



REGIONAL DISTRICT OF CENTRAL KOOTENAY

Noise Control Bylaw No. 2440, 2015

ADOPTED FEBRUARY, 2015

CONSOLIDATED FOR CONVENIENCE ONLY

This bylaw has no legal sanction.

Bylaw No.	Amendments
Bylaw No. 2462	- Delete Section 9 in its entirety and added Electoral Areas B and K.
Bylaw No. 2723	- Delete Section 9 in its entirety and added Electoral Area I
Bylaw No. 2777	- Delete Section 9 in its entirety and added Electoral Area H

REGIONAL DISTRICT OF CENTRAL KOOTENAY

BYLAW NO. 2440

A bylaw to prohibit or regulate noise levels within Electoral Areas A, C, E, F, G and J of the Regional District of Central Kootenay.

The Board of the Regional District of Central Kootenay, in open meeting assembled, enacts as follows:

TITLE

1. This Bylaw may be cited as the “**Regional District of Central Kootenay Noise Control Bylaw No. 2440, 2015**”.

DEFINITIONS

2. In this bylaw:

Board means the Board of the Regional District of Central Kootenay.

Bylaw Enforcement Officer shall mean the person appointed for the purposes of enforcing the provisions of this bylaw and includes a Peace Officer.

Construction includes:

- (a) The erection, alteration, repair, relocation, dismantling, demolition and removal of a building or structure;
- (b) Structural maintenance, power-washing, painting, land clearing, earth moving, grading, excavating, the laying of pipe and conduit whether above or below the ground level, street or road building or repair, concrete placement, and the installation, alteration or removal of construction equipment, components and materials in any form or for any purposes; and
- (c) Any work being done in connection with any of the work listed in paragraphs (a) or (b);

Construction Equipment means any equipment or device designed and intended for use in construction or material handling, including but not limited to, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors and rollers, concrete mixers, graders or other material handling equipment.

Daytime means:

- (a) From 7:00 a.m. to 10:00 p.m. on a weekday or Saturday; and
- (b) From 10:00 a.m. to 10:00 p.m. on a Sunday or holiday;

Holiday means:

- (a) New year's day, Good Friday, Easter Monday, Family Day, Victoria Day, Canada Day, British Columbia Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and December 26; and
- (b) The day following a day that is named in paragraph (a) and that falls on a Sunday;

Motorcycle means a motorized vehicle mounted on two or three wheels and without restricting the generality of the foregoing, those motor vehicles commonly known as motorcycles, scooters, all terrain vehicles and power bicycles;

Motor vehicle means a vehicle propelled by power other than muscular power except motorcycles, aircraft or motor vehicles that run only upon rails;

Night time means any time not included within the definition of daytime under this Bylaw;

Noise is any sound that is loud, harsh or undesirable that is caused by things like animals, clamour, shouting, construction, motors, equipment or amplified voices or music, including singing, which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity thereof;

Persistent/Persistently means enduring or constantly repeated;

Person shall include any company, firm, corporation, association, owner, party or partnership;

Point of reception means a position within the property line of the real property occupied by the recipient of the noise or sound that best represents the location at which that noise or sound, emanating from another property, is received and the resulting disturbance experienced;

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 a part thereof;

RDCK means the Regional District of Central Kootenay;

GENERAL PROHIBITIONS

3. No person, being owner or occupier or being in possession or control of property shall suffer or permit any person to make or cause to be made any noise or sound in or on a highway or elsewhere, in a private or public place, which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.

- 4. (1)** The Board of the Regional District of Central Kootenay considers the acts listed below cause noise or sounds which are objectionable or are liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public:
- (a) Shouting, singing or using a megaphone or sound amplification device or making other noise in at or on streets, parks, docks, piers, boat landing, railway or bus station or other public places;
 - (b) The playing of any radio, phonograph, cassette or CD player, television, musical instrument or sound amplification device whether in or upon a private place or any public place at such a volume (loudness) as to disturb or tend to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public between the hours of 10:00 p.m. one day and 07:00 a.m. the following day;
 - (c) The keeping or harbouring of any dog, bird or other animal, which barks or emits cries in a persistent manner that may easily be heard by a person not on the same property;
 - (d) The operation of any automobile, truck, motorcycle, bus or other motorized vehicle which creates or emits a noise or sound which is audible beyond 150 meters in any direction from the vehicle;
 - (e) The idling or continuous running of the engine of a truck or bus for more than ten minutes at the same location, except where the truck or bus is located within a garage or depot intended to be used for the long term parking of that vehicle;
 - (f) Cause any relocation, erecting, demolishing, construction, reconstructing, altering or repairing of any building or structure or the excavating, land clearing, earth moving, grading, the laying of pipe and conduit whether above or below the ground level, concrete placement, and the installation, alteration or removal of construction equipment, components and materials in any form before 7:00 a.m. or after 7:00p.m. on a weekday or Saturday that is not a holiday and before 10:00 a.m. and after 7:00 p.m. on a Sunday or holiday.
- (2)** subsection (1) applies to a person who makes, causes, or permits to be made or caused, a sound or noise described in Subsection (1).

EXEMPTIONS

- 5.** This Bylaw does not apply to:
- (a) A vehicle of the Police or Fire Department, or ambulance or other public service or emergency vehicle while engaged in a service of the public convenience or necessity;
 - (b) The sound 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 human voice or music in a public park, public facility or square in connection with a public meeting, public celebration, athletic or sports event or other public gathering;
- (d) A parade, procession, performance, concert, ceremony, event gathering or meeting in or on a street or public space;
- (e) The use of bells or chimes by churches and the use of carillons where such carillons have been lawfully erected;
- (f) A sound or noise resulting from the use, in a reasonable manner, of the premises of a Community Care Facility duly licensed under the *Community Care Facility Act*, or from a similar institution;
- (g) A garbage collection service;
- (h) Public works including but not limited to the construction or repair of streets, sewers or underground services;
- (i) Parks maintenance work between 7:00 a.m. and 5:00 p.m. on any day;
- (j) Emergency repairs to buildings or structures undertaken for the immediate health, safety or welfare of individuals or the public which cannot reasonably be delayed until normal working hours.

INSPECTION

- 6. A Bylaw Enforcement Officer or Peace Officer is hereby authorized to enter, at all reasonable times, on any property to ascertain whether the requirements of this bylaw are being met or the regulations contained in this bylaw are being observed.
- 7. No person shall obstruct or prevent a Bylaw Enforcement Officer or Peace Officer from carrying out the duties as prescribed in this bylaw.

OFFENCES AND PENALTIES

- 8. (1) Every person who violated 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 penalties hereby imposed.
- (2) A person who commits an offence against this bylaw is liable to the maximum penalties prescribed under the *Offence Act*, and to a fine of not less than \$200.00 for each offence together with the cost of conviction.

APPLICATION

9. This Bylaw is applicable to and enforceable in Electoral Areas A, B, C, E, F, G, H, I, J and K of the Regional District of Central Kootenay.

SEVERABILITY

10. If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed portion, subsection, paragraph, clause or phrase.

REPEAL

11. The “**Regional District of Central Kootenay Noise Control Bylaw No. 2061, 2009**”, and amendments thereto are hereby repealed.

READ A FIRST TIME this 12th day of February, 2015.

READ A SECOND TIME this 12th day of February, 2015.

READ A THIRD TIME this 12th day of February, 2015.

ADOPTED this 12th day of February, 2015.

Originally signed by

Karen Hamling, Chair

Originally signed by

Anitra Winje, Corporate Officer