



NOISE CONTROL REGULATION BYLAW NO. 1396, 1999

This is a consolidation of the original Bylaw and adopted Bylaw amendments. The amendments have been combined with the original Bylaw for convenience only. This consolidation is not a legal document.

June 5, 2012

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 1396

A bylaw to regulate noise within Electoral Areas A, B, C, E, F, and G of the Regional District of East Kootenay.

WHEREAS by Sections 799(1)(b), 799(2)(b) and 724 of the *Municipal Act*, the Board, may by bylaw regulate or prohibit the making or causing of noises or sound in or on a highway or elsewhere in the Regional District which disturb or tend to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public, and may make different regulations or prohibitions for different areas of the Regional District;

WHEREAS Bylaw No. 877, cited as "Regional District of East Kootenay – Noise Control Extended Service Area Establishment Bylaw, 1989", established an extended service for the provision of noise control within the Regional District of East Kootenay;

AND WHEREAS the Board of the Regional District of East Kootenay wishes to regulate and prohibit the making or causing of objectionable noises in Electoral Areas A, B, C, E, F and G of the Regional District;

NOW THEREFORE, the Board of the Regional District of East Kootenay, in open meeting assembled, enacts as follows:

TITLE

1.1 This Bylaw may be cited as "Regional District of East Kootenay – Noise Control Regulation Bylaw No. 1396, 1998."

APPLICATION

2.1 This Bylaw applies to Electoral Areas A, B, C, E, F, and G of the Regional District of East Kootenay.

2.2 Nothing in this Bylaw limits the application of the *Farm Practices Protection (Right to Farm) Act*, within the **Service Area**.

BL 2213
Adopted:
May 7/10
Effective:
June 1/10

DEFINITIONS

In this Bylaw:

3.1 **Board** means the Board of Directors of the Regional District of East Kootenay.

3.2 **Building Inspector** means the person or persons appointed from time to time by the Board as the Chief Building Inspector or as a Building Inspector.

3.3 **Motorboat** means a boat or any vehicle used on water that is powered by an engine.

3.4 **Objectionable Noise** means any loud outcry, call, bark, clamor, shouting, movement or any sound:

(a) that disturbs, or tends to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of the neighborhood, or of persons in the vicinity; or

(b) is objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;

and includes continuous barking, howling or yelping sounds lasting more than five minutes or the sound of barking, howling or yelping sporadically or erratically for a cumulative duration of five minutes or longer in any 15 minute period which sounds are repeated again within 72 hours.

3.5 **Peace Officer** shall include the definition of Peace Officer in the *Interpretation Act* and shall also include a person or persons appointed from time to time by the Board to enforce and administer this Bylaw.

3.6 **Regional District** means the Regional District of East Kootenay.

- 3.7 **Service Area** means the portion of the Regional District of East Kootenay within which this Bylaw applies, as set forth by Section 2.1 of this Bylaw.

GENERAL REGULATIONS

- 4.1 No person shall make or cause, or permit to be made or caused, any **objectionable noise** in or on a highway, public or private place or elsewhere within the **Service Area**.
- 4.2 No person being the owner, tenant or occupier of real property within the **Service Area** shall allow or permit such real property to be used so that **objectionable noise** occurs thereon or emanates therefrom.
- 4.3 No person in the **Service Area** shall play or operate any outdoor public address system, radio, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound either in or on a public or private place in such a manner so to cause or create **objectionable noise**.
- 4.4 No person in the **Service Area** shall own, keep or harbor any animal or bird, which by its continuous calls, cries, barks, or other sounds create **objectionable noise**.
- 4.5 No hawker, huckster, peddler, news vendor or other person in the **Service Area** shall by his intermittent or reiterated cries or other sounds cause or create **objectionable noise**.
- 4.6 No person shall operate a snow vehicle or motorcycle either in or on a public or private place within the **Service Area** in such a manner so as to cause or create **objectionable noise**.

CONSTRUCTION HOURS

- 5.1 No person shall on any day before 7:00 a.m. or after 10:00 p.m., construct, erect, reconstruct, alter, repair or demolish any building, structure, or thing or excavate or fill in land in any manner so as to cause or create **objectionable noise**.
- 5.2 Where it is impossible or impractical to comply with this section, the **Building Inspector** 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.

MOTORBOATS

- 6.1 No person shall operate a **motorboat** if that **motorboat** is equipped with an exhaust system that permits the exhaust gases from the engine to be expelled into the air without first passing through water, unless the **motorboat** is equipped with a muffling device that ensures that the exhaust gases from the engine are expelled without causing or creating **objectionable noise**.
- 6.2 No person shall operate any **motorboat** equipped with:
- (a) dry stacks;
 - (b) dry headers;
 - (c) water injected headers; or
 - (d) over-transom water-cooled exhaust
- unless a properly operating muffler system is installed on these exhausting devices, so as to prevent the **motorboat** from causing or creating **objectionable noise**.

RACE AND GO-CART TRACK HOURS

- 7.1 No person shall operate a race track for motorized vehicles or a go-cart track between the hours of 11:00 p.m. and 9:00 a.m., so as to cause or create **objectionable noise**.

EXEMPTIONS

- 8.1 This Bylaw does not apply to:
- (a) police, fire, or other emergency vehicles proceeding upon an emergency;
 - (b) equipment used to excavate, construct, or repair bridges, streets, highways, or infrastructure; and

(c) equipment used for snow removal or highway cleaning operations.

8.2 Notwithstanding any provisions of this Bylaw, the **Board** may, by resolution, grant an exemption from any provisions of this Bylaw where the **Board** determines it necessary and in the best public interest.

SEVERABILITY

9.1 If any section or lesser portion of this Bylaw is for any reason held to be invalid by a court, the invalid portion is severable and the validity of the remaining portions of this Bylaw will not be affected.

ENFORCEMENT

10.1 A **Peace Officer** or any person authorized by the **Regional District** is hereby authorized to enter, at all reasonable times or as circumstances require, any real property within the **Service Area** to carry out an inspection so as to be able to ascertain whether the provisions in this Bylaw are being obeyed.

10.2 No person shall obstruct, impede, refuse or neglect to admit to any property, a **Peace Officer** or any person authorized by the **Regional District** in the execution of his duties within this Bylaw.

PENALTIES

11.1 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, who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw or who does any act which violates any of the provisions of this Bylaw, is guilty of an offence against this Bylaw and liable to the penalties hereby imposed. Each day that a violation continues to exist shall constitute a separate offence.

11.2 Every person who commits an offence against this Bylaw is liable to a fine and penalty of not more than \$2,000.00 and not less than \$100.00 for each offence, and in default of payment thereof, forthwith or within such time as the presiding Provincial Court Judge shall direct, the fine imposed shall be recoverable under the provisions of the *Offence Act*.

REPEAL

12.1 Bylaw No. 1170 cited as "Regional District of East Kootenay – Noise Control Regulation Bylaw No. 1170, 1994" is hereby repealed.

READ A FIRST TIME the 5th day of February 1999.

READ A SECOND TIME the 5th day of February 1999.

READ A THIRD TIME the 5th day of February 1999.

ADOPTED the 5th day of February 1999.

(J.E. OGILIVE)
CHAIRPERSON

(L. CRANE)
SECRETARY