

## BYLAW NO. 961

*[This Bylaw has been consolidated for convenience only to Sept 18, 2017. Where applicable, capitalization, numerical order, and numbering have been altered for consistency. Copies of the original Bylaw and amendment may be viewed at the Langford City Hall located on the 2<sup>nd</sup> Floor, 877 Goldstream Avenue, Langford, BC]*

### **A BYLAW TO PROVIDE FOR THE ABATEMENT AND CONTROL OF OBJECTIONABLE NOISE IN THE ELECTORAL AREAS OF THE CAPITAL REGIONAL DISTRICT**

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WHEREAS the Capital Regional District pursuant to Section 932 (c) and (d) of the Municipal Act is empowered to regulate or prohibit the making or causing of noise or sounds as specified therein within the Electoral Areas of the Capital Regional District;

AND WHEREAS the Capital Regional District was granted Supplementary Letters Patent dated 3<sup>rd</sup> September, 1981, to exercise the powers of a Municipal Council in respect to the powers set out under the above sections of the Municipal Act;

NOW THEREFORE the Board of the Capital Regional District in open meeting assembled, enacts as follows:

1. In this by-law:

"Animal" includes a dog, cat or other domestic animal but does not include a farm animal.

"Electoral Areas" means the Electoral Areas of Colwood, Langford and View Royal.

"Bird" includes ornamental bird, pigeon, dove and show-bird, but does not include poultry.

"Person" includes a corporation, partnership or individual.

2. Within the Electoral Areas:

(1) No person shall shout, use a megaphone or make other noise in, or at, or on, streets, wharves, docks, piers, railway stations, or other public places which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity thereof.

(2) No person shall make, cause to be made, or continue to make, any noise or sound in or on a highway or elsewhere in the Electoral Areas which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity thereof.

3. Without limiting the generality of the prohibition contained in Section 2 hereof:

(1) No person shall play any radio, phonograph, television receiving set, tape, cartridge, musical instrument or sound amplification device whether in or upon private

premises or in any public place in such a manner or with such a volume as to disturb the quiet, peace, rest, enjoyment or comfort of individuals or the public.

- (2) No person shall keep or harbour any animal or caged bird which by making frequent or loud noise disturbs or tends to disturb the quiet, peace, rest, enjoyment or comfort of individuals or the public.
- (3) No person shall operate on a private property any automobile, truck, motorcycle, trail bike, bus, motorized hang glider, or other vehicle which by reason of disrepair, lack of a sufficient muffler, or any other cause, creates noise or sound tending to disturb the quiet, peace, rest, enjoyment, or comfort of individuals or the public.
- (4) No person shall operate compressor, steam engine, or internal combustion engine, which through lack of a sufficient muffler or any other cause, creates noise or sound tending to disturb the quiet, peace, rest, enjoyment, or comfort of individuals or the public.
- (5) No person shall load or unload any truck, wagon, or motor vehicle in or upon any public or private place or premises in such a manner as to disturb the quiet, peace, rest, enjoyment, or comfort of individuals or the public before the hours of 7 o'clock in the forenoon or after sunset or 7 o'clock in the afternoon whichever is the latest, nor on Sundays.
- (6) No person shall construct, demolish, alter or repair a building, or excavate or fill any land in such a manner or with such volume as to disturb the quiet, peace, rest, enjoyment or comfort of individuals or the public before the hours of 7 o'clock in the forenoon or after sunset or 7 o'clock in the afternoon, whichever is the latest.

(7) Engine Retardant Brakes

- a) The Council believes that the noise produced by the use of an engine retardant brake on a motor vehicle on any highway in the City of Langford, is objectionable and liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals and members of the public.
- b) No person shall use an engine retardant brake while operating motor vehicle on a highway in the City of Langford except to assist in stopping or slowing down the vehicle in an emergency.

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(8) Blasting and rock drilling

- (a) no person shall detonate any explosives, ignite an explosive device, crush rocks, mechanically break rock (including jackhammering), or undertake any coring or drilling for rock blasting:

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- i. anywhere within the City of Langford on Sundays and Statutory Holidays; or
- ii. on land within a zone belonging to the Rural Residential Zones, Residential Zones or Multiple Residential Zones zone categories under the Langford Zoning Bylaw on Saturdays, Sundays or Statutory Holidays; or
- iii. on land within a zone belonging to the Rural Residential Zones, Residential Zones or Multiple Residential Zones zone categories under the Langford Zoning Bylaw before 8:00 a.m. or after 4:30 p.m. on any weekday.

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4. This bylaw does not apply to:

- (1) police, fire or other emergency vehicles proceeding upon an emergency;
- (2) the sounding of a horn or other device when used as a danger or warning signal;
- (3) the use of an amplifier to project the human voice or music in a public park or square in connection with an organized public meeting, celebration or gathering;
- (4) the use of bells or chimes by schools or for announcing public worship services;
- (5) rifle ranges and trap shoots between 8:00 a. m. and 8:00 p.m.;
- (6) the excavation, construction or repairing of buildings, bridges, streets, highways or other works, services or infrastructure by the City of Langford, Ministry of Transportation and Highways or agents acting on their behalf; or
- (7) the operation of maintenance equipment by the City of Langford or the Ministry of Transportation and Highways or agents acting on their behalf."

5. (1) No person, and including but without limiting the generality hereof, no owner, tenant or occupier of private premises, shall do any act or suffer or permit any act or thing to be done in contravention of this by-law.

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- (2) A person who contravenes this by-law by doing any act which it forbids, or failing to do any act which it requires to be done, is guilty of an offence and is liable upon summary conviction to a fine of not less than \$50.00 and not more than \$10,000.00. A separate offence shall be deemed to be committed upon each day during and in which the contravention occurs or continues.

- (3) Despite subsection 5(2), a person who contravenes section 3(8) of this by-law is liable upon summary conviction to a fine of not less than \$1,000.00 and not more than \$10,000.00 for each detonation, ignition, or other prohibited act or undertaking.
- (4) The penalties imposed under this section shall be in addition to, and not in substitution for, any other penalty or remedy imposed by this by-law or any other statute, law or regulation.

6. This By-law may be cited as the “Noise Suppression By-law, 1981”

READ A FIRST TIME THIS 12<sup>th</sup> day of November 1981.

READ A SECOND TIME THIS 12<sup>th</sup> day of November 1981.

READ A THIRD TIME THIS 27<sup>th</sup>, day of October 1982.

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS THIS 3<sup>rd</sup> day of December 1982.

RECONSIDERED AND FINALLY ADOPTED THIS 15<sup>th</sup>, day of December 1982.

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CHAIRMAN

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SECRETARY

**Amending Bylaws:**

#224, Amendment #2 (adopted August 18<sup>th</sup>, 1997);

#779, Amendment #3 (adopted July 21<sup>st</sup>, 2003);

#1466, Amendment #4 (adopted March 18, 2013)

#1734, Amendment #5 (adopted Sept 18, 2017)

Consolidated Document Prepared: September 21, 2017

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