

DISTRICT OF METCHOSIN

BYLAW NO. 260

A B Y L A W

**TO PROVIDE FOR THE ABATEMENT AND CONTROL
OF OBJECTIONABLE NOISE
WITHIN THE DISTRICT OF METCHOSIN**

WHEREAS Section 932 (c) of the *Municipal Act* provides Council with the authority, by bylaw, to regulate or prohibit the making or causing of certain noises or sounds within the District of Metchosin;

AND WHEREAS the Council of the District of Metchosin deems it necessary and desirable to regulate or prohibit noises or sounds which disturb the quiet, peace, rest, enjoyment, comfort or convenience of neighbourhoods, persons in the vicinity or the public;

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

1. DEFINITIONS

Bylaw Enforcement Officer means every person appointed by Council as a bylaw enforcement officer for the Municipality and every police officer.

Commercial Activity means the activity necessary for the commercial use of land permitted in the following zones:

- Commercial 1 (C1)
- Commercial 2 (C2)
- Commercial Recreation 1 (CR1)
- Commercial Recreation 2 (CR2)
- Commercial Recreation 3 (CR3), and
- Commercial Recreation 4 (CR4)

as outlined in the *Metchosin Land Use Bylaw No. 259*.

Holiday means:

- Sunday, Christmas Day, Good Friday and Easter Monday;
- Canada Day, Victoria Day, British Columbia Day, Labour Day, Thanksgiving Day, Remembrance Day,
- New Year's Day; and
- December 26.

Industrial Activity means the activity necessary for the industrial use of land permitted in the following zones:

- Industrial 1 (M1)
- Industrial 2 (ALR) (M2)

as outlined in the *Metchosin Land Use Bylaw No. 259*.

Municipality means the District of Metchosin.

2. PROHIBITIONS

No person shall:

- a) make or cause or permit to be made or caused, within the Municipality, any noise or sound which disturbs or tends to disturb the quiet peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity;
- b) allow property of which he is the owner, tenant or occupier of, to be used so that a noise or sound which originates from that property disturbs or tends to disturb the quiet peace, rest enjoyment, comfort, or convenience of the neighbourhood or of persons in the vicinity;
- c) cause or permit any amplified music or amplified speech which disturbs or tends to disturb the quiet peace, rest enjoyment, comfort, or convenience of the neighbourhood or of persons in the vicinity;
- d) cause or permit any noise caused by machinery in the processing, manufacture, storage, transportation, distribution, testing, servicing, repairing, wrecking, or salvaging of goods, or materials at any time on a Saturday or a Holiday, or between 6:00 p.m. and 7:00 a.m. Monday to Friday both inclusive;
- e) keep any dog, which by its calls, cries, barks or other noises disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.

3. EXEMPTIONS

This bylaw does not apply to:

- a) police, fire or other emergency vehicles proceeding upon an emergency;
- b) the operation of maintenance equipment by the Municipality or the Ministry of Transportation and Highways or any public or private utility or agents acting on their behalf;
- c) any repairs to property of an emergency nature;
- d) the sounding of a horn or other signaling device upon any vehicle, machine, boat or train where such sounding is properly and necessarily used as a danger or warning signal;
- e) the use of bells or chimes on churches or by any public body;
- f) the operation of a public address system required under a building or fire code;
- g) industrial or commercial activities between the hours of 7:00 a.m. and 6:00 p.m., Monday to Friday inclusive, where such activities are permitted by the Land Use Bylaw;
- h) public or private assemblies where such activities are permitted by the Land Use Bylaw;
- i) the erection, demolition, construction, reconstruction, alteration or repair of any building or other structure between the hours of 7:00 a.m. and 10:00 p.m. on Monday through Saturday inclusive;
- j) the erection, demolition, construction, reconstruction, alteration or repair of any building or other structure or between the hours of 9:00 a.m. and 6:00 p.m. on a Holiday;
- k) the use of a lawnmower, power gardening equipment, or a chainsaw between the hours of 7:00 a.m. and 10:00 p.m. Monday to Saturday inclusive;

- l) the use of a lawnmower, power gardening equipment, or a chainsaw between the hours of 9:00 a.m. and 6:00 p.m. on a Holiday;

4. **RIGHT OF ENTRY**

A bylaw enforcement officer may enter on any property at any reasonable time for the purpose of ascertaining whether the regulations and requirements of this bylaw are being observed. No person shall obstruct the entry of a bylaw enforcement officer under this section.

5. **PENALTY SECTION**

- a) Every person who violates section 2, subsections (a), (b), (c), (d) or (e), of this Bylaw or who suffered 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 offense against this Bylaw and is liable to the penalties hereby imposed.
- b) Each day that a violation continues to exist shall constitute a separate offense.
- c) Every person who commits an offense against this Bylaw is liable to a fine of not more than \$2000.00 and not less than \$100.00 for each offense.

6. **SEVERABILITY**

If any section or lesser portion of this Bylaw is held to be invalid by a Court, such invalidity shall not affect the remaining portions of the Bylaw.

7. **REPEAL**

The *CRD Bylaw No. 1255, Noise Suppression Bylaw (Metchosin), 1984* is repealed and replaced by this Bylaw.

8. **SHORT FORM**

This Bylaw may be cited as the ***District of Metchosin Noise Bylaw, 1995, No. 260.***

Read a first time this	19th	day of	February	1996.
Read a second time this	19th	day of	February	1996.
Read a third time this	21st	day of	May	1996.
Finally passed and adopted by Council on the	3rd	day of	June	1996.

Mayor

Clerk