

# THE CORPORATION OF THE VILLAGE OF CUMBERLAND

## BYLAW NO. 950

### **A bylaw to regulate, prohibit and impose requirements in relation to the making or causing of noise in the Village.**

The Council of the Village of Cumberland, in open meeting assembled, enacts as follows:

1 This Bylaw shall be cited as ‘The Corporation of the Village of Cumberland Noise Control Bylaw No. 950, 2012.’

2 In this bylaw,

“**bylaw enforcement officer**” means a person designated by Council as a bylaw enforcement officer for the municipality and includes a peace officer;

“**chief administrative officer**” means a person designated by Council as chief administrative officer and that person’s designate,

“**construction**” includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, the laying of pipe and conduit whether above or below ground level, street and highway building, concreting, equipment installation and alteration, and the structural installation of construction components and materials in any form or for any purpose, and included any work in connection therewith;

“**residential area**” means those areas zoned as Residential in the ‘Village of Cumberland Zoning Bylaw No. 717, 1997’ as amended, and any successor bylaw;

### **Prohibitions**

3 No person shall

(a) make, cause or permit to be made any noise or sound which disturbs or intends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public,

(b) allow property of which that person is the owner, tenant or occupier of, to be used so that a noise or sound which originates from that property disturbs or tends to disturb the quiet peace, rest enjoyment, comfort, or convenience of individuals or the public,

(c) cause or permit any amplified music or amplified speech which disturbs or tends to disturb the quiet peace, rest enjoyment, comfort, or convenience of individuals or the public,

- (d) cause or permit any noise caused by machinery in the processing, manufacture, storage, transportation, distribution, testing, servicing, repairing, wrecking, or salvaging of goods, or materials at any time except as provided in this bylaw,
  - (e) keep any dog, which by its calls, cries, barks or other noises disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.
- 4 The noises and sounds prohibited in section 3 are considered by the Council of the Corporation of the Village of Cumberland to be objectionable and liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.

### **Exemptions**

- 5 This bylaw does not apply to
- (a) police, fire department, and emergency vehicles when engaged upon a service of public convenience or necessity,
  - (b) a horn or signaling device on a vehicle when used as a danger or warning signal,
  - (c) 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,
  - (d) bells or chimes from churches or public institutions,
  - (e) the firing of the cannon or firearms for ceremonial purposes,
  - (f) the unloading, loading, pick up or delivering of containers, products, materials, or whatsoever that is deemed necessary for the maintenance of essential services or the moving of household effects,
  - (g) emergency measures undertaken for the immediate health, safety or welfare of individuals or for the preservation or restoration of property,
  - (h) fireworks authorized by a permit issued by the Corporation of the Village of Cumberland,
  - (i) dances, concerts and other musical events held wholly within a building on land zoned for commercial uses as the principal use, and
  - (j) forest management activity on land that is private managed forest land.

- 6 This bylaw does not apply to the following activities during the days and times indicated:
- (a) Construction activities: Monday to Saturday between 7 a.m. and 9 p.m.  
Sundays and holidays between 9 a.m. and 6 p.m.
  - (b) Operation of lawnmowers or other mechanized yard maintenance tools: Monday to Saturday between 7 a.m. and 9 p.m.  
Sundays and holidays between 9 a.m. and 6 p.m.
  - (c) Loading, unloading, delivering, collection, packing, unpacking or otherwise handling any containers, products, materials, or refuse in any area within or adjacent to a residential area: Monday to Saturday between 7 a.m. and 9 p.m.  
Sundays and holidays between 9 a.m. and 9 p.m.
  - (d) Creating noise or sound by blasting or the operation of drills, compressors or other equipment used to prepare land for development: Monday to Saturday between 8 a.m. and 5 p.m.  
Sundays and holidays between 9 a.m. and 5 p.m.
  - (e) Mining and excavating activities authorized by a permit issued by the Province of BC: Monday to Friday between 8 a.m. and 5 p.m.
  - (f) Industrial activities on land zoned for that purpose: Monday to Saturday between 7 a.m. and 8 p.m.  
Sundays and holidays between 9 a.m. and 6 p.m.
  - (g) Dances, concerts, fairs, parades and festivals and other events held wholly indoors within a public assembly facility with all windows and doors closed: Monday to Thursday between 8 a.m. and 8 p.m.  
Friday and Saturday between 8 a.m. on that day and 2 a.m. the following day  
Sundays and holidays between 10 a.m. and 8 p.m.
  - (h) Dances, concerts, fairs, parades and festivals and other events held outdoors and open to the public, excluding private parties and commercial events: Monday to Thursday between 10 a.m. and 8 p.m.  
Friday and Saturday between 10 a.m. and 10 p.m.  
Sundays and holidays between 10 a.m. and 8 p.m.

