

DISTRICT OF STEWART  
NOISE CONTROL BYLAW NO. 967, 2020

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A By-law to provide for the regulation and control of noises and sounds in the District of Stewart.

**WHEREAS** it is enacted by the Community Charter, that Council may regulate and control noises and sounds within the Municipality,

**AND WHEREAS** Council may regulate or prohibit the making or causing of noises or sounds in or on a highway or elsewhere in the Municipality which disturbs, or tends to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity, or which Council believe are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public, may make regulations or prohibitions,

**AND WHEREAS** Council deems it necessary to establish such regulations,

**NOW THEREFORE** the Council of the District of Stewart in open meeting assembled enacts as follows:

**1. Application**

- (a) This By-law shall apply to Residential and Commercial Zones within the District of Stewart

**2. Definitions:**

In this By-law, unless the context otherwise requires:

**"Disturb"** means any audio disturbance which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.

**"Person"** means a person, company, corporation or society.

**"Council"** means the Council of the District of Stewart

**"Vehicle"** means "vehicle" as defined in the Motor Vehicle Act, R.S.B.C. 1996, c318

**3. General Regulations**

- 3.1** No person shall make or cause, or permit to be made or caused any noise in or on a public or private place which disturbs to tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity.

- 3.2** No person being the owner, tenant or occupier of real property shall allow or permit such real property to be used so that noise or sound which occurs thereon or emanates therefrom, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons on the same piece of property or in the neighbourhood or of persons in the vicinity.
- 3.3** 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.
- 3.4** No person shall own, keep or harbour 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.
- 3.5** No hawker, huckster, peddler, news vendor or other person shall by intermittent or reiterated cries disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.
- 3.6** No person shall operate any vehicle or internal combustion engine in any public or private place without an adequate silencer or muffler so that noise or sound which originates from that vehicle or engine disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity, save and except snow removal equipment whether private or Municipal.
- 3.7** No person shall at any time after 10:00 pm and before 7:00 am, construct, repair or demolish any building, structure or thing or excavate or fill in land so that noise or sound which originates from such activity disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.

#### **4. Penalty**

- 4.1** Every person who violates any of the provisions of this By-law or who suffers or permits any act or this to be done in contravention or in violation of any of the provisions of this By-law, which neglects to do or refrains from doing anything required to be done by any of the provisions of this By-law, is guilty of an offence against this By-law and liable to the penalties hereby imposed. Each day that a violation continues to exist shall constitute a separate offence.

4.2 Every person who commits an offence against this By-law is liable to a penalty of not more than Five Hundred Dollars (\$500.00) and not less than One Hundred Dollars (\$100.00) for each offence, and in default of payment thereof, forthwith or within such time as the presiding Provincial Court Judge or Justice of the Peace shall direct, the fine imposed shall be recoverable under the provisions of the Offence Act, and all amendments thereto.

## 5.0 Severability

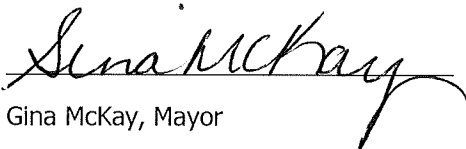
If any section, subsection or clause of this By-law is declared or held to be invalid by a court of competent jurisdiction, then that invalid portion shall be severed, and the remainder of this By-law shall be deemed to have been enacted and adopted without the invalid or severed section, subsection or clause.

**READ A FIRST TIME** this 24th day of February, 2020.

**READ A SECOND TIME** this 24th day of February, 2020.

**READ A THIRD TIME** this 24th day of February, 2020.

**ADOPTED this** 9th day of March, 2020

  
Gina McKay, Mayor

  
Tammy McKeown, Corporate Officer

