

COMOX VALLEY REGIONAL DISTRICT

BYLAW NO. 102

A bylaw to regulate or prohibit objectionable noise

WHEREAS the Comox Valley Regional District has the authority to establish a general service for noise control under section 724 of the *Local Government Act*;

AND WHEREAS Bylaw No. 2275 being “Noise Control Extended Service Conversion Bylaw No. 2275, 2000”, adopted on the 30th day of October 2000, converted the function of noise control to an extended service of the regional district;

AND WHEREAS the Comox Valley Regional District board believes that

- (a) it is desirable to regulate or prohibit certain sounds that are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public; and
- (b) it is not the intent of the board to prevent or prohibit those sounds customarily emitted or usually associated with the normal conduct or reasonable daily activity at reasonable times;

NOW THEREFORE the board of the Comox Valley Regional District in open meeting assembled enacts as follows:

Title

1. This Bylaw No. 102 may be cited as the “Electoral Areas Noise Control Regulations Bylaw No. 102, 2010”.

Interpretation

2. In this bylaw, unless the context otherwise requires:
 - “Board” means the board of the Comox Valley Regional District.
 - “Bylaw Compliance Officer” means a person appointed by the board as a bylaw compliance officer and includes a peace officer.
 - “Regional District” means the Comox Valley Regional District.
 - “Motor vehicle” includes an automobile, motorcycle and any other vehicles propelled or driven other than by muscular power, but does not include the cars of electric or steam railways or other motor vehicles running only upon rails, or traction engine, farm tractor or self-propelled implement of husbandry.
 - “Persistent” Means continuous noise or sound lasting more than 5 minutes or erratically occurring for a cumulative duration of 5 minutes or longer in any 15 minute period.
 - “Real Property” means land other than a highway, together with all improvements which have been so affixed to the land as to make them in law a part of the land and includes land without improvements.

“Residential Premises” means land upon which is located, a building or structure, including a mobile home used seasonally or permanently for human occupancy.

Jurisdiction

3. This bylaw is applicable to and enforceable within Electoral Areas ‘A’, ‘B’ and ‘C’.

Objectionable and Disturbing Noises

4. The acts listed in schedule “A” to this bylaw are considered by the board to cause noises or sounds which are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public in the neighbourhood or vicinity of those acts.

Prohibition by Time or Place

5. No person shall commit, cause or permit the commission of an act listed in schedule “A” to this bylaw which results in the emission of a persistent noise which is audible at a residential premises or in a public place in the vicinity during the period of time specified in respect of that act in schedule “A”.

Exceptions

6. The prohibitions contained in section 5 of this bylaw do not apply to the emission of sound in connection with an act listed in schedule “B” to this bylaw.

Inspection and Entry

7. A bylaw compliance officer is hereby authorized to enter, at all reasonable times, on any property subject to the regulations or direction of the board, to ascertain whether the regulations or directions of this bylaw are being observed.

Enforcement

8. The enforcement of the provisions within this bylaw occurs in accordance with the Comox Valley Regional District enforcement policy.

Penalty

9. (1) Any person who contravenes a provision in this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses, omits, or neglects to fulfill, observe, carry out or perform any duty or obligation imposed in this bylaw is guilty of an offence and:
 - (a) on summary conviction is liable to a fine of not less than \$500 and not more than \$10,000; or
 - (b) on conviction of a ticket offence under the ticketing bylaw, is liable for the fine imposed under that bylaw.
- (2) In the case of a continuing violation, each day that a violation continues to occur shall constitute a separate offence.

Severability

10. In any provision of this bylaw is held to be beyond the power of the regional district or otherwise invalid by any court of competent jurisdiction, then the provision may be severed from the bylaw without affecting the validity of the remainder of the bylaw.

Repeal

11. Bylaw No. 2356 being “Noise Control Regulation Bylaw No. 2356, 2001” and all amendments thereto are hereby repealed.

Read a first and second time this 30th day of March 2010.

Read a third time this 30th day of March 2010.

Adopted this 27th day of April 2010.

G. T. Phelps
Chair

D. Oakman
D/Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 102 being “Electoral Areas Noise Control Regulations Bylaw No. 102, 2010” as adopted by the board of the Comox Valley Regional District on the 27th day of April 2010.

