

TOWN OF SIDNEY

BYLAW NO. 1689

A BYLAW TO REGULATE NOISE WITHIN THE TOWN OF SIDNEY.

WHEREAS under the provisions of the *Local Government Act*, the Council of a municipality is empowered to enact a bylaw to regulate or prohibit the making or causing of noises or sounds in or on a highway or elsewhere in the municipality which disturb, or tend to disturb, the quiet, peace, rest, enjoyment, comfort, or convenience of the neighborhood, or of persons in the vicinity, or which in the opinion of the Council, are objectionable or liable 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 municipality.

NOW THEREFORE, the Council of the Town of Sidney, in open meeting assembled, enacts as follows:

1. **Definitions:**

- (a) Words defined in the *Motor Vehicle Act* being Chapter 318 of the Revised Statutes of British Columbia, 1996 and the *Local Government Act*, being Chapter 323 of the Revised Statutes of British Columbia, 1996, 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, unless the context otherwise requires:
 - i. **Municipality** – means the Town of Sidney or the area within the boundaries thereof as the context may require.
 - ii. **Council** – means the Council of the Town of Sidney.
 - iii. **Inspector** - means the person or persons appointed from time to time by the Municipal Council to enforce and administer this bylaw and shall include any Peace Officer.
 - iv. **Noise** – includes any loud outcry, barking, clamour, shouting or movement, or any sound that is loud or harsh or undesirable.
 - v. **Peace Officer** – shall be the same meaning as the *Interpretation Act* being Chapter 238 of the Revised Statutes of British Columbia, 1996, plus the person or persons who are appointed to enforce and administer this bylaw.

- 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.

2. General Regulations

- (a) No person shall make or cause, or permit to be made or caused, any noise in or on a public or private place which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighborhood or vicinity.
- (b) No person being the owner, tenant or occupier of real property shall allow or permit such real property to be used so that noise or sound which occurs thereon or emanates therefrom, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons on the same piece of property or in the neighborhood 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 the neighborhood or of persons in the vicinity.
- (d) Council may, at its discretion, waive sections of the Noise Bylaw for special events, including but not limited to outdoor concerts, parades, festivals, etc.
- (e) No person shall own, keep or harbour any animal or bird which, by its cries unduly disturbs the peace, quiet, rest or tranquility of the surrounding neighborhood or the public at large.
- (f) No hawker, huckster, peddler, newsvendor, or other person shall by his intermittent or reiterated cries, disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.
- (g) No person shall use a saw, chain saw, or other equipment producing a similar level of noise, unless in compliance with the following:
 - i. The use is restricted to any one two-hour period between the hours of 8:00 a.m. and 7:00 p.m. on any day at any one site;
 - ii. The use shall be to provide a product for home consumption only;

- iii. The use shall not be in a park, roadway, or other public place other than for maintenance purposes authorized by the Inspector..
- (h) No person shall load, unload, deliver, collect, pack, unpack or otherwise handle any containers, products, materials, or refuse whatsoever before 7:00 a.m. or after 9:00 p.m. in any residential area.
- (i) Notwithstanding section 2 General Regulations, subsection 2(h) shall not apply to the area within the pat Bay Highway or Beacon Avenue or areas designated in the Official Community Plan for the Town of Sidney as Industrial.

3. Motor Vehicle Objectionable Noises and Sounds

- (a) Without limiting the generality of Section 2, the following noises or sounds are believed by Council to be objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public:
 - (1.) any noise or sounds produced within or outside a vehicle and created by the following:
 - i. a vehicle's engine or exhaust system when such noises or sounds are loud, roaring or explosive;
 - ii. any vehicle warning device except when authorized by bylaw;
 - iii. a vehicle operated in such a manner that the tires squeal;
 - iv. a load or tow of a vehicle which causes a banging, clanking, squealing, or other like noise or sound due to improperly secured load or equipment, or inadequate maintenance;
 - v. a radio, television, tape player or other sound playback device, or amplification equipment, or a musical instrument, which can easily be heard by a person outside the vehicle.

4. Construction Hours

- (a) No person in the municipality 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 which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighborhood or of persons in the vicinity.
- (b) No person in the municipality shall, for profit or gain, on a Sunday, construct, erect, reconstruct, alter, repair or demolish any building 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.

- (c) Where it is impossible or impractical to comply with this section, the Director of Engineering and Works may give written approval to carry on the work that is found to be necessary at designated hours. However, responsibility for obtaining written approval lies with the person carrying on the work.

5. 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.
- (b) The provisions of this bylaw shall not be deemed to apply to any emergency vehicle.

6. Penalty Section

- (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, 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.
- (b) Every person who commits an offence against this bylaw is liable to a fine and penalty of not more than \$2,000. and not less than \$100. for each offence, and in default of payment thereof, forthwith or within such time as the presiding Provincial Court Judge of the Peace shall direct the fine imposed shall be recoverable under the provisions of the *Office Act* R.S.B.C. 1996, Chapter 338 and all amendments thereto.

7. Repeal

Bylaw No. 819 and all amendments are hereby repealed.

8. Citation

This Bylaw may be cited as “Noise Control Bylaw 1689, 2001”.

Read a First time this 13th day of August, 2001.

Read a Second time this 13th day of August, 2001.

Read a Third time this 13th day of August, 2001.

Reconsidered and finally adopted this 10th day of September, 2001.

MAYOR

CORPORATE ADMINISTRATOR