

REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

BYLAW NO. R1000

**A BYLAW TO PROVIDE FOR THE CONTROL OF NOISE IN
ELECTORAL AREA "D" SPROAT LAKE**

WHEREAS the Regional Board is empowered under supplementary Letter Patent dated July 13th, 1981, to exercise the powers contained in the Municipal Act, pursuant to Section 724 and Section 725, subsection (1)(a) and subsection (2)(a) & (b), RSBC 326, 1996 pertaining to the control of noise and sounds;

AND WHEREAS all members of the public have a right to and should be ensured of an environment free from unusual, unnecessary, undesirable or excessive noise which will degrade the quality and tranquillity of life or cause nuisance;

AND WHEREAS it is deemed in the public interest to reduce and control such noise;

AND WHEREAS all members of the public have equal rights to navigation, but each must do so in reasonable manner so as not to interfere with the equal rights of others;

AND WHEREAS it is desirable and in the best interests of safety and public enjoyment to make regulations governing the operation, control and use of power-driven vessels on the Sproat Lake system and other navigable water bodies within the specified area;

NOW THEREFORE the Board of the Regional District of Alberni-Clayoquot in open meeting assembled, enacts as follows:

1. **AREA**

This bylaw shall apply within the boundaries of Electoral Area "D" (Sproat Lake). All as shown on the map attached hereto outlined in black pecked line and marked Schedule "A" and forms part of this Bylaw.

2. **DEFINITIONS**

In this bylaw, the following definitions shall apply:

"Regional District" shall mean the Regional District of Alberni-Clayoquot

"Vessel" shall mean an navigable craft powered by an engine

"Noise" shall mean a loud, harsh or undesirable sound.

3. REGULATIONS

It shall be unlawful for any person or persons, to cause any noise, in on, or around, an public or private places or premises which is liable to disturb the quiet, peace, rest and enjoyment of the neighbourhood or the comfort and convenience of individuals or the public.

3.1 Without in any way limiting the generality of the prohibition in the foregoing sub-section 3 hereof, the following are specifically prohibited:

- (a) The playing of any radio, recorded music or sounds, or any musical instrument in such a manner or with such volume as to disturb the quiet, peace, rest or enjoyment of the neighbourhood or the comfort or convenience of individuals.
- (b) The keeping or harbouring of any animal, or other creature whatsoever, which by its frequent calls, cries or other noise disturbs the quiet, peace, rest or enjoyment of the neighbourhood or the comfort or convenience of individuals.
- (c) The use of any automobile, motorcycle, truck, boat or other vehicle, so out of repair or so loaded as to create loud and unnecessary noise or noises.
- (d) The discharge into the open air of the exhaust of any steam engine, internal combustion engine, motor vehicle, or ship or vessel, except through a muffler or other device which would effectually prevent unnecessary noise therefrom.
- (e) The operation of any vessel, or the running of engines, generators or other equipment on a moored or anchored vessel, in such a manner so as to disturb the quiet, peace, rest or enjoyment of the neighbourhood or the comfort or convenience of individuals.
- (f) The use of any loud speaker or any other instrument or device for the purpose of attracting attention by the creation of noise to any performance or event, show, sale or display of merchandise.

4. **REGULATIONS FOR SPROAT LAKE**

It shall be unlawful for any person or persons to:

- (a) operate or permit to be operated any vessel propelled by an engine equipped with exhausting devices commonly described as 'dry stacks' or 'dry headers';
- (b) operate or permit to be operated any vessel propelled by an engine equipped with exhausting devices commonly described as 'water injected headers', unless a suitable muffler is installed thereto;
- (c) operate or permit to be operated any vessel propelled by an engine equipped with exhausting devices commonly described as 'over-transom water cooled exhaust', unless a suitable muffler is installed thereto;
- (d) operate or permit to be operated a vessel as described in Sections 4 (b) or 4 (c) above, for which the muffler is determined to be inoperative or ineffectual in preventing noise therefrom.

5. **EXEMPTIONS**

The provisions of this bylaw shall not apply to, or be enforced against:

- (a) Aircraft
- (b) The use of whistles, sirens, or such devices, operated for emergency purposes.
- (c) The making of noise by any persons in the conduct of business within an area zoned for such business, where the nature of the business conforms to the particular zoning requirements and where the noise is such as is usual or inevitable to the business so conducted.

6. **PERMIT**

- (a) Notwithstanding the regulations contained herein, the Board of Directors of the Regional District may, by resolution, grant a permit for a race, regatta or specific event, therein providing exemption from the provisions of this bylaw.
- (b) (i) Public sign boards may be erected at the discretion of and by the authority of the Regional District advising of regulations heretofore described, at locations deemed appropriate by the Board of Directors.

- (ii) No person shall remove, alter, conceal, damage or destroy any sign so posted without the written consent of the Regional District.

6. **ENFORCEMENT**

Any person or persons guilty of an offence under this by law shall be liable upon conviction to a penalty or fine of Two Hundred and Fifty (\$250.00) for the first offence and One Thousand Dollars (\$1,000.00) for a second offence to a maximum not to exceed Two Thousand Dollars (\$2,000.00) which penalty and cost shall be recoverable and enforceable upon summary conviction in the manner provided by the "Summary Conviction Act".

7. Bylaw No. 350 and Bylaw No. 398 are repealed in their entirety.

8. **TITLE**


This bylaw may be cited as the "Sproat Lake Specified Area Noise Control Bylaw No. R1000, 1998".

9. This Bylaw shall come into force and take effect on and after the date of final passing hereof.

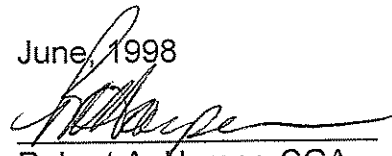
Read a first time this	22 nd	day of	April	, 1998.
Read a second time this	22 nd	day of	April	, 1998.
Read a third time this	22 nd	day of	April	, 1998.

Advertised in accordance with section 839 of the
Municipal Act on this 8th day of May, 1998.

Adopted this 24th day of June, 1998

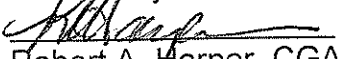


 Gary Swann
 Chairperson



 Robert A. Harper, CGA
 Secretary-Treasurer

I hereby certify the above to be a true and correct copy of Bylaw No. R1000, Sproat Lake Noise Control, which was adopted by the Regional Board at their regular meeting held on 24th day of June, 1998



 Robert A. Harper, CGA
 Secretary-Treasurer

A copy of Bylaw No. R1000 has been filed with the Inspector of Municipalities this Day of , 1998

SCHEDULE A SPROAT LAKE BYLAW NO. R1000

