

**DISTRICT OF SQUAMISH
BYLAW NO. 2312, 2014**

As amended by Bylaw No. 2541

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A Bylaw to regulate, prohibit, and impose requirements in relation to noise and vibration in the District of Squamish

WHEREAS the Council of the District of Squamish has the authority to regulate, prohibit, and impose requirements in relation to noise and vibration that tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;

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

Title

1. This Bylaw may be cited for all purposes as the *“District of Squamish Noise Regulation Bylaw No. 2312, 2014”*.

Interpretation

- 2.1 In this Bylaw:

“Administrator” means

- (a) in relation to a permit allowing for noise produced by or in association with Filming Activity or a Special Event, means the Chief Administrative Officer for the District or a person appointed to act in that officer’s place; and
- (b) in relation to a permit allowing for Construction Noise, means the person holding the position of General Manager, Development Services and Public Works for the District or a person appointed to act in the General Manager’s place;

“Animal” means any domestic animal including birds and fowl;

"Construction Noise" means any noise, sound or vibration made on or associated with a construction site:

- (a) in carrying on work in connection with the construction, reconstruction, alteration, repair, or demolition of any building structure or thing;
- (b) in carrying on any excavation, filling or other operation; or
- (c) in moving, or operating any machine, engine or equipment;

"Council" means the Council of the District;

"District" means the Corporation of the District of Squamish;

"Fees and Charges Bylaw" means the *District of Squamish Fees and Charges Bylaw No. 2012, 2007*;

"Filming Activity" means any commercial or non-commercial filming and production activity, including still shots; and

"Special Event" means a festival, parade, procession, performance, concert, musical attraction, ceremony, celebration, sporting event, wedding or other gathering or event where sounds produced by or in association with that activity are likely to exceed the prohibitions of sections 3, 4 or 5 of this Bylaw.

- 2.2 Unless otherwise provided in this Bylaw, words and phrases used herein have the same meanings as in the *Community Charter, Local Government Act* and the *Interpretation Act* as the context and circumstances may require. A reference to an Act in this Bylaw refers to a statute of British Columbia and a reference to any statute, regulation, bylaw or other enactment refers to that enactment as it may be amended or replaced from time to time. Words in the singular include the plural and words in the plural include the singular. Headings are for convenience only and must not be construed as defining or limiting its scope or intent. If any part of this Bylaw is held to be invalid by a court of competent jurisdiction, the invalid part is severed and the remainder continues to be valid.

Prohibited Noise and Vibration

3. No person shall make or cause, or permit to be made or caused, any noise, sound or vibration in or on a public or private place which disturbs or tends to disturb the quiet,

peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity.

4. No owner or occupier of real property shall use or permit such property to be used so that noise, sound or vibration emanating from the property disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.
5. Without limiting the generality of sections 3 and 4, the following noises, sounds and vibrations are deemed to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public and are generally prohibited:
 - (a) between the hours of 10:00 p.m. and 8:00 a.m., use of a megaphone, microphone or other voice amplification device, shouting, clamouring, banging or making similarly disruptive sounds, whether produced out of doors or from within a premises that can be heard from outside, unless the sounds are made to warn of or address a safety risk, threat, emergency, or other practical necessity or to obtain attention or help in such situations;
 - (b) between the hours of 10:00 p.m. and 8:00 a.m., noise or sound from a radio, television, player or other sound equipment or playback device, public address system, amplification equipment, musical instrument, whether recorded or live, whether amplified or not, and whether produced outdoors or from within a premises that can be heard from outside;
 - (c) Construction Noise made or caused, or permitted to be made or caused: (as amended by Bylaw No. 2541)
 - (i) before 7:00 a.m. or after 8:00 p.m. on any day other than Saturday, Sunday or a statutory holiday; or
 - (ii) before 8:00 a.m. or after 7:00 p.m. on Saturdays; or
 - (iii) before 10:00 a.m. or after 4:00 p.m. on Sundays and Statutory Holidays
 - (d) noises or sounds permitted to be made or caused by any kept or harboured animal, other than in relation to a farm operation occurring in a farm area or to a licensed animal shelter, veterinary clinic, impoundment or kennel facility:
 - (i) before 8:00 a.m. or after 8:00 p.m. on any day; or
 - (ii) in the case of a barking dog, for a continuous period of 15 minutes or longer; and

- (e) noise or sound made by a horn, alarm or other warning device and continuing for a period, or periods, totaling 3 minutes or more in any 15 minute period except in circumstances where necessary as a danger or warning signal.

Exemptions

6. This Bylaw does not apply to:

- (a) police, fire or ambulance service personnel operating vehicles and equipment pursuant to their work or otherwise responding to an emergency;
- (b) municipal or government personnel or contractors carrying out work on behalf of the District or government, as applicable, including but not limited to snow removal, construction, alteration, excavation, maintenance and repair of highways, public works, infrastructure, buildings, structures, parks and other lands;
- (c) the use of bells or chimes for the announcing of public worship services;
- (d) the operation of a public address system, or alarm system, required under a building or fire code;
- (e) avalanche control operations; or
- (f) farm operations within the Agricultural Land Reserve or other farming area that are in accordance with section 2 of the *Farm Practices Protection (Right to Farm) Act*.

