



NOISE CONTROL REGULATION BYLAW NO. 1396, 1998

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.

August 9, 2024

BYLAW AMENDMENTS				
Bylaw No.	Amend. No./Yr.	Adopted	Short Citing	Description
2213	1/10	May 7/10	Noise Control Regulation Bylaw No. 1396, 1998 – Amendment Bylaw No. 1, 2010	Electoral Area B included
3336	2/24	Aug 9/24	Noise Control Regulation Bylaw No. 1396, 1998 – Amendment Bylaw No. 2, 2024	<ul style="list-style-type: none">• Definition 3.3, & 4.5 repealed (Reference to Motorboats)• Definition 3.4 , 3.5 & 4.6 repealed and replaced• Excessive or Persistent Noise replaced Objectionable Noise throughout bylaw• Compliance Officer replaced Peace Officer throughout bylaw• Section 6.1 & 6.2 repealed (Reference to Motorboats)

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 1396

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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 excessive or persistent noise 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 *Item 3.3 Repealed by Bylaw No. 3336 adopted by RDEK Board on August 9/24.*
- 3.4 **Excessive or Persistent 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.
- 3.5 **Compliance Officer** means a person appointed be the RDEK to administer and enforce RDEK bylaws.
- 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 **Excessive or Persistent 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 **Excessive or Persistent 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 **Excessive or Persistent 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 **Excessive or Persistent Noise**.
- 4.5 *Item 4.5 Repealed by Bylaw No. 3336 adopted by RDEK Board on August 9/24*
- 4.6 No person shall operate a motorized vehicle or boat in or on a public or private place within the **Service Area** in such a manner so as to cause or create **Excessive or Persistent 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 **Excessive or Persistent 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 *Item 6.1 Repealed by Bylaw No. 3336 adopted by RDEK Board on August 9/24*
- 6.2 *Item 6.2 Repealed by Bylaw No. 3336 adopted by RDEK Board on August 9/24*

RACE AND GO-CART TRACK HOURS

- 7.1 No person shall operate a racetrack 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 **Excessive or Persistent 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 **Compliance 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 **Compliance 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