

ATTACHMENT: Cariboo Regional District Noise Control Bylaw No. 4461, 2009.

POLICY IMPLICATIONS: None

FINANCIAL IMPLICATIONS:

Reviewed by the CFO:

OPTIONS: 1) Receipt; 2) Endorse recommendation; 3) Defer; 4) Make other amendments.

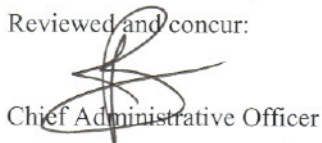
RECOMMENDATION: That the agenda item summary from Graham Barbour, Manager Responsible for Bylaw Enforcement, dated September 3, 2009 regarding Bylaw No. 4461, 2009, be received. Further, that Cariboo Regional District Noise Regulation and Prohibition Bylaw No. 4461, 2009 be read a first and second time this 18th day of September, 2009.

Respectfully submitted,



Graham Barbour
Chief Building Official and
Manager Responsible for Bylaw Enforcement

Reviewed and concur:



Chief Administrative Officer



CARIBOO REGIONAL DISTRICT

BYLAW NO. 4461

A bylaw of the Cariboo Regional District, in the Province of British Columbia, to regulate or prohibit the making or causing of noises or sounds within portions of the Cariboo Regional District.

WHEREAS the Cariboo Regional District has established Noise Control Service Areas within various portions of the Cariboo Regional District;

AND WHEREAS the Board of the Cariboo Regional District wishes to provide for the regulating or prohibiting of the making or causing of noises or sounds in or on a highway or elsewhere in the service areas which disturb, or tend to disturb, the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, or of persons in the vicinity, or which in the opinion of the Board are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public;

NOW THEREFORE the Board of Directors of the Cariboo Regional District, duly assembled in an open meeting, enacts as follows:

1. CITATION

- a) This bylaw may be cited for all purposes as “Cariboo Regional District Noise Regulation and Prohibition Bylaw No. 4461, 2009.”

2. ESTABLISHMENT

- a) The Cariboo Regional District hereby establishes a bylaw for the purpose of regulating or prohibiting the making or causing of noises or sounds in or on a highway or elsewhere in the service areas which disturb, or tend to disturb, the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, or of persons in the vicinity, or which in the opinion of the Board are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public.

3. APPLICATION

This bylaw shall be applicable within:

- (1) the Noise Control (Electoral Area “A”) Service Area as established by Bylaw No. 2865 of the Cariboo Regional District;
- (2) the Noise Control (Electoral Area “B”) Service Area as established by Bylaw No. 3207 of the Cariboo Regional District;
- (3) the Noise Control (Electoral Area “D”) Service Area as established by Bylaw No. 3208 of the Cariboo Regional District;
- (4) the Noise Control (Electoral Area “E”) Service Area as established by Bylaw No. 3209 of the Cariboo Regional District;
- (5) the Noise Control (Electoral Area “G”) Service Area as established by Bylaw No. 4480 of the Cariboo Regional District;
- (6) the Noise Control (Electoral Area “H”) Service Area as established by Bylaw No. 4481 of the Cariboo Regional District;
- (7) the Noise Control (Electoral Area “L”) Service Area as established by Bylaw No. 4482 of the Cariboo Regional District.

4. DEFINITIONS

- (a) Words defined in the *Motor Vehicle Act* being Chapter 288 of the Revised Statutes of British Columbia and amendments thereto, and the *Local Government Act* being Chapter 323 of the Revised Statutes of British Columbia and amendments thereto, shall have the same meaning when used in this Bylaw unless defined in this Bylaw or unless the context otherwise requires.
- (b) In this Bylaw:
 - (i) “*Authorized Person*” means a member of the Royal Canadian Mounted Police (RCMP) or such other person as the RCMP may so designate;
 - (ii) “*Board*” means the Regional Board of the Cariboo Regional District;
 - (iii) “*Dog*” means an animal of the canine species;
 - (iv) “*Noise*” includes any loud outcry, clamour, shouting or movement, or any sound that is loud or harsh or undesirable;
 - (v) “*Owner*” means possessor or harbourer of any animal or real property.
 - (vi) “*Person*” includes any company, corporation, owner, partnership, firm, association, society or party;

- (vii) “*Property*” means real property and includes land, other than a highway, together with all improvements which have been so affixed to the land as to make them in fact and in law a part thereof;
- (viii) “*Service Area*” means the portions of the Cariboo Regional District within which this bylaw applies, as set forth in Section 3 of this Bylaw.

