



## DISTRICT OF SOOKE

### BYLAW No. 303

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A bylaw to regulate or prohibit the making or causing of noises or sound in the District of Sooke.

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The Council of the District of Sooke believes:

- (a) that certain noises or sounds are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public, and
- (b) that it is desirable to regulate or prohibit the making or causing of noises or sounds in the municipality.

The Council of the District of Sooke, in open meeting assembled, enacts as follows:

1. This Bylaw is cited as Bylaw No. 303, *Noise Control Bylaw, 2007*.

#### 2. INTERPRETATION

In this Bylaw:

**Bylaw Enforcement Officer** means a person appointed by the Municipal Council as a Bylaw Enforcement Officer and includes a peace officer.

**Construction** includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, the laying of pipe and conduit whether above or below ground level, street and highway building, concreting, equipment installation and alteration, and the structural installation of construction components and materials in any form or for any purpose, and includes any work in connection therewith.

**Construction Equipment** means any equipment or device designed and intended for use in construction or material handling, including, but not limited to, air compressors, chain saws, rock crushers, wood-chippers, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders or other material handling equipment.

**Council** means the Council of the District of Sooke.

**Director of Engineering** means the person appointed as the Director of Engineering from time to time, and includes any person appointed or designated by the Director of Engineering to act on his or her behalf.

**Highway** includes every highway within the meaning of the *Highway Act*, and every road, street, lane or right-of-way designed or intended for or used by the general public for the passage of vehicles, and every place or passage way to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited; and every place or passage way owned or operated by the District of Sooke for the purpose of providing off-street parking.

**Municipality** means the District of Sooke.

**Noise** includes sound.

**Peace Officer** means any member of the Royal Canadian Mounted Police or any municipal Police Officers;

**Persistent/Persistently** means enduring or constantly repeated.

**Residential Area** means those properties zoned under Bylaw 270, *Sooke Zoning Bylaw, 2006* as Part 8 Single Family Residential Zones, Part 9 Multi-Family Residential Zones and Part 14 CD Zone.

**Truck** means any motor vehicle with a licenced gross vehicle weight over 8,600 kg.

**Vehicle** includes an automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or traction engine, farm tractor, self-propelled implement of husbandry or road building machine.

### **3. GENERAL PROHIBITIONS**

- 3.1 a. No person shall make or cause, or permit to be made or caused, in or on a highway or public place in the District, any noise or sound which disturbs or is liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public.
- b. No owner or occupier of real property shall use such real property, or permit such real property to be used, so that a noise or sound which originates from such real property disturbs or is liable to disturb the quiet,

peace, rest, enjoyment, comfort, or convenience of individuals or the public."

3.2 Without limiting the generality of section 3.1. of this bylaw, no person shall:

- a. play or operate any radio, stereophonic equipment, television receiving set or other instrument or apparatus for the production or amplification of music or speech which is audible between the hours of 11:00 p.m. and 9:00 a.m. outside the premises on the real property from where the music or speech originates and which disturbs the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public.
- b. Harbour or keep any animal or bird which persistently cries, barks, or howls.
- c. Be in the care or control of any vehicle, except for buses and trucks, which creates or emits a noise or sound that is audible beyond 150 metres in any direction from the vehicle.
- d. Idle or continuously run a diesel engine, a truck or bus for more than 15 minutes at the same location, except, where the truck or bus is located within a garage or depot intending to be used for the long term parking of that vehicle.
- e. Erect, demolish, construct, reconstruct, alter or repair any building or other structure within the Municipality or the excavation of any street, highway, lane or other land before 7:00 a.m. or after 9:00 p.m., Monday to Saturday and before 9:00 a.m. or after 9:00 p.m., on Sundays and Statutory Holidays.
- f. Use of construction equipment before 7:00 a.m. or after 5:00 p.m., Monday to Saturday and at all times on Sundays and Statutory Holidays.
- g. Use of yard equipment, including lawnmower, chain saw, leaf blower, weedwacker or rototiller before 7:00 a.m. or after 9:00 p.m.
- h. Load, unload, deliver, collect, pack, unpack, or otherwise handle any containers, products, materials, or refuse whatsoever before 7:00 a.m. or after 9:00 p.m. in any residential area.
- i. Create noise or sound by blasting or the operation of drills, compressors or other equipment used to prepare land for blasting before 7:00 a.m. or after 5:00 p.m., Monday to Saturday and at all times on Sundays and Statutory Holidays.