7. The following operations or activities may be exempted from the restrictions of sections 3, 4 and 5:

- (a) to the extent expressly permitted in a current and valid licence issued by the District under the *District of Squamish Business Licence Bylaw No. 651, 1978*:
 - i. nightclub or bar facilities holding a valid licence to serve alcoholic beverages;
 - ii. golf course grounds maintenance operations; or
- (b) temporarily, as expressly authorized under a permit under this Bylaw:
 - i. Construction Noise;

- ii. Filming Activities; and
- iii. Special Events.

For certainty, a nightclub, bar or golf course operation must apply under this Bylaw for a permit under paragraph (b) for any activities in subparagraphs (i) through (iii) that are not expressly permitted in their business licence.

Temporary Permits

8. A person seeking a temporary exemption or variation from the provisions of this Bylaw must apply for a permit from the Administrator.
9. Every application for a temporary permit under this Bylaw must be submitted in a form approved by the Administrator together with the applicable fee established in the *Fees and Charges Bylaw*, and must contain at least the following information:
 - (a) the applicant's name, address and telephone number;
 - (b) the name, address and telephone number of the person who will be primarily responsible for the activity and the owner of any property or site where the activity will occur;
 - (c) contact information for any person who will be supervising the activity;
 - (d) the address of the property for which the exemption or variation is being sought;
 - (e) a description of any and all sources of sound, an estimate of its anticipated volume and duration;
 - (f) reasons, including any special circumstances, why the variation is being sought;
 - (g) a description of any measures planned or being taken to minimize the sound and in mitigation of its potential effects on other people within the vicinity;
 - (h) in the case of activity to be carried out or hosted by a business or to occur on business premises, evidence of a valid and current business licence; and
 - (i) in the case of Construction Noise, the applicable building permit information.
10. A complete application must be submitted in advance of the proposed activity:

- (a) for activity lasting no longer than one day, at least four (4) business days prior to the proposed date of the activity; and
 - (b) for activity lasting longer than one day, at least seven (7) business days prior to the proposed commencement of the activity.
- 11. Upon receiving an application under section 9, the Administrator may, by written permit, vary the noise and time restrictions set out in this Bylaw, taking into account the proposed activity, the expected sound level, its duration and its probable impact on others in the vicinity, any practical alternatives or measures for reducing sound levels or mitigating their effects, and any other factors relevant to minimizing disturbance and inconvenience to others.
- 12. For an application to permit Construction Noise, the Administrator may consider whether or not it is practical to attempt or carry out, within the time restrictions set out in this Bylaw, operations which should be completed in a single session or at times of low traffic volume, such as for excavation, concrete pouring or finishing, major structural or mechanical component delivery or placement, or relocation of a building or structure.
- 13. The Administrator may refuse a temporary permit if he or she considers that the proposed activity will create disturbance or inconvenience that, if carried out as proposed, would produce noise that is excessive, unnecessary or otherwise unjustified in the circumstances.
- 14. The Administrator may vary a temporary permit if there is a significant change in circumstances from those contemplated at the time of its issuance, and may vary, or in writing, suspend, revoke or cancel the permit if he or she considers that any of its terms, conditions, restrictions or requirements are not being met or cannot be met.
- 15. A person who has been issued a temporary permit must ensure that it is strictly complied with at all times, must notify the Administrator of any changes in circumstances covered by the permit, and must comply with any direction of the Administrator.

Reconsideration

- 16. A person whose temporary permit under this bylaw has been refused, revoked or cancelled may apply to Council for reconsideration of the matter within 5 business days of the decision being communicated to the applicant or permit holder. The application must be in writing to the corporate officer for the District, copied to the Administrator, and must set out the reasons why the decision should be reconsidered and what, if any, decision the permit holder would like Council to substitute. Council may hear from the

Owner, the Administrator, and any other person who may have an interest in the matter, and consider any further information it deems relevant. Council may either confirm the decision of the Administrator or substitute a decision that Council believes to be advisable in the circumstances.

Inspection

17. The Administrator, a bylaw enforcement officer, an animal control officer, a building inspector, or an RCMP officer, or any combination of them, may enforce this Bylaw and for that purpose, may enter on any property at any reasonable time for the purpose of ascertaining whether the regulations and requirements of this Bylaw, or a permit under this Bylaw, are being observed.

No Interference

18. No person shall hinder, obstruct or interfere with a person authorized to inspect or enforce this Bylaw while in the performance of his or her duties under this Bylaw.

Offences and Penalties

19. Every person who
 - (a) contravenes this Bylaw;
 - (b) permits, suffers or allows any act or thing to be done in contravention of this Bylaw; or
 - (c) fails or neglects to do anything required to be done under this Bylaw,
 or of any permit or direction issued under this Bylaw, commits an offence, and each day any contravention continues shall constitute a separate offence.
20. A person found to have contravened this Bylaw is liable to pay any of the following:
 - (a) a fine not less than \$500 and not exceeding \$10,000, and any further amounts that may be ordered by the court if proceedings are brought under the *Offence Act*;
 - (b) a fine imposed by issuance of a ticket under the *District of Squamish Municipal Ticket Information Bylaw No. 1832, 2004*;
 - (c) a penalty imposed by bylaw under the *Local Government Bylaw Notice Enforcement Act*.

Repeal

21. The *District of Squamish Noise Regulation Bylaw No. 1901, 2005* and any and all amendments thereto, are hereby repealed.

READ A FIRST, SECOND, AND THIRD TIME this 4th day of March 2014.

APPROVED AND ADOPTED this 18th day of March, 2014.

Rob Kirkham, Mayor

Robin Arthurs, General Manager Corporate Services