



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3723

A Bylaw to Regulate or Prohibit the Making of
Certain Noises Within the Electoral Areas of the Regional District

WHEREAS the Board of Cowichan Valley Regional District deems it expedient to provide for regulations and prohibitions regarding the making of noise;

AND WHEREAS the Board has established a regulatory service to regulate or prohibit in relation to noise;

NOW THEREFORE, the Board of the Cowichan Valley Regional District enacts as follows:

1 **CITATION**

1.1 This Bylaw may be cited as “**CVRD Bylaw No. 3723 - Noise Control Bylaw, 2013**”.

2 **APPLICATION**

2.1 This bylaw shall apply within the boundaries of Electoral Areas A, B, C, D, E, F, G, H and I of the Cowichan Valley Regional District.

3 **PREVIOUS BYLAW REPEAL**

3.1 Cowichan Valley Regional District Noise Control Bylaw No. 1060, 1987; Cowichan Valley Regional District Shawnigan Lake Motor Boat Noise Regulating Bylaw No. 1278, 1990; and Cowichan Valley Regional District Cowichan Lake Motor Boat Noise Bylaw No. 1760, 1996, as amended, are repealed.

4 **DEFINITIONS**

4.1 In this bylaw:

“**Bylaw Enforcement Officer**” means every person designated by the Board as a Bylaw Enforcement Officer, and includes Domestic Animal Protection Officer and RCMP;

“**Construction Noise**” means any noises or sounds made on, or associated with, a construction site:

- (a) in carrying on work in connection with the construction, demolition, reconstruction, alteration, or repair of any building or structure,
- (b) in carrying on any excavation or other operation, or
- (c) in moving or operating any machine, engine, or construction equipment;

“**Continuous Sound**” means any noise or noises, other than Construction Noise, continuing for a period, or periods, totalling 3 minutes or more in any 15 minute period;

“Highway” includes a street, road, lane, bridge, viaduct and any other way open to public use, but does not include a private right-of-way on private property;

“Holiday” a day set aside by custom or by law where normal activities, especially business or work, are to be suspended or reduced;

“Meter” means an instrument which accurately measures levels of sound pressure on an “A” weighted scale in accordance with the American National Standards Institute standard for meters set out in S1.4-1983 as amended from time to time;

“Motor Boat” means a boat on water that is powered by an engine;

“Motor Vehicle” means a vehicle that is designed to be self-propelled and includes off-road vehicles, parts and equipment;

“Non-continuous Sound” means any noises or sounds other than Continuous Sound and Construction Noise;

“Point of Reception” means the place where a Meter is located to measure the Sound Level from a source of noises or sounds;

“Power Equipment” means any tool, equipment or machinery powered by an internal combustion engine or electric motor that is used for construction, lawn, garden, building and property maintenance, and includes lawn mowers, hedge trimmers, line trimmers, rototillers, pressure washers, carpet cleaning equipment, and hand operated power tools, including, but not limited to, chain saws, chippers and leaf blowers;

“Premises” means the smallest unit of ownership or occupation of real property, whichever is the lesser;

“Sound Level” means the Meter reading or recording in decibels using an “A” weighted network at the slow response setting of the Meter, as per the latest revision of the American Standards Association on sound levels.

5 GENERAL REGULATIONS

5.1 No person shall make or cause, or permit to be made or caused, any noise or sound which:

5.1.1 disturbs, or is liable to disturb, the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public; or

5.1.2 exceeds the Sound Levels prescribed in this Bylaw.

5.2 No owner or occupier of real property shall allow the real property to be used so that noise or sound which emanates from the real property:

5.2.1 disturbs, or is liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public; or

5.2.2 exceeds the Sound Levels prescribed in this Bylaw.

- 5.3 Despite compliance with Part 6, a person may be found in violation of Sections 5.1 or 5.2.

6 OBJECTIONABLE NOISES OR SOUNDS

- 6.1 Without limiting Sections 5.1 through 5.3, the following noises or sounds are deemed to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public and shall not exceed the sound levels noted:

- 6.1.1 any noises or sounds produced within or outside a Motor Vehicle and created by the following:

- (a) a Motor Vehicle engine or exhaust system when such noises or sounds are explosive;
- (b) a Motor Vehicle horn or other warning device except when authorized by law;
- (c) a Motor Vehicle operated in such a manner that the tires squeal.

