



Noise Regulation Bylaw No. 1320, 2005

CONSOLIDATED FOR CONVENIENCE ONLY

EFFECTIVE DATE: May 8, 2017

This is a consolidation of the bylaws listed below. The amendment bylaws have been combined with the original bylaw for convenience only.

This consolidation is not a legal document.

Certified copies of the original bylaws should be consulted for interpretation and application of the bylaws on this subject.

<u>AMENDMENT BYLAW</u>	<u>EFFECTIVE DATE</u>
No. 1424	September 29, 2008
No. 1570	May 8, 2017

THE CORPORATION OF THE DISTRICT OF KENT

BYLAW NO.1320

"A bylaw to regulate noise within the District of Kent"

WHEREAS, under the provisions of Section 8.3 (h) of the *Community Charter*, Chapter 26(SBC2003) the Council of a municipality is empowered to enact a bylaw 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 the Council believes are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public, and may make different regulations or prohibitions for different areas of the municipality.

NOW THEREFORE, the Municipal Council of the Corporation of the District of Kent, in open meeting assembled, enacts as follows:

1. DEFINITIONS

- (a) (i) Words defined in the "Motor Vehicle Act" and regulations thereto, and the "Municipal Act", shall have the same meaning when used in the bylaw unless defined in this bylaw or unless the context otherwise requires.

- (ii) In this bylaw, unless the context otherwise requires:

"Council" means the Municipal Council of The Corporation of The District of Kent.

"District" means The Corporation of The District of Kent.

"Noise" includes any sound, continuous sound or non-continuous sound which:

- (a) disturbs or tends to disturb the peace, quiet, rest, enjoyment, comfort or convenience of the neighbourhood in which such sound is received, or, of any reasonable person in the vicinity of the source of such sound who receives such sound, or;
- (b) exceeds a sound level permitted by this bylaw at the point of reception of such sound;

“Peace Officer” shall have the same meaning as in the *Interpretation Act* being Chapter 238 of the Revised Statutes of British Columbia, 1996, plus the person or persons who are appointed to enforce and administer this bylaw.

“Person” includes any 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 as to make them in fact and in law a part thereof.

“Recreational Vessel” means a craft including, but not limited to, a motorboat, seaplane, hydrofoil or air boat that is designed to float on the water, and that is employed for the enjoyment of open air leisure time activity, but excludes all craft for industrial and commercial purposes.

2. GENERAL REGULATIONS

- (a) No person shall make or cause, or permit to be made or caused, any noise in or on a public or private place which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.
- (b) No person being the owner, tenant or occupier of real property shall allow or permit such real property to be used so that noise or sound which occurs thereon or emanates therefrom, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons on the same piece of property or in the neighbourhood or vicinity.
- (c) No person shall play or operate any radio, stereophonic equipment or other instrument or any apparatus for the production of amplification of sound either in or on private premises or in any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity, between 23:00 hours and 07:00 hours
- (d) No person shall own, keep or harbour any animal or bird which by its cries, barks or howling unduly disturbs the peace, quiet, rest or tranquility of the surrounding neighbourhood or the public at large, continually or sporadically or erratically for any period in excess of one-half hour of time.
- (e) No hawker, huckster, peddler, newsvendor, or other person shall by his intermittent or reiterated cries disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.

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2.1 EXCLUSIONS

The provisions of this bylaw shall not apply to:

- (a) Any person making or causing, or permitting to be made or caused, any noise or sound which might otherwise be deemed a breach of this bylaw if such noise or sound is made or caused, or permitted to be made or caused, in connection with any activity which is legitimately being carried on in an area which the **District** has approved for the carrying on of such an activity.
- (b) Churches using bells or chimes between 08:00 hours and 19:00 hours.

