

The Corporation of the Town of Lake Cowichan

**BYLAW NO. 876-2009**

**BEING A BYLAW OF THE CORPORATION OF THE TOWN OF LAKE COWICHAN  
TO PROVIDE FOR THE CONTROL OF NOISE**

**WHEREAS** under the provisions of Section 64 of the Community Charter, the Council of a municipality is empowered to enact a Bylaw to regulate, or prohibit, the making or causing of noises or sounds in the municipality, which disturb, or tend to disturb, the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public;

**NOW THEREFORE** the Council of the Town of Lake Cowichan in open meeting assembled enacts as follows:

**1. TITLE**

This Bylaw may be cited as "Town of Lake Cowichan Noise Control Bylaw 876-2009".

**2. DEFINITIONS**

In this Bylaw unless the context otherwise requires:

*COUNCIL* means the Council of the Town of Lake Cowichan;

*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;

*RESIDENTIAL ZONE* means a property or group of properties designated for residential use in the municipal zoning bylaw;

*TOWN* means the Town of Lake Cowichan;

**3. GENERAL REGULATIONS**

3.1 No person shall make or cause, or permit to be made or caused, in or on a highway or public place in the Town, any noise or sound which disturbs or is liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public.

3.2 No owner or occupier of real property shall use such real property, or permit such real property to be used, so that a noise or sound which originates from such real property disturbs or is liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public.

3.3 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 such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in a residential area or vicinity.



- 3.4 No person, shall own, keep or harbour any animal or bird which by its cries unduly disturbs the peace, quiet, rest or tranquility of the surrounding neighbourhood or public at large.
- 3.5 No person shall use landscape maintenance equipment, including lawnmower, chain saw, leaf blower, weedwacker or rototiller before 7:00 a.m. or after 9:00 p.m., Monday through Saturday, inclusive or before 9.00 a.m. or after 6.00 p.m. on Sundays.

#### **4. CONSTRUCTION HOURS**

- 4.1 No person in the Town shall on Monday through Saturday, inclusive, before 7:00 a.m. and after 8:00 p.m., or on Sunday, before 10:00 a.m. and after 8:00 p.m., 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 any person or persons in the neighbourhood or vicinity.
- 4.2 Where it is impossible, or impractical to comply with this section, the Council may upon application, 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.

#### **5. EXEMPTIONS**

- 5.1 The provisions of this Bylaw shall not apply or be enforced against:
- (1) Police, Fire Department or Emergency vehicles when engaged upon a service of public convenience or necessity;
  - (2) Horn or signaling device of a vehicle when used as a danger or warning signal;
  - (3) Municipal, other government or utility companies when engaged upon a service of the public or while engaged upon a service of public convenience or necessity;
  - (4) the use of bells or chimes by churches, and the use of carillons where such carillons have been lawfully erected;
  - (5) any parade, procession, performance, concert, ceremony, gathering or meeting in or on any street, or public place, when duly authorized or permitted under the provisions of any By-law, statute, or ordinance in force in the Town; and
  - (6) the making of noise which is usual or inevitable in the operation of a business, in connection with the conduct of business in a zone which permits the operation of such business.
- 5.2 Notwithstanding the foregoing listed exceptions, the owner of a property, the conductor of the permitted use or the operator of the business shall take all steps to mitigate noise generated from their activity as may be considered reasonable by the industry's regulatory agency, a court of law having jurisdiction, or by Council.



**6. BYLAW CONTRAVENTION**

The amounts appearing in Column 3 of Schedule A of this bylaw are the fines established by Council pursuant to section 265(1)(a) of the *Community Charter* for the corresponding offence designated in Column 1.

**7. REPEAL**

That upon adoption of the bylaw, Bylaw No. 104,1957 being the "Lake Cowichan Anti Noise Bylaw" and all amendments thereto are hereby repealed.

READ A FIRST TIME on the 24<sup>th</sup> day of November, 2009.

READ A SECOND TIME on the 24<sup>th</sup> day of November, 2009.

READ A THIRD TIME on the 24<sup>th</sup> day of November, 2009.

RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal Council of the Town of Lake Cowichan on the 15<sup>th</sup> day of December, 2009.

\_\_\_\_\_  
Ross Forrest  
Mayor

\_\_\_\_\_  
Joseph A. Fernandez  
Corporate Officer

I hereby certify the foregoing to be a true and correct copy of "Town of Lake Cowichan Noise Control Bylaw No. 876-2009" as adopted on the 15<sup>th</sup> day of December, 2009.

\_\_\_\_\_  
Clerk



**SCHEDULE "A"****Attached to and forming part of Bylaw No. 876-2009**

<b>MUNICIPAL TICKET INFORMATION DESIGNATIONS Offence</b>	<b>Bylaw Section No.</b>	<b>Fine</b>
Disturbance in a Public Place	3.1	\$100.00
Disturbance on Private Property	3.2	\$100.00
Amplified music causing disturbance	3.3	\$100.00
Animal Noise which Disturbs	3.4	\$100.00
Construction Noise causing Disturbance	4.1	\$100.00
Construction Disturbance which Contravenes Permit	4.2	\$100.00
Unmitigated Permitted Use Noise	5.2	\$500.00

