amount for the service does not apply to an establishing bylaw for a regulatory service;

**AND WHEREAS** pursuant to section 342(2) of the *Local Government Act*, participating area approval may be obtained, if permitted under section 347(1) of the *Local Government Act* for a proposed electoral area participating area, by consent in accordance with that section;

**AND WHEREAS** pursuant to section 347(1) of the *Local Government Act*, the Board may authorize participating area approval to be given in the case of an establishing bylaw for a service referred to in section 339(2) of the *Local Government Act* if the participating area includes all of the electoral area and the service can be established without borrowing;

**AND WHEREAS** pursuant to section 347 of the *Local Government Act*, the Director of Electoral Area B has consented, in writing, to the adoption of this bylaw;

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

#### **Citation**

1. This bylaw may be cited as "Squamish-Lillooet Regional District Electoral Area B Noise, Nuisance and Disturbance Control Service Establishment Bylaw No. 1495-2016".

#### **Service Being Established**

2. The Board hereby establishes a service for the purpose of regulating noise, nuisances and other disturbances pursuant to the authority of Section 323 of the *Local Government Act*.

#### **Service Area Boundaries**

3. The boundaries of the Service Area shall comprise the entirety of Electoral Area B of the Squamish-Lillooet Regional District.



## SQUAMISH-LILLOOET REGIONAL DISTRICT

### BYLAW NO. 1496-2016

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

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**WHEREAS** the Squamish-Lillooet Regional District has established a Squamish-Lillooet Regional District Electoral Area B Noise, Nuisance and Disturbance Control Service Establishment Bylaw No. 1495-2016;

**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 B Noise Regulation Bylaw No. 1496-2016”.

#### 2.0 APPLICATION

2.1 This bylaw applies to Squamish-Lillooet Regional District Electoral Area B 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 B, 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 B, 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 B, 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 B, 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 9:00am  or  After 10:00pm	Before 9:00am  or  After 10:00pm
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 10:00pm	Before 9:00am  or  After 9:00pm

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 has been issued under any Squamish-Lillooet Regional District Special Events Bylaw as amended from time to time, 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.

