

Cultus Lake Park

NOISE REGULATION BYLAW

Bylaw No. 1147, 2019

A Bylaw to regulate Noise.

Section 12 of the *Cultus Lake Park Act* (1932 and Amendments) enables the Cultus Lake Park Board to adopt Bylaws, and Section 9.2 (1) provides that Section 260 – Enforcement Powers of the *Community Charter* apply to the enforcement of the bylaws of the Board, and Section 261 – Payment of Fines and Other Penalties to Municipality under the *Community Charter* provides that fines and other penalties imposed and collected under or because of a Cultus Lake Park bylaw must be paid to the Park.

Every person who offends against any of the provisions of this Bylaw or who suffers or permits any act to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, or who does any act or thing which violates any of the provisions of this Bylaw, will be in breach of this Bylaw, and will be liable to the fees as outlined in Schedule A of this Bylaw and the fines and provisions as outlined in the "Cultus Lake Park Bylaw Notice Enforcement Bylaw No. 1140, 2019

The Cultus Lake Park Board in open meeting assembled, enacts as follows:

1. TITLE

This Bylaw may be cited as "Cultus Lake Park Noise Regulation Bylaw No. 1147, 2019."

2. INTERPRETATION

- 2.1 Words or phrases defined in the *British Columbia Interpretation Act*, *Motor Vehicle Act*, *Local Government Act*, *Community Charter* or any successor legislation, will have the same meaning when used in this Bylaw unless otherwise defined in this Bylaw.

2.2 DEFINITIONS OF TERMS

“Building Inspector” means the building officials designated or appointed by the Board of Directors of Fraser Valley Regional District (FVRD).

“Foreshore” means the area under the Lease Agreement from the Ministry of Forests, Lands and Natural Resource Operations within Cultus Lake Park along the lakeshore, and 100 meters or 328 feet into the lake from the high water mark.

“Highway” means any street, roadway, laneway, sidewalk, boulevard, place or right of way which the public is ordinarily entitled or may be permitted to use for the passage of vehicles or pedestrians and includes a structure located in any of those areas.

“Laneway” means a public thoroughfare or way which affords only a secondary means of access to a lot at the side or rear.

“Leased Lot” means land, with or without improvements, located within the Park, used for residential and/or commercial purposes.

“Leaseholder” means a person(s) having a current and valid lease with the Cultus Lake Park Board.

“Nuisance” means anything that annoys, irritates, disturbs or interferes with a person's use or enjoyment of private or public property or is offensive to the senses or causes injury to health, comfort or convenience of any person.

“Park” means the area within the Park boundaries and the foreshore assigned to the Park by the Province of British Columbia.

“Park Staff” means any person employed by the Park.

“Person” means a natural person, a company, corporation, partnership, firm, association, society or party and the heirs, executors, administrators, personal or other legal representatives of a person to whom the context can apply according to law.

“Public Address System” means a sound amplification system, either by megaphone or electronically, used outdoors to broadcast the spoken word and/or music to the public in general and includes outdoor sound amplification systems used for purposes of a performance, concert, exhibition or entertainment, but does not include systems used for internal communications in schools and businesses.

“Public Areas” means any street, laneway, avenue, way, drive, boulevard, sidewalk, driveway, beaches, wharves, school ground or such premises as the Board may from time to time designate.

“Vehicle” means a device in, on or by which a person or thing is or may be transported or drawn on a highway, but does not include a device designed to be moved by human power, a device used exclusively on stationary rails or tracks or a motor assisted cycle, and for the purpose of this Bylaw will include boat or other trailers; and will include the meaning designated to a vehicle in the *British Columbia Motor Vehicle Act*.

“Wharf” means a structure on the shore extending out into the Park foreshore.

2.3 In this Bylaw, unless the context otherwise requires, the singular will include the plural and the masculine includes the feminine gender.

2.4 The headings contained in this Bylaw are for convenience only and are not to be construed as defining, or in any way limiting, the scope or the intent of the provisions of this Bylaw.

3. NOISE REGULATION

Exemptions

3.1 Notwithstanding anything contained herein, no person will be guilty of an infraction of this Bylaw while:

- (a) operating or in charge of Fire Department, Police or Ambulance Vehicles while in the execution of their duties.
- (b) operating any motor vehicle, machinery or other apparatus or thing during an emergency or for a public purpose or in furtherance of the public interest including, without limiting the generality of the foregoing, water main and sewer main break repairs and civil defense exercises.
- (c) performing works of an emergency nature for the preservation or protection of life, health or property, provided that, the onus will be on the person performing the work to show cause that the work was of an emergency nature.
- (d) lawfully carrying on a trade or industry at a commercial, light industrial or residential zoned area, provided that the sound or noise there from does not exceed the sound or noise common to such trade or industry where carried out in accordance with generally accepted industry standards using equipment and facilities in good operating order.
- (e) operating residential household equipment including, but not limited to, pool pump motors, air conditioning units, exhaust fans, hot tub pumps and generators during power outages, provided that the sound or noise there from does not exceed the sound or noise common to such household equipment when in good operating order and being used in accordance with generally accepted industry standards.

Special Exemptions

3.2 (a) Construction Permits:

Where the FVRD Building Inspector considers that it is impossible or impractical for a person to comply with subsection 3.1 (d) and (e), the Building Inspector may, upon application in writing, grant a construction permit to carry out work that is found to be necessary, at designated hours on designated days and on such other terms and conditions as the Building Inspector considers reasonable in the circumstances.

