

REGIONAL DISTRICT OF COMOX-STRATHCONA

BYLAW NO. 2382

**A BYLAW TO REGULATE OR PROHIBIT OBJECTIONABLE NOISE
WITHIN ELECTORAL AREA "D" OF
THE REGIONAL DISTRICT OF COMOX-STRATHCONA**

WHEREAS the Board of the Regional District of Comox-Strathcona adopted Bylaw No. 2275 being "Noise Control Extended Service Conversion Bylaw No. 2275, 2000" on the 30th day of October, 2000;

AND WHEREAS the Board believes that;

- (a) certain sounds are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public; and
- (b) it is desirable to regulate or prohibit them;

AND WHEREAS it is not the intent of the Board to prevent or prohibit those sounds customarily emitted or usually associated with the normal conduct or reasonable daily activity at reasonable times;

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

1. TITLE:

This bylaw may be cited as the "ELECTORAL AREA "D" NOISE CONTROL REGULATION BYLAW No. 2382, 2001".

2. INTERPRETATION

In this Bylaw:

- a) Board means the Board of Directors of the Regional District of Comox-Strathcona
- b) Bylaw Enforcement Officer includes a Peace Officer and a person appointed by the Board as a Bylaw Enforcement Officer
- c) Continuous Noise means any noise or sound continuing for a period of more than three (3) minutes or during periods totaling more than three (3) minutes in any fifteen (15) minute period.
- d) Regional District means the Regional District of Comox-Strathcona
- e) Motor Vehicle includes an automobile, motorcycle and any other vehicles propelled or driven other than by muscular power, but does not include the cars of electric or steam railways or other motor vehicles running only upon rails, or traction engine, farm tractor or self-propelled implement of husbandry.

- f) Persistent means enduring or constantly repeated.
- g) Real Property means land other than a highway, together with all improvements which have been so affixed to the land as to make them in law a part of the land and includes land without improvements.
- h) Residential Premises means land upon which is located, a building or structure, including a mobile home used seasonally or permanently for human occupancy.

3. JURISDICTION

This bylaw is applicable to and enforceable within Electoral Area "D" of the Regional District.

4. OBJECTIONABLE AND DISTURBING NOISES

The acts listed in Schedule "A" to this Bylaw 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.

5. GENERAL PROHIBITION

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

6. PROHIBITION BY TIME OR PLACE

Without limiting Section 5 of this Bylaw, no person shall commit, cause or permit the commission of an act listed in Schedule "A" to this bylaw which results in the emission of a continuous or persistent noise which is audible at a residential premises or in a public place in the vicinity during the period of time specified in respect of that act in Schedule "A".

7. EXCEPTIONS

The prohibitions contained in Sections 5 and 6 of this Bylaw do not apply to the emission of sound in connection with an act listed in Schedule "B" to this Bylaw.

8. INSPECTION AND ENTRY

A Bylaw Enforcement Officer is hereby authorized to enter, at all reasonable times, on any property subject to the regulations or direction of the Board, to ascertain whether the regulations or directions of this Bylaw are being observed.

9. SCHEDULES

Schedules "A" and "B" form a part of and are enforceable in the same manner as this Bylaw.

10. PENALTY

- (a) A 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, shall be liable on summary conviction to the penalties prescribed by the "Offence Act".
- (b) In the case of a continuing violation, each day that a violation continues to occur shall constitute a separate offence.

11. SEVERABILITY

In any provision of this bylaw is held to be beyond the power of the Regional District or otherwise invalid by any court of competent jurisdiction, then the provision may be severed from the bylaw without affecting the validity of the remainder of the bylaw.

12. REPEAL

Bylaw No. 882 being "Electoral Area 'D' Noise Control Bylaw 1986" is hereby repealed.

READ A FIRST AND SECOND TIME THIS	30 TH	DAY OF	JULY	, 2001.
READ A THIRD TIME THIS	30 TH	DAY OF	JULY	, 2001.
ADOPTED THIS	30 TH	DAY OF	JULY	, 2001.


Chair


D/Manager of Corporate Administration

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 2382 being "...Electoral Area 'D' Noise Control Regulation Bylaw No. 2382, 2001" as adopted by the Board of the Regional District of Comox-Strathcona on the 30th day of July, 2001.


D/Manager of Corporate Administration

**"REGIONAL DISTRICT OF COMOX-STRATHCONA ELECTORAL AREA "D" NOISE REGULATION BYLAW
No. 2382, 2001"**

SCHEDULE 'A'

PROHIBITIONS OF TIME

ACT		PROHIBITED PERIOD OF TIME
1.	The operation of an electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers and designed for the production, reproduction or amplification of sound, including but not limited to radios, record players, tape decks, compact disc players, televisions, receivers, audio/video tape players and musical instruments.	11:00PM to 8:00AM
2	The operation of an auditory signaling device, including but not limited to the ringing of bells or gongs and the blowing of horns or sirens or whistles, or the production, reproduction or amplification or any similar sounds by electronic means except where required or authorized by law	9:00 p.m. to 8:00 a.m.
:1	Persistent barking, calling, whining or other similar persistent sound made by a domestic pet, kept or used for a purpose other than agriculture.	At all times
4.	Persistent yelling, shouting or hooting	At all times
5	The operation of a motor vehicle including but not limited to all terrain vehicles and motor cycles, other than on a highway or other place intended for its operation	9:00 p.m. to 8:00 a.m.
6.	The operation of a mechanical device, including but not limited to power saws and compressors, power lawn mowers both gas and electric powered	9:00 p.m. to 8:00 a.m.
7.	The operation of sawmills whether portable or permanent, where permitted	9:00p.m. to 8:00 a.m.
8.	Any type of manufacturing, processing, assembling, fabricating, testing, servicing and repairing where permitted	9:00p.m. to 8:00 a.m.

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No. 2382, 2001"**

SCHEDULE 'B'

EXCEPTIONS

Sound emitted in connection with:

1. Emergency Measures Undertaken

- (a) for the immediate health, safety or welfare of any person or persons, or;
- (b) for the preservation or restoration of property

unless the sound is of a longer duration or of a nature more disturbing than is reasonably necessary for the accomplishment of such emergency purpose.

2. Works or activity associated with and necessarily incidental to:

- (a) constructing, erecting, reconstructing, altering, repairing or demolishing of buildings, structures or things;
- (b) excavating, grading or filling land, rock drilling and blasting;

between 7:00 a.m. and 7:00 p.m. on any day except Sunday, and Statutory Holidays

3. Works or activity associated with and necessarily incidental to:

- (a) installing, altering, repairing, or removing public facilities or utilities; (b) well drilling.

between 7:00 a.m. and 10:00 p.m. on any day.

4. Traditional, religious or other activities listed below:

- (a) fireworks under permit;
- (b) special events held under the Regional District of Comox-Strathcona Special Events Bylaw No. 2155, 1999.
- (c) church bells, Muslim call to prayer and other like noises.
- (d) Dances, concerts, fairs, and other events held at community halls or other public venues which the public is invited to attend but which are not large enough to require a Special Event Permit, whether or not tickets are required. This exception does not extend to any private parties or events other than weddings which occur on private property.

5. Shouting in relation to games played in a community park or school grounds.

6. Operation of mechanical or motorized equipment for the purpose of cutting grass on a golf course.

7. Operation of mechanical or motorized equipment for agricultural purposes.

8. Logging or other forestry activities undertaken in periods of high risk for forest fires and which are mandated by enactment to be carried out during specific times.