

SECHELT INDIAN GOVERNMENT DISTRICT

Bylaw NO. 2017-10

A BYLAW TO REGULATE OR PROHIBIT NOISE AND OBJECTIONABLE SOUNDS WITHIN THE
SECHELT INDIAN GOVERNMENT DISTRICT

The District Council of the Sechelt Indian Government District, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited for all purposes as the "NOISE BYLAW".

Definitions

2. In this Bylaw, or in any resolution of the District Council passed relating to this Bylaw, unless the context otherwise requires:

"District" means the Sechelt Indian Government District.

"District Council" means the District Council of the Sechelt Indian Government District as duly constituted.

"Highway" means any street, road, avenue, lane, crescent, bridge, alley, viaduct, public parking area, boulevard, or any other way open to the public or intended to be open to the public.

"Inspector" means the person or persons appointed from time to time by the District Council to enforce and administer this law and shall include any peace officer.

"Motor Vehicle" means a vehicle, not run upon rails, that is designed to be self-propelled, and includes a motorcycle, all-terrain vehicle and snowmobile.

"Noise" includes any loud outcry, clamour, shouting or movement, or any sound that is loud or harsh or undesirable.

"Person" means and includes any company, corporation, owner, partnership, firm, association, society, individual or party.

General Regulations

3. No Person shall, except as herein provided, make or cause to be made any noise or sound in the District or on any adjoining Highway which disturbs, or tends to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood, or of persons in the vicinity.

4. No Person shall make or cause to be made in the District or on any adjoining Highway any sound listed on Schedule "A" attached hereto and forming part of this Bylaw, which sounds are deemed by the District Council to be objectionable and a nuisance.
5. No owner, lessee or occupier of property within the District shall, except as herein provided, allow such property to be used so that noise or sound emanates therefrom which disturb or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood, or of the persons in the vicinity.
6. 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 neighbourhood or of persons in the vicinity.
7. Without limiting the generality of Section 5 or Section 6, no person being the owner, lessee, occupier or invitee of property within the District shall, between 11:00 p.m. on any day and 7:00 a.m. on the following day, cause or allow noise or sound associated with a social gathering of persons on the property, including without limitation any conversation, shouting, dog barking, vehicle noise, or sound from any radio, stereophonic equipment other instrument or apparatus for the production or amplification of sound, to be audible beyond the boundary of the parcel of land on which the gathering is occurring, or in the case of a parcel with more than one principal dwelling, beyond any point that is 5 m from the exterior walls of the dwelling at which the gathering is occurring. For the purposes of this Section, a social gathering of persons includes, but is not limited to, an occasion on which one or more persons not ordinarily resident on the property are present on the property as guests of the owner, lessee or occupier.
8. No Person shall own, keep or harbor any animal or bird which by its cries unduly disturbs the peace, quiet, rest or tranquility of the surrounding neighbourhood or the public at large.
9. No Person shall use a horn or other warning device on a Motor Vehicle except for the purpose of giving an audible warning where necessary for the safe operation of such Motor Vehicle or for the safety of others on the Highway.
10. No hawker, huckster, peddler, newsvendor, or other person shall by his or her intermittent or reiterated cries disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.
11. No Person shall operate any outdoor public-address system within the District or on an adjoining Highway without first having obtained a permit therefor.
12. No Person shall operate any chainsaw on any Saturday, Sunday or statutory holiday other than:
 - a. between the hours of 12:00 noon and 6:00 p.m.; and

- b. for the purpose of cutting firewood for household use on the property on which the cutting is occurring.
13. No Person shall, at any time, operate any equipment used to convey bulk soil materials to vessels moored or anchored adjacent to the District, unless the equipment is operated and maintained so as to produce as little disturbance to the neighbourhood and persons in the vicinity as is practicable in view of the nature and location of the equipment, and for this purpose maintenance includes the timely replacement of worn or damaged rollers, sprockets, pulleys and similar components.

Construction and Loading Equipment Operating Hours

14. No Person within the District or on an adjoining Highway shall on Monday through Friday before 7:00 a.m. or after 6:00 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 neighbourhood or of persons in the vicinity.
15. No Person within the District shall for profit or gain on a Sunday or statutory holiday 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 neighbourhood or of persons in the vicinity.
16. Where it is impossible or impractical to comply with Section 14 or Section 15, the Inspector 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.
17. No Person shall, between 6:00 p.m. on any day and 7:00 a.m. on the following day, operate any equipment used to convey bulk soil materials to vessels moored or anchored adjacent to the District, unless:
- a. the equipment is operated in accordance with Section 13;
 - b. the equipment is being operated to convey sand and no other material;
 - c. the sand is being conveyed to a vessel with a registered capacity of at least 20,000 tonnes;
and
 - d. the District has been notified in writing, at least 24 hours prior to the commencement of loading, of the name and registered tonnage of the vessel.

Emergencies

18. 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.

Penalty

19. 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 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.
20. An offence against this Bylaw shall be subject to the imposition on summary conviction of a fine not exceeding one thousand dollars or imprisonment for a term not exceeding thirty days, or both.

Repeal

21. Noise Law No. 1988-08 is repealed.

Read a First time this 16th day of August, 2017.

Read a Second time this 12th day of September, 2017.

Read a Third time this 12th day of September, 2017.

Adopted this 17th day of October, 2017



Chief Councillor



Manager of Sechelt Indian Government District

Certified a true copy of
Bylaw No. 2017-10 as adopted.

SCHEDULE "A"

SOUNDS DEEMED OBJECTIONABLE BY DISTRICT COUNCIL:

1. The squeal of a tire on a road surface emitted by a motor vehicle which is accelerating.
2. The squeal of a tire on a road surface emitted by a motor vehicle during a change in the course of direction or travel of the motor vehicle.
3. Any loud, roaring or explosive sound emitted by a motor vehicle or motorboat that is being operated at a rate of speed or acceleration that is not strictly essential in view of the conditions in which the vehicle or motorboat is operating.
4. Any sound emitted by a motorboat, all-terrain vehicle or snowmobile being operated between sunset and sunrise on the following day.
5. The operation of any chainsaw on any day that is not a Saturday, Sunday or statutory holiday, before 7:00 a.m. or after 6:00 p.m.