5. GENERAL REGULATIONS:

- (a) No *person* shall make or cause, or permit or be made or caused, any excessive or persistent *noise* in or on public or private *property* which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of persons in the surrounding neighbourhood or vicinity.
- (b) No *person* being the owner or occupier or tenant of real *property* shall allow or permit such real *property* to be used so that persistent or excessive *noise* or sound which occurs therein or emanates there from, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of *persons* in the surrounding neighbourhood or vicinity.
- (c) No *person* shall play or operate any radio, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound either in or on private premises or in any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of persons in the surrounding neighbourhood or vicinity.
- (d) No *owner* of a *dog* shall permit or cause the *dog* to cry or bark in a manner which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of *persons* in the vicinity of the place where the *dog* is kept.

6. CONSTRUCTION HOURS

- (a) No *person* in the service area shall on any day before 07:00 hours or after 22:00 hours, construct, erect, reconstruct, alter, repair or demolish any building, structure, or thing or to excavate or fill-in land in any manner which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of *persons* in the vicinity.
- (b) Where it is impossible or impractical to comply with this section, the *Authorized Person* may give written approval to carry on the work that is found to be necessary at designated hours. Responsibility for obtaining written approval lies with the person carrying on the work.

7. OTHER

- (a) Notwithstanding any provisions of this Bylaw, a *person* may perform works of an emergency nature for the preservation or protection of life, health or property but the onus shall be on the *person* performing the work to show cause that the work was of an emergency nature.

8. EXEMPTION

The provisions of this bylaw shall not apply to or be enforced against:

- (a) A *person* performing works of an emergency nature for the preservation or protection of life, health or *property* but the onus shall be on the *person* performing the work to show cause that the work was of an emergency nature.
- (b) An agricultural operation while undertaking normal activities associated with the agricultural use of the *property*.
- (c) All activities on a farm such as land cultivation, operation of machinery and equipment, application of pesticides, fertilizers and conditioners and the use of noise scare devices provided that such activities are carried on in accordance with generally accepted farming practices.
- (d) Activities of a commercial or industrial nature taking place on *property* appropriately zoned for the use being conducted, provided that such use is conducted in a manner and at such times as would be carried out by any other like business and within generally accepted practices.

9. PENALTIES

- (a) Every *person* who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw is guilty of an offence against this bylaw and liable to the penalties hereby imposed.
- (b) Every *person* who violates a provision of this Bylaw, or consents, allows or permits an act or thing to be done in violation of a provision of this Bylaw, or who neglects to or refrains from doing anything required to be done by a provision of this Bylaw, is guilty of an offence and is liable to the penalties imposed under this Bylaw or any other applicable Bylaw of the Cariboo Regional District, and is guilty of a separate offence each day that a violation continues to exist.

- (c) Any *person* designated as a Bylaw Enforcement Officer pursuant to Cariboo Regional District Bylaw Offence Notice Enforcement Bylaw No. 4463, 2009 or is named as the enforcement officer pursuant to Cariboo Regional District Ticket Information Utilization Bylaw No. 3685, 2001 is hereby authorized and empowered to enforce the provisions of this Bylaw by Bylaw Notice in accordance with Schedule “A” attached hereto, or Municipal Ticket Information or as otherwise provided by this Bylaw.
- (d) Any *person* who contravenes any of the provisions of this Bylaw commits an offence punishable upon summary conviction and is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than six months or to both. Each day that an offence continues shall constitute a separate offence.

10. SEVERABILITY

If any portion of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, that portion may be severed from the bylaw and such decision shall not affect the validity of the remaining portions of this bylaw.

11. REPEALS

Cariboo Regional District Noise Regulation and Prohibition Bylaw No. 3211, 1996 is hereby repealed.

Noise Control (Electoral Area “G”) Bylaw No. 4158, 2008 is hereby repealed.

Noise Control (Electoral Area “H”) Bylaw No. 4159, 2006 is hereby repealed.

Noise Control (Electoral Area “L”) Bylaw No. 4375, 2008 is hereby repealed.

READ A FIRST TIME THIS ____ DAY OF _____, 2009.

READ A SECOND TIME THIS __ DAY OF _____, 2009.

READ A THIRD TIME THIS ____ DAY OF _____, 2009.

ADOPTED THIS __ DAY OF _____, 2009.

Chair

Corporate Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 4461, cited as “Cariboo Regional District Noise Regulation and Prohibition Bylaw No. 4461, 2009” as adopted by the Cariboo Regional District Board on the __ day of __, 2009.

Corporate Officer

Noise Control Bylaw No. 4461, 2009

SCHEDULE "A"

OFFENCE

FINE

Contravention of "Cariboo Regional District Noise
Regulation and Prohibition Bylaw No. 4461, 2009".

\$100.00