

*DISTRICT OF  
SECHELT  
NOISE BYLAW  
No. 220, 1994*



**Consolidated for convenience only August 1999**

This Consolidation includes the following Bylaw Amendments:

220-1, 1998

220-2, 1999

This version of this bylaw is a consolidation of amendments to the original bylaw as of the date specified. This consolidation is done for the convenience of users and accurately reflects the status of the bylaw as of the specified date but must not be construed as the original bylaw and is not admissible in Court unless specifically certified by the Director of Corporate Services for the District of Sechelt. Persons interested in the definitive wording of this bylaw and its amendments should view the original bylaws at the District of Sechelt.

## DISTRICT OF SEHELDT

### NOISE BYLAW NO. 220, 1994

#### A Bylaw to regulate noise within the District of Sechelt

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**WHEREAS** the Municipal Act provides inter alia that Council may by bylaw regulate or prohibit noise and other disturbances;

**NOW THEREFORE** the Council of the District of Sechelt in open meeting assembled enacts as follows:

1. **CITATION**

This bylaw may be cited for all purposes as the “District of Sechelt Noise Bylaw, No. 220, 1994”.

2. **DEFINITIONS**

In this bylaw:

“**Construction**” means erection, repair, alteration, enlargement, addition, demolition or removal of a building or other structure, or the excavation or filling-in of land in any manner.

“**Council**” means the Municipal Council of the District of Sechelt.

“**District**” means the District of Sechelt or the area within its boundaries, as the context may require.

“**Holiday**” includes Sunday, Canada Day, Victoria Day, B.C. Day, Labour Day, Thanksgiving, Remembrance Day, Christmas Day, December 26th, New Year's Day, Good Friday, Easter Monday, and any other holiday fixed by Parliament or the Legislature.

“**Noise**” means any sound that is loud, harsh or undesirable and which unreasonably disturbs the quiet, peace, rest, enjoyment, comfort or convenience, of the neighbourhood in which the sound is received, or of a person in the vicinity.

“**Property**” means real property and includes land, other than a highway, together with all improvements which have been so affixed to the land as to make them, in fact and in law, a part thereof.

“**Special Event**” means an event of a temporary nature which may include commercial activity for profit, or, be organized by a non-profit society or individual, located on privately-owned lands within the District of Sechelt or on land controlled by the District of Sechelt.

3. **GENERAL REGULATIONS**

(1) **Causing Noise**

No person shall at any time cause, or permit to be caused, a Noise in or on a public or private place.

(2) **Owner Permitting Noise**

No person, being the owner or occupier of Property shall at any time permit that Property to be used so that sound emanating from it constitutes a Noise.

4. **SPECIFIC REGULATIONS**

(1) Without limiting the generality of Section 3 of this Bylaw, the following specific restrictions apply:

(a) **Sound equipment noise**

No person shall cause or permit the playing of a musical instrument or operation of a radio, stereo, television, public address system, or other apparatus for the production or amplification of sound, either on private premises or Property or in any public place, in such a manner as to create a Noise.

(b) **Animal Cries**

No person shall cause or permit the keeping or harbouring of an animal, (including fowl and bird) which by its barking, howling, shrieking, calling or other cries creates a Noise.

(c) **Machine Noise**

No person shall cause or permit the operation of a vehicle, vessel, engine, or equipment, including generators, power tools, power equipment, lawnmowers, jet skis, or other machines in such a manner that creates a Noise.

(d) **Construction Noise**

No person shall, on a Monday to Saturday inclusive before 0700 hours or after 2100 hours, or on a Holiday before 0900 hours or after 1700 hours, engage in or permit Construction in such a manner as to create a Noise.

(e) **Holiday Construction - Business Noise**

No person shall, as a business, engage in or permit Construction on Property so as to create a Noise on a Holiday.

(f) **Quiet Hours**

No person shall cause or permit a Noise of any kind, which by its nature is unreasonably interrupting or would tend to interrupt the sleep of a person in the neighbourhood or vicinity, on a Monday to Saturday before 0700 hours or after 2300 hours, or on a Holiday before 0900 hours or after 2300 hours; except on the night of December 31st and until 0100 hours on the morning of January 1st.

(g) **Exemptions to Quiet Hours**

(i) The playing of musical instruments, the use of a public address system or other apparatus for the production or amplification of sound on private property, is permitted until 2400 hours where Council has approved issuance of a Temporary Use Permit.

(ii) The Director of Engineering at his discretion may approve amplification of sound, playing of music, or use of a public address system until 2400 hours, in conjunction with a Special Event on land controlled by the District of Sechelt.

5. **EMERGENCIES**

- (1) Notwithstanding any provision in this Bylaw, a person may perform work of an emergency nature in a manner that creates Noise where the work and resulting Noise are urgently necessary for the preservation and protection of life, health, or Property or highways, but the onus shall be on the person performing the work to show cause that the work was of an urgent emergency nature.

6. **ENFORCEMENT**

- (1) This bylaw may be enforced by an officer of the local detachment of the RCMP, or a Bylaw Enforcement Officer of the District.
- (2) The Bylaw Enforcement Officer and officers of the RCMP are hereby authorized to enter, at all reasonable times, upon any land in order to ascertain whether the regulations of this Bylaw are being observed, and for the purposes of Noise and disturbances, it is deemed reasonable to enter at any time where there is or has just been an apparent breach of a term of this Bylaw.
- (3) No person shall interfere with or obstruct the entry of a Bylaw Enforcement Officer or an officer of the RCMP in the conduct of administration or enforcement of this Bylaw.

7. **SEVERABILITY**

- (1) Should any section, subsection, clause, paragraph, sentence or word of this Bylaw be declared invalid by a court of competent jurisdiction, no other part of this Bylaw shall be deemed to be invalid and the balance of the Bylaw shall remain in force as a whole except for the part declared invalid.

8. **OFFENCE AND PENALTY**

- (1) Every person who offends against or violates a provision of this Bylaw or who suffers or permits an act or thing to be done in contravention of or in violation of a provision of this Bylaw or who neglects to do or refrains from doing anything required to be done by a provision of this Bylaw, shall be deemed to be guilty of an offence against this Bylaw and, upon conviction thereof, shall be liable to a fine not exceeding Two Thousand Dollars (\$2,000.00) or six (6) months imprisonment, or both.

- (2) Each day a violation of a provision of this Bylaw exists or is permitted to exist, shall constitute a separate offence.

9. **REPEAL**

- (1) District of Sechelt "Noise Control Bylaw" No. 46, 1988 is hereby repealed.
- (2) Village of Sechelt "Noise Control Bylaw" No. 259, 1984 is hereby repealed.

READ A FIRST TIME THIS 19th DAY OF OCTOBER, 1994

READ A SECOND TIME THIS 19TH DAY OF OCTOBER, 1994

READ A THIRD TIME THIS 19th DAY OF OCTOBER, 1994

RECONSIDERED AND FINALLY ADOPTED THIS 2nd DAY OF NOVEMBER, 1994

*"M. Shanks"*

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Deputy Mayor

*"M. Vaughn"*

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Municipal Clerk

I hereby certify this to be a true and accurate copy of Noise Bylaw No. 220, 1994.

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Municipal Clerk