



## DISTRICT OF NORTH SAANICH

### BYLAW NO. 1383

#### A BYLAW TO REGULATE NOISE AND LIGHT WITHIN THE DISTRICT OF NORTH SAANICH

Under its statutory powers, including sections 8 (3) (b) & (h), 16, 17, 62, 64, 260 to 263 of the *Community Charter*, the Council of the District of North Saanich, in open meeting assembled, enacts the following provisions:

#### CITATION

1. This Bylaw may be known and cited for all purposes as "North Saanich Noise Bylaw No. 1383 (2015)".

#### DEFINITIONS

2. In this bylaw:

**District** means the District of North Saanich;

**Duly Authorized** means authorized by the District;

**Emergency Vehicle** has the same meaning such words have in the *Motor Vehicle Act*, R.S.B.C. 1996, Chapter 318;

**Heat Pump** means a device which has the capability to transfer heat from the air outside of a building into the building by means of a compressible refrigerant;

**Highway** includes every highway within the meaning of the *Highway 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 private place or passage way to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited;

**Motor Vehicle Sound** includes sound which is produced by a motor vehicle's engine, exhaust system, vehicle warning device, theft alarm, tires, audio device located on or in a motor vehicle or sounds resulting from a load on or the towing of a vehicle as a result of improper securement load or inadequate maintenance;

**Outdoor Light** means any light source that is not fully enclosed in a building or structure but does not include street lighting provided by the District, Christmas or holiday lights between November 15 to January 15, lighting required by law enforcement or emergency personnel, traffic control signals and devices, vehicle lights, and lighting used to illuminate public parks and playing fields;

**Point of Reception** means

- (a) any place on a parcel where sound originating from any source, other than a source on such parcel, is received; or
- (b) any place on a highway where sound is received;

**Residential Area** means any area of land or highway included within a Single Family, Multiple Family, or Comprehensive Development zone under the provisions of the Zoning By-law of the District;

**Sound Level Meter** means a sound measuring device designed to meet the current standards of the American National Standard Institute, the Canadian Standards Association, or equivalent.

3. Where any word or term or name or abbreviated word or abbreviated term or abbreviated name used in relation to the use of a sound meter that is not defined in this by-law, or, where any technical standard or abbreviated technical standard that is not set out in this by-law, is used in this by-law, such word, term, name, abbreviated word, abbreviated term, abbreviated name, technical standard or abbreviated technical standard shall be interpreted by reference to the definitions and technical standards last published by the Canadian Standards Association (C.S.A.), or by the American National Standards Institute (A.N.S.I.).

#### EXEMPTION

4. This bylaw does not apply to emergency vehicles.

#### ENTRY FOR INSPECTION

5. A Peace Officer, Bylaw Enforcement Officer, Building Inspector, and any other person duly authorized by the District to enforce the provisions of this bylaw is hereby authorized to enter, upon any property at reasonable times and with reasonable notice in order to measure sound levels or to ascertain whether the provisions of this by-law are in compliance.

#### GENERAL PROHIBITIONS

6. No person shall disturb or tend to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity by:
  - 6.1 making or causing or permitting to be made or caused, any noise in or on a public or private place; or
  - 6.2 being the owner, tenant or occupier of real property, allowing or permitting such real property to be used, so that noise emits from within the property
7. No person, including person engaged in a commercial enterprise, shall by their cries disturb or tend to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.
8. No person shall own, keep or harbour any animal or bird which by its cries disturb or tend to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.
9. No person shall play or operate any radio, gramophone or other instrument or any apparatus for the production or amplification of sound anywhere within the District in such a manner as to disturb or tend to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.
10. No person shall place, permit, or allow an Outdoor Light on a parcel of land such that the Outdoor Light disturbs the enjoyment, use, comfort, or convenience of a person or persons on another parcel of land in the vicinity.

11. No person shall operate or allow the operation of a heat pump resulting in a sound level:
  - 11.1 in excess of 45 decibels at a point of reception located in a residential area; or
  - 11.2 that disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.

#### **PROHIBITIONS RELATED TO CONSTRUCTION**

12. No person shall carry on construction, reconstruction, alteration or repair of any building or structure, or carry on any excavating or other operation, or operate any kind of machine or engine, which disturbs or tend to disturbs the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity except between the following hours of each day:
  - (a) Monday to Friday inclusive between the hours of 7:00 a.m. and 7:00 p.m. of each day except where the day is a statutory holiday within British Columbia; and
  - (b) Saturday between the hours of 8:00 a.m. to 4:00 p.m.

#### **PROHIBITIONS RELATED MOTOR VEHICLES**

13. No person shall operate a motor vehicle which emits a Motor Vehicle Sound that:
  - 13.1 is loud, roaring or explosive; or
  - 13.2 disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.

#### **PENALTY SECTION**

14. 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, who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw or who does any act which violates any of the provisions of this bylaw, is guilty of an offence against this bylaw and liable to the penalties hereby imposed.
15. Each day that a violation continues to exist shall constitute a separate offence.
16. Every person who commits an offence against this bylaw is liable to a fine and penalty of not more than \$2,000.00 and not less than \$300.00 for each offence, and in default of payment thereof, forthwith or within such time as the presiding Provincial Court Judge of the Peace shall direct the fine imposed shall be recoverable under the provisions of the *Offence Act* R.S.B.C. 1996, Chapter 338 and all amendments.

#### **SEVERABILITY**

17. If a court of competent jurisdiction should declare any section or part of a section of this bylaw to be invalid, such declaration shall not affect the validity of the remainder of this bylaw all of which shall remain valid and in force.

#### **REPEAL**

18. Bylaw No. 20 and all amendments are hereby repealed.

READ A FIRST TIME the 16<sup>th</sup> day of February, 2015.

READ A SECOND TIME the 16<sup>th</sup> day of February, 2015.

AMENDED AT SECOND READING the 16<sup>th</sup> day of February and the 2<sup>nd</sup> day of March, 2015.

READ A THIRD TIME the 2<sup>nd</sup> day of March, 2015.

FINALLY ADOPTED the 9<sup>th</sup> day of March, 2015.



A handwritten signature in blue ink, appearing to read "D. Yenceli", is written above a horizontal line.

MAYOR

A handwritten signature in blue ink, appearing to read "J. King", is written above a horizontal line.

CORPORATE OFFICER