

# VILLAGE OF QUEEN CHARLOTTE

## NOISE BYLAW NO. 48, 2011

### **A Bylaw to regulate, prohibit, and impose requirements in relation to noise in the Village of Queen Charlotte**

WHEREAS the Council of the Village of Queen Charlotte has the authority to regulate, prohibit, and impose requirements in relation to noise that is liable to unreasonably disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;

NOW THEREFORE the Council of the Village of Queen Charlotte, in open meeting assembled, enacts as follows:

#### **Title**

1. This Bylaw may be cited for all purposes as the "Village of Queen Charlotte Noise Regulation Bylaw No.48, 2011."

#### **Interpretation**

2. In this Bylaw:
  - (a) "Council" means the Council of the Village of Queen Charlotte;
  - (b) "Bylaw Enforcement Officer" means the Chief Administrative Officer, member of the R.C.M.P. , or other person who may be appointed by Council;
  - (c) "Village" means the Village of Queen Charlotte;
  - (d) "Weekdays" means Sunday night to Friday morning;
  - (e) "Weekends" means Friday night to Sunday morning.

#### **Prohibited Noise**

3. No person shall make or cause, or permit to be made or caused, in or on a highway or public place in the Village, any noise which unreasonably disturbs or is liable to unreasonably disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public.
4. 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 unreasonably disturbs or is liable to disturb the quite, peace, rest, enjoyment, comfort, or convenience of individuals or the public.

5. Without limiting the generality of Section 3 or 4 of this Bylaw, no person shall cause or permit:
- (a) any amplified music or speech which is audible between the hours of 11:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 11:00 p.m. and 9:00 a.m. on weekends, outside the premises on the real property from where the music or speech originates or is reproduced and which unreasonably disturbs the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public;
  - (b) any calls, cries, barks, or other noises made by an animal which are audible between the hours of 11:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 11:00 p.m. and 9:00 a.m. on weekends, outside the premises where the animal is kept and which unreasonably disturbs the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public;
  - (c) any noise made by the operation of any machinery or equipment between the hours of 11:00 p.m. and 7:00 a.m. on weekdays or between the hours of 11:00 p.m. and 9:00 a.m. on weekends and which unreasonably disturbs the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public;
  - (d) any noise made in the construction, reconstruction, alteration, repair, or demolition of any building, structure, or thing, including the excavation or filling of land, between the hours of 11:00 p.m. and 7:00 a.m. on weekdays or between the hours of 11:00 p.m. and 9:00 a.m. on weekends and which unreasonably disturbs the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public.
  - (e) The provisions of this part shall not apply to or be enforced against the operation of machinery or equipment or any construction, building, demolition, excavation, grading or other kind of construction or destruction work undertaken outside of the prohibited hours with the written permission of the Chief Administrative Officer or by a resolution of Council.

### **Exemptions**

6. This Bylaw does not apply to noise produced by:
- (a) emergency response vehicles and equipment proceeding upon or engaged in an emergency;

- (b) the excavation, filling, construction, reconstruction, alteration, or repair of streets, highways, public works, infrastructure, or lands by the Village's employees or agents, as required to respond to an emergency or to ensure the safety of the public.
- (c) snow removal or highway cleaning operations on a highway or public place;
- (d) the operation of a public address system, or alarm system, required under a building or fire code;
- (e) special events permitted by Council;
- (f) an animal impoundment facility or shelter;
- (g) activities associated with commercial fisheries operations and fish guides;
- (h) commercial delivery vehicles, or their operators, or any other noise associated with the regular course of the delivery or pickup of commercial goods;
- (i) BC Ferries operations in Skidegate Landing;
- (j) the landing and takeoff of helicopters from the heli-pad or float planes;
- (k) industrial activity on property zoned industrial and including the loading of the log barge in Bearskin Bay;

### **Inspection**

7. Subject to requirements of the *BC Community Charter Act*, a bylaw enforcement officer may enter on any property at any reasonable time for the purpose of ascertaining whether the regulations and requirements of this Bylaw are being observed.

### **No Interference**

8. No person shall obstruct or interfere with a bylaw enforcement officer in the performance of his or her duties under this Bylaw.

### **Offences and Penalties**

9. Any person who contravenes this Bylaw is liable upon summary conviction to a fine and the cost of prosecution. Every day during which there is an infraction of this Bylaw shall constitute a separate offence.
10. This Bylaw is designated pursuant to s. 264(1)(a) of the *Community Charter*, S.B.C. 2003, c. 26 as a bylaw enforceable by means of a ticket in the form prescribed in the *Community Charter Bylaw Enforcement Ticket Regulation*, B.C. Reg. 425/2003.
11. All persons acting on behalf of the Village for the purpose of enforcement of the Village's bylaws and members of the R.C.M.P. are designated pursuant to s. 264(1)(b) of

the *Community Charter*, as bylaw enforcement officers for the purpose of enforcing this Bylaw.

12. The words or expressions set forth in Column 1 of Schedule "A" of the Bylaw are authorized pursuant to s. 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.
13. The amounts appearing in Column 3 of Schedule "A" of this Bylaw are the fines established by Council pursuant to s. 265(1)(a) of the *Community Charter* for the corresponding offence designated in Column 1.

**Severability**

14. If any section or lesser portion of this Bylaw is held to be invalid by a Court, such invalidity shall not affect the remaining portions of the Bylaw.

READ A FIRST TIME this 21<sup>st</sup> day of February, 2011.

READ A SECOND TIME this 21<sup>st</sup> day of March. 2011.

READ A THIRD TIME this 4<sup>th</sup> day of April, 2011.

APPROVED AND ADOPTED this 18<sup>th</sup> day of April, 2011.

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Carol Kulesha, Mayor

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William Beamish, Chief Administrative Officer

I hereby certify that the above is true and correct copy of “Village of Queen Charlotte Noise Regulation Bylaw No.48, 2011.” as adopted by Council of the Village of Queen Charlotte on the 18th day of April, 2011.

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 Corporate Officer

**SCHEDULE “A” OF BYLAW NO. 48, 2011**

<b>Offence Committed</b>	<b>Bylaw Section No.</b>	<b>Fine</b>
1. Noise on highway or public place contrary to bylaw	3	1 <sup>st</sup> Offence \$50.00 Subsequent Fine \$100 per offence.
2. Noise on premises contrary to bylaw	4	1 <sup>st</sup> Offence \$50.00 Subsequent Fine \$100 per offence.
3. Amplified music or speech during prohibited period	5(a)	1 <sup>st</sup> Offence \$50.00 Subsequent Fine \$100 per offence.
4. Noisy animal during prohibited period	5(b)	1 <sup>st</sup> Offence \$50.00 Subsequent Fine \$100 per offence.
5. Noise from machinery or equipment during prohibited period	5(c)	1 <sup>st</sup> Offence \$50.00 Subsequent Fine \$100 per offence.
6. Noise from construction during prohibited period	5(d)	1 <sup>st</sup> Offence \$50.00 Subsequent Fine \$100 per offence.
7. Interference with bylaw enforcement officer	8	\$250.00