

SUNSHINE COAST REGIONAL DISTRICT

BYLAW NO. 597

Consolidated for convenience only to include 597.1

A Bylaw to regulate noise within the Electoral Areas of the Sunshine Coast Regional District.

WHEREAS the power to regulate or prohibit the making or causing of noises or sounds in accordance with Section 724 of the *Local Government Act* was conferred on the Sunshine Coast Regional District by Supplementary Letters Patent dated June 17, 1970;

NOW THEREFORE the Board of the Sunshine Coast Regional District in open meeting assembled enacts as follows:

1. CITATION

This bylaw may be cited for all purposes as the *Sunshine Coast Regional District Noise Control Bylaw No. 597, 2008*.

2. INTERPRETATION

(a) Definitions

In this bylaw:

“Board” means the Board of the Sunshine Coast Regional District;

“Construction” means erecting, repairing, altering, enlarging, adding to, demolishing or removing a building or other structure, or the blasting, excavating or filling-in of land in any manner;

“Holiday” means Sunday, Christmas Day, Boxing Day, Good Friday, Easter Monday, Victoria Day, Canada Day, British Columbia Day, Labour Day, Remembrance Day, New Year’s Day and any day set by the Parliament of Canada or by the Legislature as a public holiday;

“Person” includes any individual, company, corporation, owner, partnership, firm, association, society, or party;

“Property” means real property and includes land, other than a highway, together with all improvements which have been so affixed to the land as to make them, in fact and in law, a part thereof; and

“Regional District” means the Sunshine Coast Regional District.

(b) Application

This bylaw is applicable in Electoral Areas A – Egmont / Pender Harbour, B – Halfmoon Bay, D – Roberts Creek, E - Elphinstone and F – West Howe Sound in the Regional District as defined in subsection (a).

- (c) Despite Section 2(b), this bylaw does not apply to lands within the Hillside-Port Mellon Industrial Area Official Community Plan or the Twin Creeks Area Official Community Plan.

3. GENERAL REGULATIONS

- (a) No Person shall cause, permit or allow to be caused any noise which disturbs the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.
- (b) No Person, being the owner or occupier of property, shall cause, permit or allow that property to be used so that any noise or sound which emanates from the property disturbs the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity.

4. SPECIFIC REGULATIONS

The Board believes that Construction noise, including blasting, and noise from machinery, including rock hammers, is objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public, and therefore adopts the following restrictions on Construction noise and noise from machinery.

(a) Construction Hours

- (i) No Person shall, before 7:00 a.m. and after 9:00 p.m. on any day that is not a holiday, or before 9:00 a.m. and after 6:00 p.m. on any holiday, engage in or permit Construction in any manner which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or of persons in the vicinity.
- (ii) No person shall for profit or gain on any holiday, engage in or permit Construction in any manner which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or of persons in the vicinity.

(b) Machine Noise

No Person shall, before 7:00 a.m. or after 9:00 p.m. on any day other than a holiday, or before 9:00 a.m. or after 6:00 p.m. on any holiday, operate or permit the operation of an engine or equipment, including but not limited to generators, power tools, power equipment, rock hammers, lawnmowers, jet skis, power boats or other machines which result in the emission of sound which is clearly audible.

(c) Quiet Hours

No Person shall before 7:00 a.m. or after 11:00 p.m. on any day other than a holiday or before 9:00 a.m. or after 11:00 p.m. on any holiday, except on the night of December 31st and until 1:00 a.m. on the morning of January 1st, cause or permit a noise of any kind which interrupts the sleep or prevents the sleep of a person in the neighbourhood or vicinity.

5. EXCEPTIONS

In the opinion of the Board, the emission of sound or vibration in connection with the acts listed below are necessary and are therefore excluded from the prohibitions, regulations and penalties contained in this bylaw:

- (a) emergency measures undertaken for the immediate health, safety or welfare of the inhabitants or any of them, or for the preservation or restoration of property; and
- (b) Sound customarily emitted or usually associated with traditional, cultural, religious or other similar activities.

6. ENFORCEMENT

- (a) This bylaw may be enforced by a Bylaw Compliance Officer of the Regional District, or a Royal Canadian Mounted Police officer.
- (b) The Bylaw Compliance Officer and officers of the RCMP are hereby authorized to enter, at all reasonable times, on any property subject to this bylaw, to ascertain whether this bylaw is being observed.
- (c) No person shall interfere with or obstruct the entry onto Property of a Bylaw Compliance Officer or an officer of the RCMP in the conduct of administration or enforcement of this bylaw

7. SEVERABILITY

Should any section, subsection, clause, paragraph, sentence or word of this bylaw be declared invalid by a court of competent jurisdiction, no other part of this bylaw shall be deemed to be invalid and the balance of the bylaw shall remain in force as a whole except for the part declared invalid.

8. PENALTY

Any person who contravenes a provision of this bylaw is guilty of an offence and is liable to a penalty of not less than \$100.00 and not more than the maximum penalty prescribed by the Offence Act.

9. REPEAL

Sunshine Coast Regional District Bylaw No. 294, 1985 is hereby repealed.