

DISTRICT OF HUDSON'S HOPE
BYLAW NO. 620 – Office Consolidation

A bylaw to control noise within the municipality.

DISCLAIMER

This bylaw consolidation is published by the District of Hudson's Hope on the understanding and specifically expressed condition that any person reading this document is strongly recommended to obtain independent advice as to whether it is complete and correct and whether it should be relied on.
Amending Bylaws No. 629 and 646.

WHEREAS under section 724 of the *Local Government Act*, the Council may, by bylaw:

- (a) regulate or prohibit the making or causing of noises or sounds in or on a highway or elsewhere in the municipality
 - (i) that disturb, or tend to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood, or of persons in the vicinity, or
 - (ii) that the Council believes are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;
 - (b) prevent or prohibit persons from shouting, using megaphones and making other noise in, at or on streets or other public places;
- and the regulations and prohibitions under paragraph (a), above, may be different for different areas of the municipality;

NOW THEREFORE the Council of the District of Hudson's Hope, in open meeting assembled, enacts as follows:

Title

1. This Bylaw may be cited as Noise Regulation Bylaw No. 620, 2001.

Definitions

2. In this Bylaw:
 - "authorized person" includes a member of the Royal Canadian Mounted Police, the Hudson's Hope Volunteer Fire Department or the BC Ambulance Service;
 - "Council" means the Council of the District of Hudson's Hope;
 - "emergency vehicle", "motor vehicle", "motorcycle" and "vehicle" have the same meanings as defined in the *Motor Vehicle Act*;
 - "municipal" or "municipality" means the District of Hudson's Hope;
 - "noise" includes any loud outcry, clamour, shouting or movement, or any sound that is loud, harsh or undesirable; and
 - "power equipment" means a device or machinery that is powered by an internal combustion engine or an electrical motor;

General Prohibitions

3. No person shall make or cause, or permit to be made or caused, any noise or sound in, at or on a highway or other public place which disturbs or tends to disturb unreasonably the quiet, peace, rest, enjoyment, comfort or convenience of persons in the neighbourhood or vicinity.
4. No person, being the owner or occupier of real property, shall knowingly allow or permit such property to be used so that noise or sound, which emanates therefrom, disturbs unreasonably the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity.

Specific Prohibitions

5. Without limiting the generality of the prohibitions contained in sections 3 or 4, the Council believes that the following noises or sounds are objectionable and they are accordingly specifically prohibited between the hours of 10:30 p.m. and 7:00 a.m. of the following day:
 - (a) the playing of any radio, television, musical instrument or other apparatus for the production or amplification of sound in such a manner or at high volume;
 - (b) the keeping or harbouring of any animal, bird, or fowl which repeats its cries or barks;
 - (c) the operation of any motor vehicle, motorcycle or all-terrain vehicle, so out of repair or operated so as to create unreasonably loud or unnecessary noise;
 - (d) the discharging into the open air of the exhaust from any internal combustion engine, except through a properly operating muffler or other device which prevents excessive noise;
 - (e) the continuous running of any stationary motor vehicle in any residential zone as designated in a zoning bylaw; or
 - (f) yelling, shouting, whistling or singing;which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.
- 5.1 No person, being the owner or occupier of real property, shall use such property, or permit such property to be used, for the operation of petroleum exploration or production, wellhead servicing or pipeline compressor equipment so as to generate noise or sound that disturbs unreasonably the quiet, peace, rest, comfort, or convenience of the neighbourhood or persons in the vicinity, and for this purpose it is an unreasonable disturbance if the noise or sound may be heard on residential premises by a person with ordinary hearing ability.
[Bylaw No. 646]

Exceptions

6. The provisions of this Bylaw shall not apply to:

- (a) any employee or agent of the municipality or of the Ministry of Transportation and Highways who operates power equipment or a motor vehicle while engaged in a service of public convenience or necessity;
- (b) any person while engaged in emergency repairs to property;
- (c) the operation of an emergency vehicle by authorized personnel;
- (d) the sounding of a horn or other signalling device upon any vehicle, where such sounding is properly and necessarily used as a danger or warning signal;
- (e) any person engaged in the construction, erection, reconstruction, alteration, repair or demolition of a building or structure for which a Building Permit has been issued by the municipality between the hours of 7:00 a.m. and 10:00 p.m.;
- (f) the operation in a reasonable manner of power equipment or a motor vehicle engaged in snow clearing between the hours of 6:00 a.m. and 10:00 p.m.;
- (g) the operation in a reasonable manner of power equipment for maintaining a lawn or garden between the hours of 8:00 a.m. and 9:00 p.m.;
- (h) the sound or noise from a community care facility licensed under the *Community Care Facility Act*, or a school operated under the *Independent School Act* or the *School Act*;
- (i) any noise or sound necessarily generated in the operation of a licensed business located in an industrial zone as designated in a zoning bylaw;
- (j) the playing of music in any licensed discotheque, pub or bar or community hall between the hours of 8:00 p.m. on a Friday or Saturday and 1:00 a.m. of the following day; or
- (k) the keeping or harbouring of any animal, poultry, or fowl for domestic purposes within a Rural Residential Suburban area pursuant to article 4.26 (g) of Zoning Bylaw No. 555, 1996. [*Bylaw No. 629, 2001*]

Enforcement

- 7. The Council may from time to time, appoint an employee or contract with a person, to be a Bylaw Enforcement Officer to administer and enforce the provisions of this Bylaw.
- 8. The Bylaw Enforcement Officer may:
 - (a) issue municipal ticket informations or initiate other court processes for noncompliance with the provisions of this Bylaw; and
 - (b) upon receipt of a complaint or with reasonable justification, enter, at all reasonable times, upon any property to ascertain compliance with the provisions of this Bylaw.
- 9. No person shall hinder, delay or obstruct in any manner, directly or indirectly, the Bylaw Enforcement Officer or a peace officer while lawfully engaged in carrying out his or her duties under this Bylaw.

Penalties

10. Any person who contravenes any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention 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, commits an offence and shall be liable, upon summary conviction, to a fine or penalty not less than \$50 and not more than \$2,000 for each offence and the costs of prosecution.
11. Every day that a provision of this Bylaw is contravened shall be considered to be a separate offence.

Severability

12. If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

Repeal of Previous Bylaw

13. District of Hudson's Hope Anti-Noise Bylaw No. 217, 1977 is repealed.

Read a First Time this 27th day of February 2001
Read a Second Time this 27th day of February 2001
Read a Third Time this 11th day of September 2001
ADOPTED this 09th day of October 2001

"L.M. Harwood"
Mayor

"W.K. Lindsay"
Clerk