

REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

BYLAW NO. R1001

A BYLAW TO PROVIDE FOR THE CONTROL OF NOISE IN ELECTORAL AREA "F" CHERRY CREEK

WHEREAS the Regional Board is empowered under supplementary Letters 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;

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 "F" (Cherry Creek) 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

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

2. **REGULATIONS**

It shall be unlawful for any person or persons, to cause any noise, in on, or around, any 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, 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 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.

3. **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.

4. **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.

5. **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".

6. Bylaw No. 609 is repealed in its entirety.

7. **TITLE**

This bylaw may be cited as the "Cherry Creek Noise Control Bylaw No. R1001, 1998".

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

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

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

Read a third time this 22nd 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. R1001, Cherry Creek Noise Control, 1998 which was adopted by the Regional Board at their regular meeting held on the 24th day of June, 1998.

Robert A. Harper, CGA
Secretary-Treasurer

A copy of Bylaw No. R1001, Cherry Creek Noise Control, 1998 was filed with the Inspector of Municipalities this _____ day of _____, 1998.

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

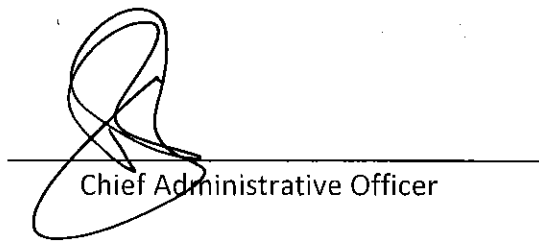
Read a second time this 22nd day of February, 2012

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

Adopted this 28th day of March, 2012



Chairperson



Chief Administrative Officer