

DISTRICT OF UCLUELET

BYLAW NO. 915, 2003

A Bylaw to Regulate Noise in the District of Ucluelet

WHEREAS under the provisions of Section 724 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 which disturbs, or tends to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity;

AND WHEREAS the Council is empowered to regulate or prohibit the making or causing of noises or sounds it believes are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;

NOW THEREFORE the Council of the District of Ucluelet, in open meeting assembled, hereby enacts as follows:

1. INTERPRETATION

In this Bylaw:

"Municipality" means the District of Ucluelet

"Council" means the Municipal Council of the District of Ucluelet

"Dance Hall" or **"Cabaret"** means any establishment holding a valid business license issued by the District of Ucluelet, which plays music for dancing or entertainment.

"Person" shall include any corporation, partnership, owner, association, society or party.

"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."

"Noise" includes sound

"Persistent/Persistently" means enduring or constantly repeated.

"Point of Reception" means any point on the premises of a person where sound or vibration originating from other than those premises or any place on a highway, is received

2. GENERAL REGULATIONS

- a) No person shall make or cause, or permit to be made or caused, any noise, loud music or similar disturbance of the peace, 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) No person shall own, keep or harbor any animal or bird, which by its cries disturbs or tends to disturb the peace, quiet, rest or tranquility of the surrounding neighborhood or the public at large.

3. PROHIBITIONS

Without in any way limiting the prohibition contained in Section Two (2), the following are specifically prohibited within the Municipal limits of the District:

- a) The use of any automobile, motorcycle, bus or other vehicle so out of repair or so loaded or operated as to create loud or unnecessary noise or noises which is audible beyond 150 metres in any direction from the vehicle.
- b) The discharging into the open air of the exhaust of any stationary internal combustion engine, motor vehicle engine or automobile engine except through a muffler or other device which effectively prevents unnecessary noise therefrom.
- c) The sounding of a horn or other signaling device upon an automobile, motorcycle, bus or other vehicle in motion except as a danger or warning signal.
- d) The creation of any excessive noise on any street, highway or lane, adjacent to any school, institution of learning, church or Court while the same are in session, or adjacent to any hospital at any time.
- e) The loading or unloading of any truck, wagon, automobile or motor vehicle in or upon any public or private place or premises in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighborhood or of persons in the vicinity.
- f) Yelling, shouting, whistling or singing on any street, highway or any other public place at any time so as to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any persons in any hospital, dwelling, hotel, motel or other type of residence.
- g) The use of any drum, loud speaker or other instrument or any noise-making device between 10:00 p.m. (2200 hrs.) of one day and 7:00 a.m. (0700 hrs.) of the next day, or any device for the production or amplification of sound either in or upon private premises or in any public place without first having obtained the permission of the Council provided that nothing contained in this Bylaw shall be deemed to apply to any motor vehicle under the control of the Fire Department, while responding to a fire alarm, or to any police officer in the discharge of his duty, or to any licensed

ambulance or to the use of any siren by the Fire or Police Department, or in connection with the operation of the ambulance.

- h) Idling or continuously running of a diesel engine, a truck or bus for more than 15 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.
- i) The amplified sound of a radio, television, tape player or other sound playback device or amplification equipment, or the sound of a musical instrument that emanates from a vehicle or motor vehicle which can easily be heard by someone outside the vehicle.

4. CONSTRUCTION HOURS

- a) No person in the District shall on any day before 7:00 a.m. (0700 hrs.) or after 10:00 p.m. (2200 hrs.) 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) Where it is impossible or impractical to comply with this section, the Chief Administrative Officer or designate may give written approval to carry on the work that is found to be necessary at designated hours.
- c) Responsibility for obtaining written approval lies with the person carrying on the work.

