

CARIBOO REGIONAL DISTRICT

BYLAW NO. 4158

A bylaw of the Cariboo Regional District to prohibit or regulate noise within Electoral Area "G".

WHEREAS, pursuant to the provisions of the *Local Government Act*, being Chapter 323 of the Revised Statutes of British Columbia, and amendments thereto, a Board may, by bylaw, establish a regulatory service; and

WHEREAS the Board of the Cariboo Regional District wishes to establish a regulatory service for Electoral Area "G" to provide noise control pursuant to Section 724 of the *Local Government Act*.

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

1. ESTABLISHMENT

- (a) The Cariboo Regional District hereby establishes, within the boundaries of Electoral Area 'G', a noise control regulatory service to be known as the "Electoral Area 'G' Noise Control Service".

2. SERVICE AREA AND PARTICIPANTS

- (a) The Service area is contained within the boundaries of Electoral Area 'G' of the Cariboo Regional District as specified in the Letters Patent including any amendments thereto.
- (b) The participant of the Electoral Area 'G' Noise Control Service is Electoral Area 'G'.

3. COST RECOVERY

- (a) The annual operating costs for the service shall be recovered by one or more of the following:
- (i) property value taxes imposed in accordance with Division 4.3;
 - (ii) fees and charges imposed under Section 363;
 - (iii) revenues raised by other means authorized by this or another Act;
 - (iv) revenues received by way of agreement, enterprise, gift, grant or otherwise.

4. CITATION:

This bylaw may be cited as the "Noise Control (Electoral Area "G") Bylaw No. 4158, 2008".

5. 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) "Board" means the Regional Board of the Cariboo Regional District;

(ii) "Authorized Person" means a member of the Royal Canadian Mounted Police (RCMP) or such other person as the RCMP may so designate;

(iii) "Noise" includes any loud outcry, clamour, shouting or movement, or any sound that is loud or harsh or undesirable;

(iv) "Person" includes any company, corporation, owner, partnership, firm, association, society or party;

(v) "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;

(vi) "Service Area" means the portion of the Cariboo Regional District within which this bylaw applies, as set forth in Section 2(a) of this Bylaw.

6. 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 therefrom, 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.

7. 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 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.

8. 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.

9. 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.

10. 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) Each incident, and each day where the offence is a continuing offence, constitutes a separate offence.
- (c) This bylaw may be enforced by means of a Municipal Ticket in the form prescribed and for the penalty detailed in Schedule A attached to and forming part of this bylaw.
- (d) Every person who commits an offence against this bylaw is liable, upon conviction, to a penalty of not less than \$100 and not more than \$2000.

11. 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.

READ A FIRST TIME THIS ____ DAY OF _____, 2008

READ A SECOND TIME THIS ____ DAY OF _____, 2008

READ A THIRD TIME THIS ____ DAY OF _____, 2008

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 4158, cited as the "Noise Control (Electoral Area "G") Bylaw No. 4158, 2008" as read a third time by the Cariboo Regional District Board on the __ day of _____, 2008.

Corporate Officer

Written consent to the adoption of Bylaw No. 4158, from the Director of Electoral Area "G", was provided in a letter dated the _____ of _____, 2008.

Approved by the Inspector of Municipalities the _____ day of _____, 2008.

ADOPTED THIS _____ DAY OF _____, 2008

Chair

Corporate Officer