

THOMPSON-NICOLA REGIONAL DISTRICT

BYLAW NO. 2480

A bylaw of the Thompson-Nicola Regional District to regulate the making or causing of noises

WHEREAS pursuant to the *Local Government Act*, the Board of Directors of Thompson-Nicola Regional District may, by bylaw, establish a service in relation to control of noise;

AND WHEREAS the Board has established a noise control service under the provisions of "Noise Control Service Establishment Bylaw No. 2479, 2014" with all Electoral Areas in the Thompson-Nicola Regional District participating in the service;

AND WHEREAS, pursuant to s. 724 of the *Local Government Act*, the Board wishes to regulate the making or causing of noises or sounds which disturb, or tend to disturb, the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, or of persons in the vicinity;

NOW THEREFORE the Board of Directors of the Thompson-Nicola Regional District, in open meeting assembled, enacts as follows:

1. CITATION

1.1 This Bylaw may be cited as "Thompson-Nicola Regional District Noise Regulation Bylaw No. 2480, 2014".

2. SERVICE AREA

2.1 This Bylaw shall be applicable within all Electoral Areas of the Thompson-Nicola Regional District.

3. DEFINITIONS

3.1 Words or phrases defined in the *Interpretation Act*, *Local Government Act* or *Community Charter* shall have the same meaning when used in this Bylaw, unless defined in this Bylaw or unless the context otherwise requires. Unless otherwise stated, and notwithstanding the case used (upper case or lower case) or whether in italics, when words or phrases that are defined in this section of this Bylaw are used in the body or schedules of this Bylaw, they have the meaning ascribed to them as set out in this section:

BOARD means the Board of Directors of TNRD;

DIRECTOR OF DEVELOPMENT SERVICES means the person appointed as such from time to time by the TNRD and any person designated to assist in carrying out his or her duties;

DOG means an animal of the canine species;

NOISE means any sound that is loud or harsh or undesirable and includes any loud outcry, clamour, shouting or movement, or, whether mechanically amplified or not;

OWNER means possessor or harbourer of any animal or property;

PERSON means any individual, company, corporation, owner, partnership, firm, association, society or party;

PROPERTY means real property and includes land, other than a highway, together with all improvements which have been so affixed to the land;

PROPERTY BYLAW COORDINATOR means the person appointed as such from time to time by the TNRD and any person designated to assist in carrying out his or her duties; and

TNRD means Thompson-Nicola Regional District.

4. **INTERPRETATION**

- 4.1 The headings contained in this Bylaw are for convenience only and are not to be construed as defining or in any way limiting the scope or the intent of the provisions of this Bylaw.
- 4.2 Any act or enactment referred to herein is a reference to an enactment of the Province of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to herein (as may be cited by short title or otherwise) is a reference to an enactment of the Board, as amended, revised, consolidated or replaced from time to time.
- 4.3 If any provision of this Bylaw is held to be invalid by a court of competent jurisdiction, the provision may be severed from this Bylaw and such invalidity shall not affect the validity of the remaining portions of this Bylaw.

5. **ADMINISTRATION AND ENFORCEMENT**

- 5.1 The *Director of Development Services* and/or the *Property Bylaw Coordinator* are hereby delegated the authority to administer and enforce the provisions of this Bylaw.
- 5.2 Any member of the Royal Canadian Mounted Police (RCMP) is authorized to administer and enforce the provisions of this Bylaw.

6. **GENERAL REGULATIONS**

- 6.1 No *person* shall make or cause, or permit or be made or caused, any excessive or persistent *noise* which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or *persons* in the vicinity.
- 6.2 No *person* being the owner or occupier or tenant of real *property* shall allow or permit such real *property* to be used so that excessive or persistent *noise* which occurs therein or emanates there from, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or *persons* in the vicinity.
- 6.3 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 a manner which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or *persons* in the vicinity.

- 6.4 No *person* that owns, keeps or harbours any *dog* or other animal, or any number of *dogs* or other animals, shall permit such *dog(s)* or animal(s), to make or cause excessive or persistent *noise*, by cries, barking or howling, which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or *persons* in the vicinity.

7. EXEMPTION

- 7.1 The provisions of this Bylaw shall not apply to or be enforced against a *person* performing any of the following:
- a) works of an emergency nature for the preservation or protection of human life, health or *property* whereby the onus is on the *person* performing the work to show cause that the work is or was of an emergency nature;
 - b) federal or provincial crown activities;
 - c) mining or logging activities subject to provincial approvals and permits;
 - d) normal farm practices in relation to a farm conducted as a part of a farm business as defined and protected by the *Farm Practices Protection (Right to Farm Act)*;
 - e) any event holding a valid Special Event Permit issued by the TNRD;
 - f) constructing, erecting, reconstructing, altering, repairing or demolishing any building, structure, or thing or excavating or filling-in of land that takes place between the hours of 7 a.m. and 9:30 p.m.; or
 - g) activities permitted by temporary exemption pursuant to section 8 of this Bylaw.

8. TEMPORARY EXEMPTION

- 8.1 On application for temporary exemption under section 8.2 of this Bylaw, the *Director of Development Services* may deny or grant consent, in writing, to carry on works or a given activity for a specified term that allows for an exemption to the general regulations of this Bylaw.
- 8.2 A temporary exemption application must be made in writing to the *Director of Development Services* prior to commencing the proposed activity and shall include the following:
- a) applicant's name, address, and contact information;
 - b) location and full description of proposed activity or development for which an exemption is being requested;
 - c) the dates, hours, and term for which the exemption is being requested;
 - d) statement outlining any measures and steps proposed to be taken to reduce *noise* or mitigate its impacts;
 - e) reasons and rationale in support of the exemption request; and
 - f) non-refundable application fee of \$50.
- 8.3 An applicant who has been denied a temporary exemption by a decision of the *Director of Development Services* may apply to have the *Board* reconsider that decision in accordance with the following procedures:

- a) an application for reconsideration may be made within 30 days of the *Director of Development Services'* decision by notice in writing to the *Board*;
- b) the applicant may address the *Board* in writing or in person concerning the request for reconsideration of the temporary exemption; and
- c) the *Board* may deny the temporary exemption or may grant the temporary exemption with or without terms or conditions.

9. VIOLATION AND PENALTY

- 9.1 Any *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, or who neglects to do or refrains from doing anything required to be done by any provision of bylaw commits an offence against this Bylaw and is subject to:
- a) a fine in accordance with the *TNRD Municipal Ticket Information Bylaw* if an information respecting the violation is laid by means of a ticket;
 - b) upon summary conviction, a fine not exceeding \$10,000 and the costs of prosecution or imprisonment for not more than six (6) months or both;
 - c) a penalty in accordance with the *Local Government Bylaw Notice Enforcement Act* and the *TNRD Notice Enforcement Bylaw* if a bylaw notice is issued respecting the violation; or
 - d) any combination of the above.
- 9.2 Each day a new violation of or failure to comply with any provision of this Bylaw continues to exist shall constitute a separate offence.
- 9.3 Any penalty imposed pursuant to this Bylaw will be in addition to, and not in substitution for, any other penalty or remedy imposed pursuant to any other applicable statute, law, or regulation.

READ A FIRST TIME this 18th day of September, 2014.

READ A SECOND TIME this 18th day of September, 2014.

READ A THIRD TIME this 5th day of February, 2015.

ADOPTED this 5th day of February, 2015.



Corporate Officer



Chair