

THE CORPORATION OF THE DISTRICT OF POWELL RIVER

BYLAW NO. 1913, 2000

A Bylaw to regulate, prohibit and otherwise control noise in The District of Powell River.

WHEREAS the Council of the District of Powell River considers it to be in the public interest to regulate, prohibit, and otherwise control noise in The District of Powell River, the Council of the Corporation of the District of Powell River, in open meeting assembled, enacts as follows:

TITLE

1. This Bylaw may be cited for all purposes as **“District of Powell River Noise Control Bylaw No. 1913, 2000.”**

INTERPRETATION

2. In this Bylaw:
 - (a) **“Bylaw Enforcement Officer”** means every person designated by Council as a Bylaw Enforcement Officer, and includes every peace officer.
 - (b) **“Council”** means the Municipal Council of the Corporation of the District of Powell River; and,
 - (c) **“District”** means the Corporation of the District of Powell River or, where the context requires, the area within the municipal boundaries of the Corporation of the District of Powell River.

PROHIBITED NOISES AND SOUNDS

3. No person shall make or cause, or permit to be made or caused, in or on a highway or elsewhere in the District, 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.
4. No owner or occupier of real property shall use that property, or permit that property 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.
5. Without limiting the generality of Section 3 of this Bylaw, no person shall:
 - (a) operate or play any musical instrument, radio, stereophonic equipment, or other device for the production or amplification of sound, or permit such devices to be operated or played, in the District in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of persons in the vicinity; or,
 - (b) permit any animal, by its calls, cries, barks, or other noises or sounds, to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of persons in the vicinity.
6. Without limiting the generality of Section 3 of this Bylaw, Council believes that the following noises or sounds are objectionable:
 - (a) any amplified music or speech which is audible between the hours of 2000 hours and 0700 hours outside the premises where it originates or is reproduced or at any boundary of the property where it originates or is reproduced;
 - (b) any calls, cries, barks, or other noises or sounds made by an animal which are audible between the hours of 2000 hours and 0700 hours outside the premises where the animal is kept or at any boundary of the property where the animal is kept;
 - (c) any noises or sounds made by the operation of any machinery or equipment between the hours of 2000 hours and 0700 hours; and,
 - (d) any noises or sounds made in the construction, reconstruction, alteration, repair or demolition of any building, structure, or thing, including the excavation or filling of land, between the hours of 2000 hours and 0700 hours

and no person shall cause or permit such noises or sounds to be made.

EXEMPTION

7. This Bylaw does not apply to:

- (a) police, fire or other emergency vehicles proceeding upon or engaged in an emergency;
- (b) excavation, construction, reconstruction, alteration or repair of streets, highways, public works, infrastructure or lands by the District's employees or agents;
- (c) excavation, filling, construction, reconstruction, alteration, or repairs of marine infrastructure between the hours of 2000 hours and 0700 hours where the timing of such work is dependent on the tide and the tide requires the work to be carried out at those times.
- (d) snow removal or highway cleaning operations;
- (e) the use of bells or chimes for the announcing of public worship services; or
- (f) the operation of a public address system or alarm system required under a building or fire code.

INSPECTION

8. 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.

OFFENCES AND PENALTIES

9. Any person who contravenes this Bylaw is liable upon summary conviction to a fine not exceeding \$2,000 and the cost of prosecution. Every day during which there is an infraction of this Bylaw shall constitute a separate offence.

SEVERABILITY

10. 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.

REPEAL

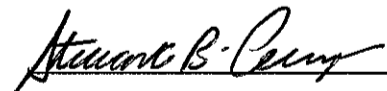
11. The District of Powell River Noise Control Bylaw No. 942, 1979 and all amendments thereto are hereby repealed and replaced by this Bylaw.

READ A FIRST TIME this 11th day of December, 2000.

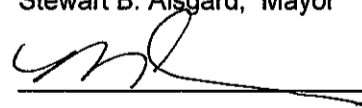
READ A SECOND TIME this 11th day of December, 2000.

READ A THIRD TIME this 11th day of December, 2000.

APPROVED AND FINALLY ADOPTED this 15th day of January, 2001.



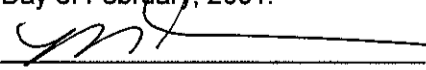
 Stewart B. Alsgard, Mayor



 Municipal Clerk

I hereby certify the foregoing to be a true And correct copy of Bylaw No. 1913, cited as "District of Powell River Noise Control Bylaw No. 1913, 2000".

Dated at Powell River, B. C. this 12th Day of February, 2001.



 Municipal Clerk