



DISTRICT OF SOOKE

BYLAW NO. 485

A Bylaw to regulate or prohibit the making or causing of noise
in the District of Sooke.

The Council of the District of Sooke believes:

- (a) that certain noise is 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 noise in the District of Sooke.

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

1. This Bylaw is cited as Bylaw No. 485, *Noise Control Bylaw, 2011*.

2. INTERPRETATION

In this Bylaw:

Bylaw Enforcement Officer means a person appointed by Council as a Bylaw Enforcement Officer and includes a Peace Officer.

Construction includes erection, alteration, repair, dismantling, demolition, blasting, structural maintenance, painting, moving, land clearing or filling, earth moving, grading, excavating, the laying of pipe and conduit whether above or below ground level, 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 ancillary work.

Construction Equipment means any equipment or device designed and intended for use in Construction or material handling, including, but not limited to, air compressors and tools, 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 or yard equipment.

Highway includes every highway within the meaning of the *Transportation 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; every place or passage way owned or operated by the District of Sooke for the purpose of providing off-street parking and every sidewalk, trail, boulevard, greenway or boardwalk.

Peace Officer means any member of the Royal Canadian Mounted Police or any municipal police officer;

Persistent means enduring or constantly repeated.

Residential Area means those Parcels where residential uses are permitted under the District of Sooke's *Zoning Bylaw*, as amended from time to time.

Truck means any motor vehicle with a 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 of Sooke, any noise 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 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 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. **[Construction]** Construct any building or other structure within the District of Sooke or excavation on any Highway or other land,
 - i. before 7:00 a.m. or after 9:00 p.m., Monday to Saturday, or
 - ii. before 9:00 a.m. or after 9:00 pm on Sundays and Statutory Holidays.
 - f. **[Construction Equipment]** Use Construction Equipment,
 - i. before 7:00 a.m. or after 5:00 p.m., Monday to Saturday; or
 - ii. at any time on Sundays and Statutory Holidays.
 - g. Create noise by blasting or the operation of drills, compressors or other equipment used to prepare land for blasting,
 - i. before 7:00 a.m. or after 5:00 p.m., Monday to Saturday, or
 - ii. at any time on Sundays and Statutory Holidays.
 - h. **[Residential Area]** Use yard equipment, including lawnmower, chain saw, leaf blower, weedwacker or rototiller before 8:00 a.m. or after 9:00 p.m. in any Residential Area.
 - i. **[Residential Area]** Load, unload, deliver, collect, pack, unpack, or otherwise handle any containers, products, materials, or refuse whatsoever before 8:00 a.m. or after 9:00 p.m. in any Residential Area.

4. EXEMPTIONS

- 4.1 The emission of noise in connection with the following are excluded from the prohibitions, regulations and penalties contained in this Bylaw:
 - a. Police, fire department, ambulance or other 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 religious or public institutions.

- e. The unloading, loading, pick up or delivering of containers, products, materials, or other things necessary for the maintenance of essential services or the moving of household effects.
- f. Noise 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 created from public parades, public festivities, the playing of musical instruments the use of a public address system or other apparatus on municipal property or as authorized by the District of Sooke.
- h. Noise created by the Construction of streets, Highways, bridges, public works, infrastructure, or lands by the District of Sooke employees or agents.
- i. Transit buses operated by a public authority.

5. INSPECTION

- 5.1 Every Bylaw Enforcement Officer is 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.
- 5.2 No person shall interfere with or obstruct the entry of a Bylaw Enforcement Officer onto any land, into any building, or any vehicle to which entry is made or attempted pursuant to the provisions of this Bylaw.

6. PENALTY

- 6.1 Every person who contravenes a provision of this Bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this Bylaw, or who neglects or refrains from doing anything required by a provision of this Bylaw, commits an offence punishable upon summary conviction and is liable to a fine not exceeding \$10,000.
- 6.2 Each day that an offence exists or continues under this Bylaw 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 under section 264(1)(b) of the *Community Charter*.
- 6.5 No person may interfere with a Bylaw Enforcement Officer in issuing a ticket or Bylaw notice or otherwise carrying out his or her duties in

accordance with this Bylaw, and it is an offence for any person to interfere with a Bylaw Enforcement Officer in the enforcement of this Bylaw.

- 6.6 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.
- 6.7 The amounts appearing in Column 3 of Schedule A of this Bylaw are the fines established by Council pursuant to sections 265(1)(a) and 265(2)(a) of the *Community Charter* for the corresponding offence designated in Column 1, provided that the fine is paid on or before the 30th day from the date on which the ticket is served.
- 6.8 The amounts appearing in Column 4 of Schedule A of this Bylaw are the fines established by Council pursuant to sections 265(1)(a) and 265(2)(b) of the *Community Charter* for the corresponding offence designated in Column 1, provided that the fine is paid after the date referred to in section 6.7 of this Bylaw.

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. 303, *Noise Control Bylaw, 200*, as amended, is hereby repealed.

Introduced and read a first time the 28th day of March, 2011.

Read a second time the 28th day of March, 2011.

Read a third time the 28th day of March, 2011.

Adopted on the 11th day of April, 2011.

Janet Evans
Mayor

Bonnie Sprinkling
Corporate Officer

SCHEDULE A

MUNICIPAL TICKET INFORMATION DESIGNATIONS

Offence	Bylaw Section No.	Fine within 30 days	Fine after 30 days
Noise causing disturbance	3.1(a)	\$150.00	\$200.00
Noise from real property causing disturbance	3.1(b)	\$150.00	\$200.00
Amplified noise causing disturbance	3.2(a)	\$150.00	\$200.00
Animal or bird noise causing disturbance	3.2(b)	\$150.00	\$200.00
Vehicle noise causing disturbance	3.2(c)	\$150.00	\$200.00
Idling Vehicle or Construction Equipment noise causing disturbance	3.2(d)	\$150.00	\$200.00
Construction noise causing disturbance	3.2(e)	\$150.00	\$200.00
Construction Equipment noise causing disturbance	3.2(gf)	\$150.00	\$200.00
Yard equipment noise causing disturbance	3.2(fg)	\$150.00	\$200.00
Loading noise causing disturbance	3.2(h)	\$150.00	\$200.00
Blasting noise causing disturbance	3.2(i)	\$150.00	\$200.00
Obstrucing a Bylaw Enforcement officer	5.2	\$150.00	\$200.00