- 6.1.2 any of the following noises or sounds at the point of reception:

- (a) Residential Noise
 - (i) between 7:00 a.m. and 9:00 p.m. (decibel level x2 not to exceed 60dB)
 - (ii) between 9:00 p.m. and 7:00 a.m. – (decibel level x2 not to exceed 50dB)
- (b) Construction (Decibel level not to exceed 85 dB)
 - (i) on a Sunday or a Holiday;
 - (ii) between 7:00 a.m. and 9:00 p.m. on a Saturday that is not a Holiday;
 - (iii) between 7:00 a.m. and 9:00 p.m. on any other day that is not a Saturday, Sunday or a Holiday;
- (c) Power equipment (decibel level not to exceed 90dB)
 - (i) between 9:00 a.m. and 9:00 p.m. on a Sunday or Holiday;
 - (ii) between 8:00 a.m. and 9:00 p.m. on any other day;
- (d) Noises or sounds from the loading or unloading of goods, materials, machines, equipment, waste or garbage by any means
 - (i) on a Sunday or Holiday;
 - (ii) before 7:00 a.m. or after 6:00 p.m. on any other day that is not a Sunday or Holiday;
- (e) Motor Boats on Shawnigan and Cowichan Lakes
 - any motor boat with an exhaust which is unmuffled or is not vented under the surface of the water.

- 6.1.3 in addition to the noises or sounds described in Sections 6.1.1 and 6.1.2

- (a) any Continuous Sound that exceeds the following Sound Levels at the Point of Reception:

	Sound Level
7:00 a.m. – 9:00 p.m.	60 dB
9:00 p.m. – 7:00 a.m.	50 dB

(b) any Non-continuous sound that exceeds the following Sound Levels at the Point of Reception:

	Sound Level
7:00 a.m. – 9:00 p.m.	80 dB
9:00 p.m. – 7:00 a.m.	65 dB

7 LOCATION OF POINT OF RECEPTION

- 7.1 For the purpose of enforcing this bylaw, measurement of Sound Levels shall be made:
- 7.1.1 in the case of noises or sounds in or on a Highway, in a public park or in another public place, from a Point of Reception not less than 5 metres from the noises or sounds; and
 - 7.1.2 in the case of noises or sounds created by Construction, from a Point of Reception on any Premises, not including the Premises on which the Construction is taking place; and
 - 7.1.3 in all other cases, from a Point of Reception not on the Premises upon which the source of the noise or sound is located.

8 EXCLUSIONS

- 8.1 This bylaw does not apply to:
- 8.1.1 police, fire or other emergency personnel vehicles and equipment in relation to an emergency;
 - 8.1.2 vehicles and equipment used to make emergency repairs to public utilities and services;
 - 8.1.3 transit buses operated by a public authority;
 - 8.1.4 work carried out by officers, employees or agents of the Regional District;
 - 8.1.5 the making of noise which is usual to the uses that are permitted within each zone of the applicable Zoning Bylaw;
 - 8.1.6 the making of noise arising from an activity deemed to be a farm practice by the BC Farm Industry Review Board (BCFIRB) on property that is assessed as Agricultural and protected under the Right to Farm legislation. Any activity deemed not a farm practice is subject to this bylaw.

9 SPECIAL EVENTS

- 9.1 Notwithstanding the provisions of this bylaw, where it is impossible or impractical to comply with Section 6 of this bylaw or, in the case of a special event, a person may apply for and receive from the Regional District a permit waiving the requirements of this bylaw for a specific time over a specific location if, in the opinion of the Regional District, such a waiver is in the public interest.

10 ENFORCEMENT

10.1 Every Bylaw Enforcement Officer is authorized to enforce this bylaw and, for that purpose, may enter at all reasonable times any real property to ascertain whether the provisions of this bylaw are being observed.

11 PENALTY

11.1 Every person who violates 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, is guilty of an offence and is liable, upon summary conviction, to a fine not exceeding \$10,000.

11.2 Each day that a violation continues or exists under this bylaw is a separate offence.

11.3 No person may interfere with a Bylaw Enforcement Officer 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.

11.4 No person shall interfere with or obstruct the entry of the 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.

12 SEVERABILITY

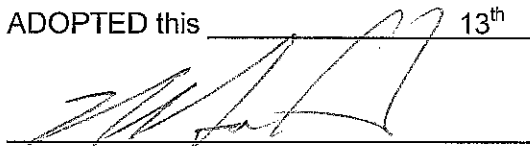
12.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

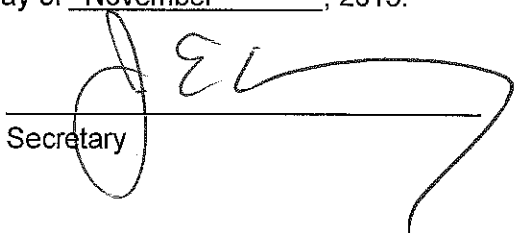
READ A FIRST TIME this 13th day of November, 2013.

READ A SECOND TIME this 13th day of November, 2013.

READ A THIRD TIME this 13th day of November, 2013.

ADOPTED this 13th day of November, 2013.


Chairperson


Secretary