

**TOWNSHIP OF SPALLUMCHEEN**

**BYLAW 1711**

**A BYLAW TO PROHIBIT OR REGULATE NOISE LEVELS**

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WHEREAS Council, pursuant to Section 8(3)(h) of the *Community Charter*, may exercise authority for the protection and enhancement of the well-being of its community in relation to the matters referred to in Section 64 "nuisances, disturbances and other objectionable situations" and authority of the Council may be exercised in relation to the following:

- (a) Noise, vibration, odour, dust, illumination or any other matter that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;

AND WHEREAS Council deems it necessary and desirable to exercise the authority granted by Section 8(3)(h) of the *Community Charter*;

NOW THEREFORE the Municipal Council of the Township of Spallumcheen, in open meeting assembled, enacts as follows:

**1. Citation**

This Bylaw may be cited as the "Township of Spallumcheen Noise Regulation or Prohibition Bylaw 1711, 2008".

**2. Definitions**

In this Bylaw,

"construction" includes any work involving the excavation of land, the erection, alteration, repair, relocation, dismantling, demolition and removal of a building or structure;

**3. General Regulations**

Except as provided in sections 4 and 6 no person shall on any day before seven 7 a.m. or after ten 10 p.m. make or cause or permit to be made or caused any noise that disturbs or tends to disturb the peace, rest, enjoyment, comfort, or convenience of the neighbourhood or persons in the vicinity.

**4. Construction Hours**

- (a) Notwithstanding section 3, no person shall on any day before seven 7 a.m. or after eight 8 p.m., construct, erect, reconstruct, alter, repair or demolish any building, structure or thing or excavate or fill in land in any manner which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighborhood or of persons in the vicinity.
- (b) The Public Works Manager is delegated the authority to issue a temporary noise permit in the event that the construction activity must proceed outside of the hours permitted in section 4 (a) because:

- (1) Of an emergency threatening life and/or safety, or an imminent danger or hazard; or
- (2) The type of construction requires that the constructing be continuous and for a greater number of hours than permitted in section 4 (a).

## 5. Other

The following conduct is specifically prohibited when it disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the public:

- (a) Shouting, using a megaphone or sound amplification device or making other noise at or on any public place;
- (b) Keeping or harboring a dog, bird or other animal, which barks or emits cries or other noises in a persistent manner;
- (c) Operating a motorized vehicle which by reason of disrepair, creates noise or sounds;
- (d) Idling or continuous running of the engine of a truck, tractor trailer or bus for more the ten (10) minutes at the same location, except where the truck or bus is located within a garage or depot intended for that purpose.

## 6. Exemptions

Section 3 – General Regulations of this Bylaw does not apply to:

- (a) The use of a vehicle of the Police or Fire Department, or an ambulance or other public service or emergency vehicle while engaged in the execution of their duty;
- (b) the sounding of a horn or other signaling device upon any vehicle, boat or train where such sounding is properly and necessarily used as a danger or warning signal;
- (c) the use, in a reasonable manner, of an apparatus or mechanism for the amplification of the human voice or music in a public park, public facility in connection with a public meeting, public celebration, athletic or sports event or other public gathering, if that gathering is held under a permit issued by the Township and is consistent with the terms of the permit;
- (d) the use of bells or chimes for the announcing of any church service;
- (e) a parade, procession, performance, concert, ceremony, event, gathering or meeting in or on a public street or public space, if that activity is either permitted by law or conducted in accordance with the terms of a permit issued by the Township;
- (f) public works including, but not limited to, the construction and repair of streets, water or sewer services and other infrastructure services;
- (g) businesses operating within the I.4 "Agricultural Industrial Zone, I.5 "Soil Removal and Processing Zone" and I.6 "Forest Product Industrial Zone".
- (h) Agricultural businesses subject to the *Farm Practices Protection (Right to Farm) Act* Legislation.**

## 7. Right of Entry

Any officer, employee or contractor of the Township is authorized to enforce this bylaw and may enter onto or into a property in accordance with section 16 of the *Community Charter*, 2003 S.B.C. c. 26.

## 8. Offences

- (a) 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 neglects to do or refrains from doing any act or thing which violates any of the provisions of this bylaw shall be liable to the penalties hereby imposed. Each day that such violation is permitted to continue shall constitute a separate offence.
- (b) Any *person* who violates any of the provisions of this bylaw shall upon summary conviction be liable to a penalty of not more than Two Thousand Dollars (\$2,000.00) or a term of imprisonment not exceeding six (6) months, or to both.

## 9. Severance

If any provision contained in the bylaw is found by a court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, the validity, legality or enforceability of the remaining provisions contained herein shall not be, in any way, affected or impaired thereby to the extent that the purpose of the bylaw may be fulfilled in the absence of the impugned provision or provisions of the bylaw.

## 10. Repeal Bylaws

Upon adoption of this bylaw, the "Township of Spallumcheen Noise Prevention Bylaw No. 1269, 1992" and amendments thereto are hereby repealed.

Read a **FIRST** and **SECOND** time this 2<sup>nd</sup> day of June, 2008.

Read a **THIRD** time this 21<sup>st</sup> day of July, 2008.

**THIRD** Reading **RESCINDED** on this 3<sup>rd</sup> day of February, 2014.


Read a **THIRD** time, as **AMENDED**, this 3<sup>rd</sup> day of February, 2014.

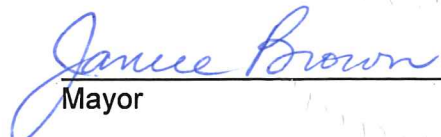
**THIRD** Reading **RESCINDED** on this 17<sup>th</sup> day of February, 2014.

Read a **THIRD** time, as **AMENDED**, this 17<sup>th</sup> day of February, 2014.

**ADOPTED** this 3<sup>rd</sup> day of March, 2014.

Certified Correct:

  
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Corporate Officer

  
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Mayor