5. EXCEPTIONS

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) Any vehicle of the District of Ucluelet while engaged upon necessary public business.
- c) The use of bells or chimes for the announcing of Church services of all kinds.
- d) The playing of dance music in any licensed dance hall or cabaret between the hours of 8:00 p.m. (2000 hrs.) and 2:00 a.m. (0200 hrs.) of the following day.
- e) Any work carried out during restricted hours with written permission of the Chief Administrative Officer, Director of Engineering or designate, specifying the time during such restricted hours when such work or event may be performed.
- f) Any business or industry established in accordance with the District of Ucluelet Zoning Bylaw, as now amended or as may be amended or re-enacted from time to time, in any area designated as approved for that type of operation provided that all precautions are taken according to criteria as defined by the District of Ucluelet for abating, controlling or limiting noise, odor, effluvia, smoke, vibration and nuisance arising from the industry conducted, so that the same may be free from neighborhood offence as possible.

6. DESIGNATION OF BYLAW ENFORCEMENT OFFICER

For the purposes of this bylaw, the designated Bylaw Enforcement Officer means any of the following:

1. Chief Administrative Officer of the District of Ucluelet or his designate
2. Bylaw Enforcement Officer of the District of Ucluelet
3. Director of Engineering of the District of Ucluelet
4. Animal Control Officer of the District of Ucluelet
5. Members of the Royal Canadian Mounted Police and Auxiliary RCMP Officers.

7. ENFORCEMENT:

It shall be the duty of the Bylaw Enforcement Officer to enforce the provisions of this bylaw.

8. VIOLATION AND PENALTY:

- a) Where a Bylaw Enforcement Officer has reasonable and probable grounds to believe and does believe that a violation of this bylaw exists or that abatement procedures are inadequate, that authorized person(s) may enter upon any property to further an investigation or resolve any violation.
- b) Any person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw, or who neglects to do or refrains from doing any act or thing which is required to be done by any of the provisions of this bylaw, shall be deemed to have violated the provisions of this bylaw and shall be liable to the penalties hereby imposed. Each incident attended by a Bylaw Enforcement Officer constitutes a separate offence and each day that such violation is permitted to continue shall constitute a separate offence.
- c) Every person who violates any of the provisions of this bylaw shall, upon summary conviction thereof, be liable to a penalty of not less than \$100.00 (one hundred dollars) nor more than \$2,000.00 (two thousand dollars), as provided under the *Offence Act*.

9. TICKETING:

Tickets issued for offences against this bylaw as authorized by a District of Ucluelet Municipal Ticket Information Bylaw shall be in accordance with Schedule "A", attached hereto and forming part of this Bylaw.

10. EFFECTIVE DATE:

This Bylaw shall come into force and effect upon its adoption by Council.

11. SEVERABILITY

If any provision of this Bylaw is determined by a court of competent jurisdiction to be unlawful or unenforceable, that provision shall be severed from this Bylaw and shall not affect the validity of any remaining provision of this Bylaw.

12. ADMINISTRATIVE PROVISIONS:

1. This bylaw may be cited for all purposes as "District of Ucluelet Noise Control Bylaw No. 915, 2003.

READ A FIRST TIME this 2nd day of **December, 2003.**

READ A SECOND TIME this 2nd day of **December, 2003.**

READ A THIRD TIME this 2nd day of **December, 2003.**

ADOPTED this 9th day of **December, 2003.**

CERTIFIED A TRUE AND CORRECT COPY of the "District of Ucluelet Noise Control Bylaw No. 915, 2003".

Dianne St. Jacques
Mayor

Gale Shier
Municipal Clerk

THE CORPORATE SEAL of the
District of Ucluelet was hereto affixed
in the presence of:

Gale Shier
Municipal Clerk

District of Ucluelet
Noise Control Bylaw No. 915, 2003
Schedule "A"

<u>Offence</u>	<u>Section</u>	<u>Fine</u>
Disturbing the Peace		
• First Offence	2 (a) through (l)	\$100.00
• Second Offence	2 (a) through (l)	\$150.00
• Third Offence	2 (a) through (l)	\$250.00
Construction Hours		
• First Offence	3(a)	\$100.00
• Second Offence	3(a)	\$150.00
• Third Offence	3(a)	\$250.00
Obstructing a Bylaw Enforcement Officer		
	7	\$200.00
Refusing to Allow Inspection		
	8(a)	\$150.00