

## REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

### BYLAW NO. R1024, 2013

A Bylaw to provide for the control of noise in  
Electoral Area "D" (Sproat Lake)

**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. **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 line and marked Schedule "A" and forms part of this Bylaw.

2. **DEFINITIONS**

In this Bylaw, the following definitions shall apply:

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

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

"**Vessel**" shall mean any navigable craft powered by an engine.

3. **REGULATIONS**

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

#### 4. **PROHIBITIONS**

Without limiting the generality of the prohibition in section 3 of this Bylaw and notwithstanding the exemptions in section 6 of this Bylaw, 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; and
- (g) The use of a noise scare device that uses sound as a means of bird or pest control.

#### 5. **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 subsections 5 (b) or 5 (c) above, for which the muffler is determined to be inoperative or ineffectual in preventing Noise therefrom.

6. **EXEMPTIONS**

Subject to section 4 of this Bylaw, 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.

7. **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) A public sign board 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 of the Regional District; and
- (c) No person shall remove, alter, conceal, damage or destroy any sign so posted without the written consent of the Regional District.

8. **OFFENCE**

A person who contravenes, violates or fails to comply with any provision of this Bylaw or who suffers or permits any act or thing to be done in contravention or violation of this Bylaw, or who fails to do anything required by this Bylaw, commits an offence and shall be liable upon conviction to a fine of not less than \$100.00 and not more than the maximum prescribed in the *Offence Act*, [RBSC 1996] c. 338 as amended from time to time, and for the cost of prosecution and any other penalty or order imposed pursuant to the *Local Government Act* or the *Offence Act*, as amended from time to time.

9. The "Sproat Lake Specified Area Noise Control Bylaw No. R1000, 1998" is repealed.
10. If any schedule, section, subsection, sentence, clause, or phrase of this Bylaw is held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

11. **TITLE**

This Bylaw may be cited as the "Sproat Lake Noise Control Bylaw No. R1024, 2013."


Read a first time this 12<sup>th</sup> day of June, 2013.

Read a second time this 12<sup>th</sup> day of June, 2013.

Read a third time this 12<sup>th</sup> day of June, 2013.

Adopted this 12<sup>th</sup> day of June, 2013.

  
Chairperson

  
Chief Administrative Officer