3. CONSTRUCTION HOURS

- (a) No person in the **District** shall on any day before 06:00 hours or after 22:00 hours, construct, erect, reconstruct, alter, repair or demolish any building, structure or thing or excavate or fill in land in any manner which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood of persons in the vicinity.
- (b) No person in the **District** shall for profit or gain on a Sunday or Statutory Holiday construct, erect, reconstruct, alter, repair or demolish any building or thing, or excavate or fill in land in any manner which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.
- (c) Where it is impossible or impractical to comply with this section, the C.A.O. may give written approval to carry on the work that is found to be necessary at designated hours. Responsibility for obtaining written approval lies with the person carrying on the work.

4. OTHER

- (a) No person in the **District** shall operate any outdoor public address system in the **District** without first having obtained a permit therefore.
- (b) No person shall operate a snow vehicle, motorboat or motorcycle which makes or causes noise, which noise or sound emanating therefrom disturbs or tends to distort the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons on the same piece of property or in the neighbourhood or vicinity.
- (c) Notwithstanding any provisions of this bylaw, a person may perform works of an emergency nature for the preservation or protection of life, health, or property but the onus shall be on the person performing the work to show cause that the work was of an emergency nature.

5. VESSELS FOR RECREATIONAL PURPOSES

Notwithstanding Section 2.1, no person shall launch, use or operate on or over any body of water located within the District of Kent a vessel for recreational purposes equipped with an exhaust system that permits exhaust gases from the vessel motor to be emitted directly from the motor into the air without first being emitted through the water, resulting in a noise violation.

- (a) Public information sign boards prescribed in Schedule “A” may be erected by the District advising of the rules and regulations governing the launching, use or operation of vessels for recreational purposes.
- (b) Additional information sign boards prescribed in Schedule “A” displaying the rules and regulations in force shall be provided, erected and maintained by the property owners at all locations providing water access to vessels for recreational purposes.
- (c) No person shall remove, alter, conceal, damage or destroy any sign so posted without the written consent of the District.

6. PENALTY SECTION

- (a) Any person who:
 - (i) violates or who causes or allows any of the provisions of this bylaw to be violated; or
 - (ii) fails to comply with any of the provisions of this, or any other bylaw or applicable statute; or
 - (iii) neglects or refrains from doing anything required under the provisions of this bylaw is deemed to have committed an infraction or, or an offence against, this bylaw and liable on summary conviction, to the penalties provided for in the *Offence Act* and each day that such violation is caused or allowed to continue, constitutes a separate offence.
- (b) Every person who commits an offence against this bylaw is liable to a fine and penalty for each offence, as defined within the current Fees and Charges Bylaw, and in default of payment thereof, forthwith or within such time as the presiding Provincial Court Judge or Justice of the Peace shall direct, the fine imposed shall be recoverable under the provisions of the *Offence Act*.

7. REPEAL

Bylaw No.798 cited as “A bylaw to regulate noise within the District of Kent” and its amendments are hereby repealed. Bylaw No.854 cited as “A bylaw to amend the District of Kent Noise Control Bylaw No.798, 1981 to establish regulations to control noise of recreational boats.”

8. TITLE

This bylaw may be cited as “Kent Noise Control Bylaw, 1320”.

READ A FIRST TIME this 25th day of July 2005.

READ A SECOND TIME this 25th day of July 2005.

READ A THIRD TIME this 25th day of July 2005.

RECONSIDERED, FINALLY PASSED AND ADOPTED this 8th day of August 2005.

S. Pranger
Mayor

A. C. Lewis
CAO

THE CORPORATION OF THE DISTRICT OF KENT
SCHEDULE “A”

Attached to and forming part of Bylaw No. 1320, 2005
Kent Noise Control Bylaw

NOTICE TO VESSEL OPERATIONS

THE CORPORATION OF THE DISTRICT OF KENT
BYLAW NO.1320, SECTION 5 - NOISE CONTROL

Offence – every person who launches, uses or operates a vessel for recreational purposes on or over any body of water within the District of Kent, equipped with an exhaust system capable of emitting gases directly from the motor into the air without first being emitted through the water is guilty of an offence under the provisions of the above bylaw, and is liable to a penalty not exceeding Two Thousand (\$2000.00) Dollars upon conviction.

Corporation of District of Kent Harrison Lake Boundaries (cross-hatched area)

