

THE POWELL RIVER REGIONAL DISTRICT

BYLAW NO. 128

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A bylaw to regulate and control excessive noise in Area B of the  
Powell River Regional District  
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The purpose of this bylaw is to protect its citizens from extraordinary loud noises, created mainly by electronic amplifying methods during times that the majority of the neighbourhood is peaceful and quiet.

The Board of the Powell River Regional District in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "Powell River Regional District, (Area B) Noise Control Bylaw, 1985.
2. In this bylaw, unless the context otherwise requires:  
  
"Regional District" means the Electoral Areas of the Powell River Regional District participating in the noise control function;  
  
"Occupant" means any person in possession of any premises;  
  
"Owner" means as defined under Section 1 of the Municipal Act, R.S.B.C. 1979 and amendments thereto;  
  
"Premises" include the property on which any building is situated;  
  
"Residential premises" mean any building occupied as living quarters and includes an apartment house.
3. No person shall make or cause to be made excessive noises or sounds by electrical, electronic or air amplifying methods in the Powell River Regional District Area B, which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood.
4. No owner or occupant of any residential premises shall make or cause or allow to be made any excessive noises or sounds by electrical, electronic or air amplifying methods in the Powell River Regional District, Area B, on or within his premises which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood.
5. Where a complaint is made to a peace officer that noises or sounds are disturbing the peace of a neighbourhood the owner or occupant of the premises from which the noises and sounds apparently emanate shall be deemed to be making or causing the disturbance and is liable to prosecution for an infraction of this bylaw.
6. (1) Where a complaint is made to a peace officer that noises or sounds are disturbing the peace of a neighbourhood, the peace officer shall visit the premises from which the noises and sounds are apparently emanating and identify, where possible, the occupant of the premises.

- (2) Where
    - (a) the peace officer is unable to ascertain the identity of the occupant, or
    - (b) the occupant fails to identify himself, the peace officer may notify the owner of the premises in the form shown in Schedule A of this bylaw, by registered mail of the complaint and indicate the nature of the disturbance.
  - (3) Where an owner of a premise is given notice under (2), he is deemed to have knowledge of the disturbance and is liable for prosecution for any future disturbances on the same premises.
  - (4) Where a peace officer has ascertained the identity of the occupant, he may notify the owner of the premises in the form shown in Schedule A of this bylaw, by registered mail, of the complaint and the nature of the disturbance
  - (5) Where an owner of a premise is given notice under (4), he is deemed to have knowledge of the disturbance and is liable for prosecution for any future disturbances by the same occupant on the same premises.
7. Every person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in violation of this bylaw is guilty of an infraction and is liable, on summary conviction, to a penalty not exceeding \$500.00 and costs for each infraction.
  8. In every prosecution under this bylaw of the occupant of a residential premise for a disturbance occurring on or within the premises, the burden of proving that the disturbance was not made, caused or allowed to be made by him is on the occupant.

READ a first time by the Board of the Powell River Regional District the 26th day of September, 1985

READ a second time by the Board of the Powell River Regional District the 26th day of September, 1985

READ a third time by the Board of the Powell River Regional District the 24th day of October, 1985

RECONSIDERED, ADOPTED AND FINALLY PASSED by the Board of the Powell River Regional District the 28th day of November, 1985.

L. Emmons

Chairman

Frances Ladret

Acting Secretary-Treasurer

I hereby certify that this is a true and correct copy of Bylaw No. 128 of the Powell River Regional District cited as the "Powell River Regional District, Area B, Noise Control Bylaw, 1985," as adopted by the Board of Directors of the Powell River Regional District the 28th day of November, 1985

Frances Ladret

Acting Secretary-Treasurer

Dated at Powell River, B.C. this  
3<sup>rd</sup> day of Dec., 1985.

SCHEDULE A

NOTICE TO OWNER

This is to inform you that a complaint has been made under the "Powell River Regional District (Area B) Noise Control Bylaw, 1985", against the occupant of \_\_\_\_\_, a property you own as defined in this bylaw.

The disturbance complained of was \_\_\_\_\_

Please take notice that as owner of these premises you are liable to prosecution under the "Powell River Regional District (Area B) Noise Control Bylaw, 1985", for any repeated disturbance by the occupant on the premises designated above.

Copies of Bylaw No. 128 may be obtained at the Powell River Regional District office at 5776 Marine Avenue, Powell River, B.C. V8A 2M4.