

DISTRICT OF 100 MILE HOUSE



CONSOLIDATED VERSION OF
100 MILE HOUSE NOISE BYLAW NO 953, 2005
AND AMENDMENTS THERETO
(Bylaw No. 1041, 2006)

(For Convenience Only)

Please refer to original Bylaws.

DISTRICT OF 100 MILE HOUSE

BYLAW NO. 953, 2005

A bylaw to regulate and prohibit the making or causing of noise, nuisance and sounds within the District of 100 Mile House.

WHEREAS a Council, may, by bylaw, regulate, prohibit and impose requirements in relation to the protection and enhancement of the well-being of its community in relation to the matters referred to in section 64 of the *Community Charter* (nuisances, disturbances, and other objectionable situations);

AND WHEREAS Council of the District of 100 Mile House deems it necessary and desirable to abate noises within the municipality;

NOW THEREFORE the Council of the District of 100 Mile House, in open meeting assembled, enacts as follows:

1.0 DEFINITIONS

- 1.1 Words defined in the *Motor Vehicle Act* being Chapter 318 of the Revised Statutes of British Columbia 1996 shall have the same meaning when used in this bylaw, unless defined in this bylaw or unless the context otherwise requires.

“Bylaw Enforcement Officer” means any person(s) appointed as such by the Council.

“Council” means the Municipal Council of the District of 100 Mile House.

“District” means the District of 100 Mile House.

“Highway” includes every highway, road, street, lane and right of way.

“Peace Officer” means any member of the Royal Canadian Mounted Police (RCMP) and any person delegated to assist the member in carrying out their duties.

“Utility” includes gas, water, sewer, electrical, telephone, cable broadcasting service.

Section 1.0
definitions to
add “Peace
Officer”
Bylaw Amend
No. 1041,
2006.

2.0 GENERAL REGULATIONS

- 2.1 No person shall make or cause to be made any noise or sound in or on a highway or elsewhere in the District which disturbs, or tends to disturb, the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, or of persons in the vicinity, or which the Council believes are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.

- 2.2 No person shall play or operate any radio, tape recorder, audio playback machine, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound in or on private premises, or in or on any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons on the same piece of property or in the neighbourhood or vicinity.
- 2.3 No person shall own, possess, keep or harbour any dog which by its repeated barking disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.
- 2.4 No person shall own, possess, keep or harbour any animal or bird which by its cries disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.
- 2.5 No person shall operate any snow vehicle, motor vehicle, or motorcycle which makes or causes noise which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.
- 2.6 No person shall operate any outdoor public address system in the District without first having obtained a permit.
- 2.7 No person shall at any time after 10:00 p.m. and before 7:00 a.m. erect, demolish, construct, reconstruct, alter or repair any building or structure or excavate or fill in any land so that noise or sound which originates from such activity disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity unless the request has been considered by the District Manager within 3 business days of request.

3.0 EXCEPTIONS

3.1 General

Nothing in this bylaw shall preclude:

- (i) the performance of works of an emergency nature for the preservation or protection of life, health or property; or
- (ii) the operation of emergency equipment or any emergency vehicle; or
- (iii) any act of maintenance or repair, including street sweeping, garbage collection or washing/cleaning operations, being carried out by employees or contractors of the District, the Ministry of Transportation, or any public or private utility; or
- (iv) maintenance and snow removal in private parking lots provided that such actions commence after 5 a.m.; or

- (v) the use of bells or chimes by churches and the use of carillons where such carillons have been lawfully erected; or
- (vi) a parade, procession, performance, concert, ceremony, gathering or meeting in or on any street or public place, when duly authorized or permitted under the provisions of any bylaw, statute or ordinance in force in the District; or
- (vii) the operation of a public transportation system; or
- (viii) the erection, demolition, construction, reconstruction, alteration or repair of buildings or structures, or the excavation or filling in of any land, between the hours of 7:00 a.m. and 10:00 p.m.

3.2 Any exemption not noted above is required to be considered by the District Manager within three (3) business days of request.

4.0 RIGHT OF ENTRY

4.1 The Bylaw Enforcement Officer or Peace Officer is hereby authorized to enter, at all reasonable times, on any property subject to this bylaw, and all amendments thereto, to ascertain whether the regulation or directions of this bylaw, and all amendments thereto, are being observed.

5.0 OFFENCE

5.1 Every person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, is guilty of an offence against this bylaw and liable to the penalties hereby imposed.

5.2 A person who commits an offence against this bylaw is liable to the maximum penalties prescribed in the *Offence Act*, and to a fine of not less than \$200.00 for each offence and not more than \$2,000.00 together with the costs of conviction.

5.3 The Bylaw Enforcement Officer or a Peace Officer is authorized to issue municipal tickets for any offences.

6.0 REPEAL

6.1 The Village of 100 Mile House Noise Bylaw No. 511, 1990, all amendments thereto, are hereby repealed.

Section 4.1
amended by
Bylaw No.
1041, 2006.

Bylaw
Amendment
No. 1041,
2006: Add
section 5.3

7.0 SEVERABILITY

7.1 If any section, subsection, or paragraph of this bylaw is found invalid by a decision of a Court of competent jurisdiction, the invalid section, subsection, or paragraph shall be severed without effect on the remainder of the bylaw.

8.0 This bylaw may be cited as the *District of 100 Mile House Noise Bylaw No. 953, 2005*.

READ A FIRST TIME THIS 8th DAY OF March, 2005.

READ A SECOND TIME THIS 8th DAY OF March, 2005.

READ A THIRD TIME THIS 8th DAY OF March, 2005.

PASSED AND ADOPTED THIS 22nd DAY OF March, 2005.

Mayor

Corporate Officer