

THE CORPORATION OF THE DISTRICT OF NORTH COWICHAN

BY-LAW NO. 2857

A BY-LAW TO PROVIDE FOR NOISE CONTROL

WHEREAS Section 932 (c) of the Municipal Act grants to Council the power to regulate or prohibit the making or causing of noises or sounds in or on a highway or elsewhere in the municipality which disturb, or tend to disturb, the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, or of persons in the vicinity, or which Council believes are objectionable;

THEREFORE the Municipal Council of The Corporation of the District of North Cowichan, in open meeting assembled, ENACTS as follows:

1. This by-law may be cited as the "Noise By-law 1995".
2. No person shall make nor allow to be made any noise that disturbs the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity, whether by any animal, vehicle, conveyance, vessel, machinery, equipment, device, or activity,
3. In addition to Section 2, the following are specifically prohibited:
 - (1) Keeping or harbouring any animal which by its frequent calls, cries, or other noise whatsoever disturbs the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity;
 - (2) Playing any stereo equipment or musical instrument prior to 8:00 a.m. or after 8:00 p.m. on any day in such a manner or with such volume as to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity;
 - (3) Using an engine or motor vehicle without a muffler or other device which would prevent excessive noise therefrom, or so out of repair, or equipped in such a way as to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity;
 - (4) Erecting, demolishing, altering, or repairing of any building or structure, or the excavation of any land, street, highway, or lane prior to 7:00 a.m. or after 8:00 p.m. on Monday to Saturday, inclusive, or prior to 9:00 a.m. or after 6:00 p.m. on Sundays in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity; and
 - (5) Using any drum, loudspeaker, or other instrument or device for the purpose of attracting attention to any performance, show, sale, or display of merchandise which would disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.
4. This by-law does not apply to the following:
 - (1) The erection, demolition, alteration, or repair of any building or structure, or the excavation of any land, street, highway, or lane by the Municipality, or its agents;
 - (2) The reasonable use of amplifiers or loud speakers in the course of non-commercial public addresses;

- (3) The use of bells for announcing church services of all kinds;
 - (4) The playing of music in any regularly licensed establishment between the hours of 10:00 a.m. and 1:00 a.m.;
 - (5) The making of noise which is usual to or inevitable in the permitted uses in a prescribed zone; and
 - (6) The making of noise, which is usual to or inevitable in the operation of a business, in connection with the conduct of business in a zone which permits the operation of such business.
5. Any person who is guilty of any breach or infraction of any of the provisions of this by-law shall be liable, upon summary conviction, to a fine not exceeding the sum of Two thousand dollars (\$2,000.).
 6. By-laws 594, 862, and 2118 are hereby repealed.

Received First Reading on the 15th day of November, 1995.
Received Second Reading on the 15th day of November, 1995.
Received Third Reading on the 15th day of November, 1995.
Adopted on the 6th day of December, 1995.

M. O. Ruttan, Municipal Clerk

H.R. Hollett, Mayor