

NOISE BYLAW NO. 2037

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DISTRICT OF SALMON ARM

BYLAW NO. 2037

A bylaw to regulate noise within the District of Salmon Arm

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

1. Citation

This bylaw may be cited for all purposes as "Noise Prevention Bylaw No. 2037".

2. Repeals Bylaw

"District of Salmon Arm Noise Control Bylaw, 1981", No. 1408 is hereby repealed.

3. Interpretation:

- a) "Authorized Person" shall include the following:
 - i. a member of the Royal Canadian Mounted Police
 - ii. an officer as appointed by the District including the Bylaw Enforcement Officer, Building Inspector, Operations Manager or Planner/Development Officer;
 - iii any other Peace Officer
- b) "District" means the District of Salmon Arm;
- c) "Council" means the Municipal Council of the District of Salmon Arm;
- d) "Person" includes any company, corporation, owner, partnership, firm association, society or party;
- e) "Property" means real property and includes land, other than a highway, together with all improvements which have been so affixed to the land as to make them in fact and in law a part thereof;
- f) "Vessel" means any navigable craft powered by an engine.

4. General Regulations

- a) No person shall on any day before seven (7) o'clock in the forenoon or after ten (10) o'clock in the afternoon make or cause, or permit to be made or caused, any noise in or on a public or private place which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.

- b) No person being the owner or occupier of any premises or of any real property shall on any day before seven (7) o'clock in the forenoon or after ten (10) o'clock in the afternoon allow or permit such real property to be used so that noise or sound which emanates therefrom, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.

5. Construction Hours

- a) No person in the District shall on any day before seven (7) o'clock in the forenoon or after ten (10) o'clock in the afternoon, construct, erect, reconstruct, alter, repair or demolish any building, structure or thing or excavate or fill in land in any manner which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.
- b) Where the method of construction makes it impossible or impractical to comply with this section, the Operations Manager or his authorized designate may give written approval to carry on the work that is found to be necessary for a specific period of time.
Responsibility for obtaining approval lies with the person carrying on the work.

6. Other

- a) No person shall play or operate any radio, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound either in or on private premises or in any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.
- b) No person shall own, keep or harbour any animal or bird which by its cries unduly disturbs the peace, quiet, rest or tranquillity of the surrounding neighbourhood or the public at large.
- c) No hawker, huckster, pedlar, news vendor, or other person shall by his intermittent or reiterated cries disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.
- d) It shall be unlawful for any person or persons to:-
 - i. operate or permit to be operated any vessel propelled by an engine equipped with exhausting devices commonly described as 'dry stacks' or 'dry headers';
 - ii. 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;
 - iii. 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;
 - iv. operate or permit to be operated a vessel as described in Sections 6(a) or 6(c) above, for which the muffler is determined to be inoperative or ineffectual in preventing noise therefrom.
- e) No person shall operate any outdoor public address system in the District without first having obtained a permit therefor.

7. Exemptions

- a) The provisions of this bylaw shall not apply to or be enforced against:-
 - i. any publicly-owned or utility-owned vehicle while engaged upon necessary emergency repair work;
 - ii. any vehicle under the control of the Fire Department, while responding to a fire alarm, or to any police officer or constable in the discharge of his duty, or to any licensed

- ambulance or to the use of any siren by the Fire or Police Department, or in connection with the operation of the ambulance;
- iii. the use of bells or chimes for the announcing of Church services of all kinds;
- iv. the playing of dance music in any regularly licensed dance hall between the hours of 12:00 noon and 2:00 a.m.;
- v. any business or industry or agriculture established in accordance with "Salmon Arm Zoning Bylaw, 1976", No.1180, as now amended or as may be amended or re-enacted from time to time, in any area designated as approved for that type of operation provided that all precautions are taken according to the latest and most up to date scientific methods for abating, controlling or limiting noise, arising from the industry conducted, so that the same may be as free from neighbourhood offence as possible;
- vi. any work carried out during restricted hours with permission of the Operations Manager, in writing, specifying the time during such restricted hours when such work may be performed;
- vii. any public gathering for recreational or entertainment purposes, provided that written approval therefor has been first obtained from the Municipal Clerk.

8. Infractions

- a) An Authorized Person is hereby authorized to enter, at any time upon any real property, to carry out his investigation where he has reasonable and probable grounds to believe that an infraction of this bylaw has occurred;
- b) Refusal by any person to permit an Authorized Person to enter upon any real property where such Authorized Person is lawfully engaged in his duties under this bylaw shall constitute an infraction of this bylaw.

9. Validity of Bylaw

- 5. Should any section or provision of this bylaw be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the bylaw as a whole or any part thereof other than the part so declared to be invalid.

10. Penalties

- a) Every person who violates or breaches or who causes or allows to be violated or breached any of the provisions of this bylaw shall be guilty of an offence against this bylaw and each day that such violation is caused or allowed to continue shall constitute a separate offence.
- b) Any person who violates any provisions of this bylaw or who allows, causes or permits an infraction of this bylaw, commits an offence and is liable upon conviction to the penalties prescribed in the "Offence Act", Revised Statutes of British Columbia 1979, Chapter 305, as amended.

READ A FIRST TIME this 2nd day of December , 1991.

READ A SECOND TIME this 2nd day of December , 1991.

READ A THIRD TIME this 2nd day of December , 1991.

RECONSIDERED, FINALLY PASSED AND ADOPTED by the Council on the 16th day of December , 1991.

"D.E. ROGERS"

MAYOR

"G.W. BUCHANAN"

CLERK