



DISTRICT OF HIGHLANDS

BYLAW NO. 961

CAPITAL REGIONAL DISTRICT NOISE SUPPRESSION BYLAW, 1981

This Bylaw is consolidated by the Corporate Officer in accordance with Bylaw No. 301.

It includes amendments up to April 7, 2014 (Bylaw No. 358)

CAPITAL REGIONAL DISTRICT BYLAW NO. 961

A BYLAW TO PROVIDE FOR THE ABATEMENT AND CONTROL OF OBJECTIONABLE NOISE IN THE ELECTORAL AREAS OF THE CAPITAL REGIONAL DISTRICT

WHEREAS the Capital Regional District pursuant to Section 932 (c) and (d) of the Municipal Act is empowered to regulate or prohibit the making or causing of noise or sounds as specified therein within the Electoral Areas of the Capital Regional District;

AND WHEREAS the Capital Regional District was granted Supplementary Letters Patent dated 3rd September, 1981, to exercise the powers of a Municipal Council in respect to the powers set out under the above sections of the Municipal Act;

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

1. In this by-law:

“Animal” includes a dog, cat or other domestic animal but does not include a farm animal.

“Electoral Areas” means the Electoral Areas of Colwood, Langford and View Royal.

“Bird” includes ornamental bird, pigeon, dove and show-bird, but does not include poultry.

“Person” includes a corporation, partnership or individual.

2. Within the Electoral Areas:

- (1) No person shall shout, use a megaphone or make other noise in, or at, or on, streets, wharves, docks, piers, railway stations, or other public places which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity thereof.
- (2) No person shall make, cause to be made, or continue to make, any noise or sound in or on a highway or elsewhere in the Electoral Areas which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons or near the source of such noise or sound.

3. Without limiting the generality of the prohibition contained in Section 2 hereof:

- (1) No person shall play any radio, phonograph, television receiving set, tape, cartridge, musical instrument or sound amplification device whether in or upon private premises or in any public place in such a manner or with such a volume as to disturb the quiet, peace, rest, enjoyment or comfort of individuals or the public.
- (2) No person shall keep or harbour any animal or caged bird which by making frequent or loud noise disturbs or tends to disturb the quiet, peace, rest, enjoyment or comfort of individuals or the public.

- (3) No person shall operate on a private property any automobile, truck, motorcycle, trail bike, bus, motorized hang glider, or other vehicle which by reason of disrepair, lack of a sufficient muffler, or any other cause, creates noise or sound tending to disturb the quiet, peace, rest, enjoyment, or comfort of individuals or the public.
- (4) No person shall operate compressor, steam engine, or internal combustion engine, which through lack of a sufficient muffler or any other cause, creates noise or sound tending to disturb the quiet, peace, rest, enjoyment, or comfort of individuals or the public.
- (5) No person shall load or unload any truck, wagon, 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, or comfort of individuals or the public before the hours of 7 o'clock in the forenoon or after sunset or 7 o'clock in the afternoon whichever is the latest, nor on Sundays.
- (6) No person shall construct, demolish, alter or repair a building, or excavate or fill any land in such a manner or with such volume as to disturb the quiet, peace, rest, enjoyment or comfort of individuals or the public before the hours of 7 o'clock in the forenoon or after sunset or 7 o'clock in the afternoon, whichever is the latest.
- (7) The Council believes that the noise produced by the use of an engine retardant brakes on a motor vehicle on any highway in the District of Highlands, is objectionable and liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals and members of the public.
- (8) No person shall use an engine retardant brake while operating a motor vehicle on a highway in the District of Highlands except to assist in stopping or slowing down the vehicle in an emergency.

***Added by bylaw 350, November 2012*

4. The provisions of this bylaw shall not apply to:

- (1) any vehicle of the Police or Fire Department or of any other public body, or any ambulance or any public service or emergency vehicle while engaged in a service of public convenience or necessity;
- (2) the sounding of a horn or other signaling device where such sounding is properly and necessarily used as a danger or warning signal;
- (3) the use, in a reasonable manner, of any apparatus or mechanism for the amplification of the human voice or of music in a public park or square in connection with any duly authorized public meeting, public celebration or other public gathering;
- (4) the use of bells or chimes by churches, schools or any public body;

- (5) the operation, in a reasonable manner, of farm equipment;
- (6) rifle ranges and trap shoots after 8 o'clock in the forenoon and before 9 o'clock in the afternoon

5. Exemptions Consider by Council

- (1) By resolution, Council of the District of Highlands may temporarily exempt an extraordinary construction or work project carried out during restricted hours which creates noise or sound on a property zoned Industrial or Commercial on the District of Highlands Zoning Designations Map and may set certain and specified regulations pertaining to the exemption. *** (added by Bylaw No. 358, 2014)*

6. (1) No person, and including but without limiting the generality hereof, no owner, tenant or occupier of private premises, shall do any act or suffer or permit any act or thing to be done in contravention of this by-law.

- (2) Every person who contravenes this by-law, by doing any act which it forbids, or omitting to do any act which it requires to be done, is guilty of an offence and is liable, on summary conviction, to a fine of not more than \$500.00. A separate offence shall be deemed to be committed upon each day during and in which the contravention occurs or continues.

- (3) The penalties imposed under subsection (2) hereof, shall be in addition to and not in substitution for any other penalty or remedy imposed by this by-law or any other statute, law or regulation.

7. This By-law may be cited as the "Noise Suppression By-law, 1981"

READ A FIRST TIME THIS 12th day of November, 1981

READ A SECOND TIME THIS 12th day of November, 1981

READ A THIRD TIME THIS 27th day of October, 1982

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS THIS 3rd day of December, 1982

RECONSIDERED AND FINALLY ADOPTED THIS 15th day of December, 1982

Original Bylaw Signed

CHAIRMAN

SECRETARY