

**VILLAGE OF CHASE
BYLAW NO. 728 - 2010**

NOISE CONTROL BYLAW

A Bylaw to regulate noise

WHEREAS, the Municipal Council deems it necessary to provide for the protection and enhancement of the well-being of the Community in relation to noise within the Village of Chase;

AND WHEREAS, the Municipal Council may by Bylaw, regulate, prohibit and impose requirements in relation to noise that is liable to disturb the quiet, peace, rest enjoyment, comfort or convenience of individuals or the public;

NOW THEREFORE the Council of the Village of Chase, in the Province of British Columbia, hereby **ENACTS AS FOLLOWS**:

1. Title

This Bylaw may be cited as “*NOISE CONTROL BYLAW NO. 728 - 2010*”.

2. Repeal

Noise Control Bylaw No. 579 is hereby repealed in its entirety.

3. Definitions

In this Bylaw:

BYLAW ENFORCEMENT OFFICER means a Peace Officer, Bylaw Enforcement Officer or designate and any other person duly authorized by the Council.

COUNCIL means the Council of the Village of Chase.

DULY AUTHORIZED means authorized by the Municipality.

MUNICIPALITY means the area within the municipal boundaries of the Village of Chase.

4. Prohibited Noises and Sounds

- (1) No person, or owner, tenant or occupier of real property may make or cause, or permit to be made or caused, any noise or sound including amplified music which disturbs the quiet, peace, rest enjoyment, comfort or convenience of the neighbourhood or person(s) in the vicinity.
- (2) No person may keep any animal or bird which by its calls, cries, barks, or other noises disturbs the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of person(s) in the vicinity.
- (3) No person may make or cause, or permit to be made or caused, any noise or sound

including amplified music in a street, park or other public place which disturbs the quiet, peace, rest enjoyment, comfort or convenience of the neighbourhood or person(s) in the vicinity.

5. Objectionable noises and sounds

- (1) Any calls cries, barks or other noises made by an animal which are audible outside the premises or parcel where the animal is kept between the hours of 10:00 p.m. and 7:00 a.m. or the sound made by any animal or bird continually, sporadically or erratically at any time of the day for any period of time in excess of ten minutes; and
 - (2) any amplified music or speech which is audible outside the parcel, premises or location where it originates or is reproduced, between the hours of 10:00 p.m. and 7:00 a.m.;
- and no person may cause or permit such noises or sounds to be made.

6. Exemptions

This Bylaw does not apply to:

- (1) police, fire ambulance or other emergency vehicles proceeding upon an emergency;
- (2) the excavation, construction, or infrastructure work of any kind, or repairing of bridges, streets, highways or lands by the Village of Chase or by the Ministry of Transportation and Highways or agents acting on their behalf;
- (3) the operation of maintenance, lawn mowing or power gardening equipment by the Village of Chase or the Ministry of Transportation and Infrastructure or agent acting on their behalf;
- (4) snow removal or street cleaning operations by the Village or Ministry of Transportation;
- (5) the placement, demolition, construction, reconstruction, alteration, repair, of any building, structure or thing between the hours of 7:00 a.m. and 10:00 p.m.;
- (6) the operation of a public address system required under a building or fire code;
- (7) the use of bells or chimes for the announcing of public worship services;
- (8) the sounding of a horn or other signalling device upon any vehicle, boat or train where such sounding is properly and necessarily used as a danger or warning signal;
- (9) a lawnmower, power gardening equipment, or power tools operated between the hours of 7:00 a.m. and 10:00 p.m.;
- (10) the use, in a reasonable manner, of any apparatus or mechanism for the amplification of the human voice or of music in a public place in connection with any duly authorized public meeting, public celebration or other public gathering;

- (11) Persons and their agents, servants, and employees or independent contractors under contract therewith and their agents, servants and employees who are engaged in work of an essential or emergency nature and being done for the primary purpose of ensuring the health, safety or welfare of the residents of the Municipality;
- (12) Commercial or Industrial business operations undertaking their usual operations in Commercial or Industrial Zones.

7. Enforcement

- (1) A Peace Officer, Bylaw Enforcement Officer or designate and any other person duly authorized by the Municipality may enter onto any property at any reasonable time to ascertain whether the provisions of this Bylaw are being observed and may take whatever action deemed necessary in accordance with section 8.

8. Offences and Penalties

- (1) 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 provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, commits an offence against this Bylaw and is subject to:
 - (a) a fine in accordance with Village of Chase Municipal Ticket Information Bylaw if an information respecting the infraction is laid by means of a ticket; or
 - (b) upon summary conviction, a fine not exceeding \$2,000.00 and the costs of prosecution.

9. Severability

If any portion of this Bylaw is held to be invalid by a Court of competent jurisdiction, such invalidity does not affect the remaining portions of the Bylaw.

READ A FIRST TIME THE 9th DAY OF FEBRUARY, 2010.

READ A SECOND TIME THE 9th DAY OF FEBRUARY, 2010.

READ A THIRD TIME THE 9th DAY OF FEBRUARY, 2010.

ADOPTED THE 23rd DAY OF FEBRUARY, 2010.

x
Mayor

x
Corporate Officer

Certified a true copy of Bylaw No. 728 -2010.

x
Corporate Officer