D. Oakman
D/Corporate Legislative Officer

**Schedule ‘A’
Prohibitions of Time**

Type	Section	Actions	Times Prohibited
Electronic Devices	1.	If the level of noise disturbs, then the operation of an electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers and designed for the production, reproduction or amplification of sound, including but not limited to radios, record players, tape decks, compact disc players, televisions, receivers, audio/video tape players and musical instruments.	At all times
Auditory Signalling Device	2.	The operation of an auditory signalling device, including but not limited to the ringing of bells or gongs and the blowing of horns or sirens or whistles, or the production, reproduction or amplification or any similar sounds by electronic means except where required or authorized by law.	9:00 p.m. to 8:00 a.m.
Persistent Sound	3.	If the level of noise disturbs, then persistent barking, calling, whining or other similar persistent sound made by a domestic animal kept or used for a purpose other than agriculture.	At all times
	4.	If the level of noise disturbs, then persistent yelling, shouting or hooting.	At all times
Motor Vehicles	5.	The operation of a motor vehicle including but not limited to all terrain vehicles and motor cycles, other than on a highway or other place intended for its operation.	9:00 p.m. to 8:00 a.m.
Mechanical Devices	6.	The operation of a mechanical device, including but not limited to power saws and compressors, power lawn mowers both gas and electric powered.	9:00 p.m. to 8:00 a.m.
	7.	The operation of sawmills whether portable or permanent, where permitted.	9:00 p.m. to 8:00 a.m.
	8.	Any type of manufacturing, processing, assembling, fabricating, testing, servicing and repairing where permitted.	9:00 p.m. to 8:00 a.m.

**Schedule ‘B’
Exceptions**

Type	Section	Exemptions for sounds emitted in connection with the following:
Emergency Measures	1.	Emergency measures undertaken for the immediate health, safety or welfare or any person or persons, or for the preservation or restoration of property unless the sound is of a longer duration or of a nature more disturbing than is reasonably necessary for the accomplishment of such emergency purpose.
Works or Activity	2.	There are exemptions for sounds emitted between 7:00 a.m. and 9:00 p.m. on any day except Sunday, and on Sunday between 9:00 am and 9:00 pm for works or activities associated with and necessarily incidental to: (a) constructing, erecting, reconstructing, altering, repairing or demolishing of buildings, structures or things; and (b) excavating, grading or filling land, rock drilling and blasting.
	3.	There are exemptions for sounds emitted between 7:00 a.m. and 9:00 p.m. on any day for works or activities associated with and necessarily incidental to: (a) installing, altering, repairing or removing public facilities or utilities; (b) well drilling; or (c) logging or forest related activities.
Activities	4.	Traditional, religious or other activities listed below: (a) fireworks under permit; (b) special events held under the “Comox Valley Regional District Special Events Bylaw No. 2155, 1999”; (c) church bells, call to prayers and other like noises; (d) dances, concerts, fairs and other events held until midnight at community halls or other public venues which the public is invited to attend but which are not large enough to require a special event permit, whether or not tickets are required. This exception does not extend to any private parties or events other than weddings which occur on private property; (e) law enforcement activities at the Courtenay and District Fish and Game Protective Association facilities for law enforcement training purposes under permit, as per schedule ‘C’ of this bylaw, as authorized by the manager of bylaw compliance and special investigations or designate.
Shouting	5.	Shouting in relation to games played in a community park or school grounds.
Mechanical Motorized	6.	Operation of mechanical or motorized equipment for the purpose of cutting grass on a golf course or for agricultural purposes.
	7.	Logging or other forestry activities undertaken in periods of high risk for forest fires and which are mandated by enactment to be carried out during specific times.

Schedule ‘C’

Permit to authorize law enforcement activities at the Courtenay and District Fish and Game Protective Association facilities for law enforcement training purposes

Noise Permit Application

The following is an application for a permit to allow for night training exercises, for a single law enforcement agency, at the Courtenay and District Fish and Game Protective Association (CDFGPA) facilities located at 3786 Colake Road, near Courtenay, B.C. This permit application only applies to the Electoral Areas Noise Control Regulations Bylaw No. 102, 2010.

CDFGPA official making this application:

Name: _____ .

Title _____ . Phone Number: _____ .

Signature: _____ . Date: _____ .

Stipulations:

- 1) Permit application fee is \$10.00
- 2) All noise that is liable to disturb the quiet, peace, enjoyment, comfort, or convenience of individuals or the public in the neighbourhood or vicinity, must conclude before 11:00 pm on the dates requested.
- 3) All night training exercises that produce the above noise must conclude before the Friday of the long weekend in May of any year.
- 4) The applicant must provide notification in the following manners, and provide evidence of said notification, prior to the issuance of the permit:
 - a. To the Comox Valley detachment of the RCMP in writing;
 - b. To the Village of Cumberland in writing; and
 - c. To the public by way of advertising in at least 2 consecutive issues of a local, widely read newspaper.
- 5) The Comox Valley Regional District may refuse the issuance of this permit if conditions within the permit have not been met or there is satisfactory evidence that the conditions will not be met.

Event Information:

Agency utilizing the Courtenay and District Fish and Game Protective Association facilities:

Brief description of event including approximate number of attendees:

Dates of Event:

Start Time:

End Time:

1) _____

2) _____