#### **4. EXEMPTIONS**

4.1 The emission of noise or sound in connection with the following are excluded from the prohibitions, regulations and penalties contained in this Bylaw:

- a. Police, Fire Department or Emergency vehicles when engaged upon a service of public convenience or necessity.
- b. Horn or signaling device on a boat, train or vehicle when used as a danger or warning signal.
- c. Municipal, other government or utility companies when engaged upon a service of the public or while engaged upon a service of public convenience or necessity.
- d. Bells or chimes from churches or public institutions.
- e. The unloading, loading, pick up or delivering of containers, products, materials, or whatsoever that is deemed necessary for the maintenance of essential services or the moving of household effects.
- f. Noise or sound created in connection with emergency measures undertaken for the immediate health, safety or welfare of individuals or for the preservation or restoration of property.
- g. Noise or sound created from parades, public festivities, the playing of musical instruments, the use of a public address system or other apparatus authorized by Council.
- h. Noise or sound created by the excavation, filling, construction, reconstruction, alteration, or repair of streets, highways, bridges, public works, infrastructure, or lands by the District's employees or agents.

## **5. INSPECTION**

- 5.1 A Bylaw Enforcement Officer or peace officer is hereby authorized to enter, at all reasonable times, on any property to ascertain whether the requirements of this Bylaw are being met or the regulations contained in this Bylaw are being observed.

## **6. PENALTY**

- 6.1 Every person who contravenes any provisions of this bylaw commits an offence punishable upon summary conviction and is liable to a fine not exceeding \$10,000.00 as set out in the *Offence Act*.
- 6.2 If an offence is a continuing offence, each day that the offence is continued constitutes a separate and distinct offence.
- 6.3 This bylaw may be enforced by means of a ticket in the form prescribed for the purpose of section 264 of the Community Charter.
- 6.4 Bylaw enforcement officers are designated to enforce this bylaw pursuant to section 264(1)(b) of the Community Charter.
- 6.5 The words or expressions set forth in Column 1 of Schedule A of this bylaw are authorized pursuant to section 264(1)(c) of the Community

Charter to designate the offence committed under the bylaw section number appearing in Column 2 opposite the respective words or expressions.

- 6.6 The amounts appearing in Column 3 of Schedule A of this bylaw are the fines established by Council pursuant to section 265(1)(a) of the Community Charter for the corresponding offence designated in Column 1.

## **7. SEVERABILITY**

- 7.1 If any section or subsection of this Bylaw is found to be invalid by a court of competent jurisdiction, the section or subsection may be severed from the Bylaw without affecting the validity of the remainder of the Bylaw.

## **8. REPEAL**

- 8.1 Bylaw No. 1527, *Noise Suppression By-law (Sooke), 1987* is hereby repealed.

Introduced and read a first time the 10<sup>th</sup> day of April, 2007.

Read a second time the 10<sup>th</sup> day of April, 2007.

Public Information Meeting the 22<sup>nd</sup> day of May, 2007.

Amended the 7<sup>th</sup> day of June, 2007.

Read a third time the 7<sup>th</sup> day of June, 2007.

Adopted on the 11<sup>th</sup> day of June, 2007.

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Janet Evans  
Mayor

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Evan Parliament  
Chief Administrative Officer

## SCHEDULE A

### MUNICIPAL TICKET INFORMATION DESIGNATIONS

<b>Offence</b>	<b>Bylaw Section No.</b>	<b>Fine</b>
Amplified Noise causing disturbance	3.2(a)	\$100.00
Animal or Bird Noise causing disturbance	3.2(b)	\$100.00
Vehicle noise causing disturbance	3.2(c)	\$100.00
Idling vehicle or construction equipment noise causing disturbance	3.2(d)	\$100.00
Construction noise causing disturbance	3.2(e)	\$100.00
Construction equipment noise causing disturbance	3.2(g)	\$100.00
Yard equipment noise causing disturbance	3.2(f)	\$100.00
Loading noise causing disturbance	3.2(h)	\$100.00
Blasting noise causing disturbance	3.2(i)	\$100.00