### **Exemptions by Permission**

- 7 A person may submit an application for an exemption from the provisions of this bylaw to the Chief Administrative Officer if it is impossible or impractical to comply with this bylaw.
- 8 The Chief Administrative Officer is authorized to exempt activities from the provisions of this bylaw and determine the terms of an exemption.
- 9 The Chief Administrative Office may revoke an exemption if
  - (a) there is a contravention of any substantial condition under which the exemption was issued,
  - (b) the exemption was issued in error,
  - (c) the exemption was issued based on incorrect information, or
  - (d) the exemption is not in the general public interest.
- 10 The Chief Administrative Officer may seek the direction of Council before consenting to an exemption.
- 11 An application for an exemption must be in writing and contain all of the following:
  - (a) the name, address and telephone number of the applicant,
  - (b) the civic address of the location of the works or events,
  - (c) the building permit number, if applicable,
  - (d) the reasons for the requested exemption,
  - (e) a description of the source of noise in respect of which the exemption is sought,
  - (f) the exact period of time for which the exemption is requested,
  - (g) a statement of the measures planned or presently being taken to minimize the sound or noise created,
  - (h) a non-refundable fee of \$50, except to an applicant for a not-for-profit purpose.
  - (i) a waiver and indemnification signed and dated by the applicant,
  - (j) a statement signed and dated by the applicant that the applicant acknowledges that any exemption provided under this bylaw is revocable by the Village and that the applicant acknowledges that no warranty to undertake any activity or event is provided by an exemption to this bylaw.
- 12 Exemptions provided under this bylaw are intended to permit activities which are prohibited under this bylaw in the general public interest. It is not contemplated nor intended, nor does the purpose of this bylaw extend to protect any person from damage or economic loss as a result of an exemption or a revocation of an exemption under this

bylaw or to provide any person with a warranty to engage in an activity that is generally prohibited under this bylaw.

### **Offence and Penalty**

- 13 A person who contravenes a provision of this bylaw is guilty of an offence and is liable upon conviction to the penalties imposed by the *Offence Act* and this bylaw.
- 14 The minimum penalty for a contravention of a provision of this bylaw under the *Offence Act* is a fine of \$200.

### **Severability**

- 15 If any section or subsection of this bylaw is found to be invalid by a court of competent jurisdiction, the section or subsection may be severed from the bylaw without affecting the validity of the remainder of the bylaw.

### **Repeal**

- 16 The ‘Village of Cumberland Anti-Noise Bylaw 1965, No. 303’, as amended, is repealed.

<b>READ A FIRST TIME THIS</b>	<b>11<sup>TH</sup></b>	<b>DAY OF</b>	<b>JUNE</b>	<b>2012.</b>
<b>READ A SECOND TIME THIS</b>	<b>9<sup>TH</sup></b>	<b>DAY OF</b>	<b>JULY</b>	<b>2012.</b>
<b>READ A THIRD TIME THIS</b>	<b>9<sup>TH</sup></b>	<b>DAY OF</b>	<b>JULY</b>	<b>2012.</b>
<b>ADOPTED THIS</b>	<b>23<sup>RD</sup></b>	<b>DAY OF</b>	<b>JULY</b>	<b>2012.</b>

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Mayor

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Corporate Officer