3.3 General Prohibitions:

- (a) No person will make, cause, or permit to be made or caused, any noise in or on any private property or place or on a highway, public road, laneway or other public area in the Park which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighborhood or vicinity of that place.
- (b) No person being the leaseholder, occupier or tenant of a leased lot will allow or permit such leased lot to be used so that noise or sound which occurs thereon or emanates there from, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons on the same property or in the neighborhood or vicinity of that property.
- (c) In terms of this Bylaw, quiet hours in the Park are between 11:00 P.M. and 7:00 A.M. No person will make unnecessary or continuous noise during these quiet hours.

3.4 Motor Vehicle Noise

As per the *BC Traffic Act*, the following noises are considered unnecessary, objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public and will be considered an offence:

- (a) the squeal of a tire on a road surface made by a motor vehicle which is accelerating, stopping or changing direction;
- (b) a loud, roaring or explosive sound emitted by a motor vehicle within the Park;
- (c) the amplified sound of a radio, CD-player or other sound playback device or amplification equipment, or the sound of a musical instrument, that emanates from a motor vehicle and can be easily heard by someone outside the motor vehicle;
- (d) the sound of an automobile security system which is made, either continuously or intermittently, for a period exceeding three (3) minutes or made more than three (3) times in a 24-hour period;
- (e) the sound of a horn or other warning device on a motor vehicle used for any purpose other than as an audible warning incidental to the safe operation of the

motor vehicle;

- (f) the sound of a brake or other type of engine brake on a motor vehicle used or operated for any purpose other than as an audible warning incidental to the safe operation of the motor vehicle.

3.5 Vehicles Idling and Air Quality

- (a) It will be an offence to idle or otherwise run continuously for more than three (3) minutes at the same location, except:
- (b) a vehicle containing equipment that must be operated inside or in association with a vehicle;
- (c) a vehicle serving as a facility for taking measurements or making observations by or on behalf of the Park, public utility, police, fire or ambulance.

3.6 Specific Prohibitions:

Without limiting the generality of subsection 3.3 herein:

- (a) No person will 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 on any highway, public road, laneway, wharf, foreshore or other public area in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighborhood or vicinity of those premises or place; Fine applies per attendance.
- (b) Public address and/or sound systems are not permitted in the Park without written permission from the Chief Administrative Officer (CAO) or Board.
- (c) No person being the leaseholder, occupier or tenant of a leased lot will allow or permit such leased lot to be used by a person or persons for playing or operating any radio or stereophonic equipment or other instrument or other apparatus for the production or amplification of sound in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighborhood or vicinity of said leased lot.
- (d) No person will own, keep or harbor any animal or bird which by its cries or sounds unduly disturbs the peace, quiet, rest or tranquility of the surrounding neighborhood or of persons in the vicinity.
- (e) No person may operate, or cause, suffer or permit the operation of, any motorized lawn-grooming, garden equipment or pressure washers in the Park between the hours of 9:00 p.m. and 8:00 am, with the exception of Park Staff.
- (f) Subject to subsection 3.3(a), no person in the Park, leaseholder or occupant of a leased lot will, on any day before 7:00 am or after 7:00 pm, or before 8:00 am on weekends and statutory holidays, cause, permit or allow a person to construct, erect, reconstruct, alter, repair or demolish any building, structure or thing, or excavate or fill in land in any manner which causes noise or sounds in or on a highway or elsewhere in the Park which disturbs or tends to disturb, the quiet,

peace, rest, enjoyment, comfort or convenience of any person or persons in the neighborhood or vicinity

- (g) No person will create a nuisance or disturbance upon any portion of a highway, public road, laneway or other public area by participating in a fight or other similar physical confrontation between consenting or non-consenting persons.

4. FEES AND FINES

4.1 All leaseholders, residents, visitors and persons are subject to the fee as outlined in Schedule A of this Bylaw and the fines and provisions as outlined in the Cultus Lake Park Bylaw Notice Enforcement Bylaw No. 1140, 2019, and Schedule A-7 in said bylaw.

4.2 Each occurrence that a contravention of the provisions of this Bylaw exists or is permitted to exist will constitute a separate offence.

5. SEVERABILITY

If any part of this bylaw is for any reason held invalid by a court or competent jurisdiction, the invalid portion will be severed and the severance will not affect the validity of the remainder.

6. REPEAL

Cultus Lake Park Noise Regulation Bylaw No. 1105, 2018 and all amendments are repealed.

7. EFFECTIVE DATE

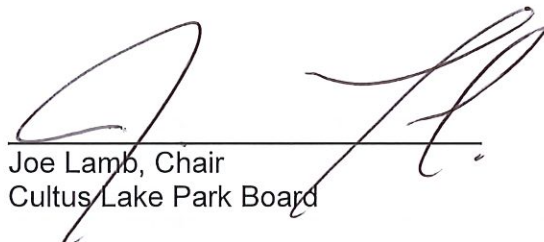
This bylaw will come into force and effect upon its adoption.

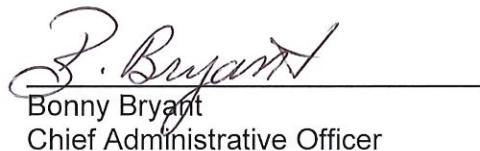
READ A FIRST TIME this 19TH day of JUNE, 2019

READ A SECOND TIME this 19TH day of JUNE, 2019

READ A THIRD TIME this 19TH day of JUNE, 2019

ADOPTED this 25th day of JUNE 2019


Joe Lamb, Chair
Cultus Lake Park Board


Bonny Bryant
Chief Administrative Officer

I HEREBY CERTIFY the foregoing to be a true
and correct copy of "Cultus Lake Park Noise Regulation
Bylaw No. 1147, 2019"



Chief Administrative Officer

Schedule A

Fees

Public address and/or sound system permit fee.....\$100.00/day