

REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

BYLAW NO. R1001-1

A Bylaw to Amend Bylaw R1001
Cherry Creek Noise Control Bylaw No. R1001, 1998

WHEREAS The Regional Board is empowered under supplementary Letters Patent dated July 13, 1981 to exercise the powers contained in the *Local Government Act* to regulate or prohibit the making of noises or sounds;

AND WHEREAS it is deemed to be desirable to regulate or prohibit the making of noises that are liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;

AND WHEREAS it is not the intent of the Board to prevent or prohibit those sounds customarily emitted or usually associated with the normal conduct of reasonable daily activity at reasonable times;

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

1. CITATION

This bylaw may be cited as the "Cherry Creek Noise Control Amendment Bylaw No. R1001-1, 2012"

2. AMENDMENTS

Bylaw No. R1001, Cherry Creek Noise Control Bylaw No. R1001, 1998 is amended by adding the following sections:

Section 2 – Definitions

"Noise Scare Devices" shall mean any device that uses sound as a means of bird or pest control.

Section 3 – Regulations

3.2 A Noise Scare Device may be used to protect berry crops within the specified area, subject to the following conditions:

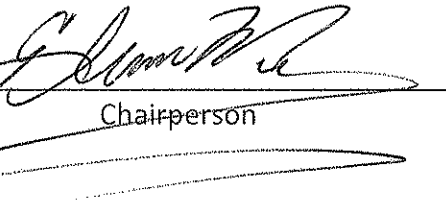
- (a) the property on which the Noise Scare Device is used is zoned to permit agricultural uses;
- (b) the Noise Scare Device may only be operated between 06:30 hours to 12:00 hours and 15:00 hours to 20:00 hours or dawn to dusk (excluding 12:00 hours to 15:00 hours), whichever is of lesser duration;
- (c) no more than one Noise Scare Device per two hectares of crop shall be operated at any one time;
- (d) each Noise Scare Device being used shall be alternated or relocated at least once every four days;
- (e) each Noise Scare Device, including its timing mechanism, shall be maintained to ensure its proper operation and that the device does not operate outside the hours permitted under (b) above;
- (f) each Noise Scare Device shall only be used as part of a wildlife predation management plan and may not be operated on any lot prior to the onset of bird damage to the crop on the lot or after the crop on the lot is harvested;
- (g) each Noise Scare Device shall be registered with the Bylaw Enforcement Officer by the owner or occupier of the lot on which the device is to be operated, such registration to specify a telephone number at which the owner or occupiers of the lot can be immediately contacted on a 24 hours-a-day and 7 days-a-week basis;
- (h) an owner/operator of a propane cannon with a firing frequency of no more than one firing per five minute period in the case of a single shot propane cannon and not more than 11 activations or a maximum of 33 shots in any hour for each multiple shot propane cannon. Multiple shots from a noise scare device are considered as one activation if the shots occur within a period of less than 30 seconds; and
- (i) a Noise Scare Device shall not be located within 200 metres of a neighbouring residence. Where written permission from the owner of such neighbouring residence is obtained and submitted to the Regional District in relation to reducing or waiving the separation distance, the Bylaw Enforcement Officer may approve a reduction or waiver of the specified separation distance between a Noise Scare Device and that neighbouring residence.

Read a first time this 22nd day of February, 2012


Read a second time this 22nd day of February, 2012

Read a third time this 22nd day of February, 2012

Adopted this 28th day of March, 2012



Chairperson



Chief Administrative Officer