

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 3210

(**amended by Bylaws No. 3332, 3937 and 4198)

A Bylaw for the abatement and control of objectionable noises

CONSOLIDATED FOR CONVENIENCE ONLY

The Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled, enacts as follows:

- 1 This Bylaw may be cited as the "*ANTI-NOISE BYLAW, 1977*".
- 2 In this Bylaw, unless the context otherwise requires, the following terms and expressions shall have the meanings hereinafter assigned to them, that is to say:
 - (a) "CORPORATION" shall mean The Corporation of the District of Oak Bay;
 - (b) "LEAF BLOWER" means a portable electric or engine-driven device, including both a backpack device and a hand-held device, used for blowing or sucking up leaves, grass or debris, but excluding a device mounted on or towed by a motor vehicle;
 - (c) "MUNICIPAL CREWS" means employees of The Corporation or persons under contract to The Corporation;

*(**Bylaw 4198, adopted Oct.14, 2003)*
 - (d) "PERSON" includes a corporation, partnership or individual.
- 3 (1) No person shall make or cause to be made any noise or sound within the geographical limits of The Corporation of the District of Oak Bay which is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.

(2) No owner, tenant or occupier of real property within the geographical limits of The Corporation of the District of Oak Bay shall allow that property 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.

*(**Bylaw 3332, adopted Aug.5/80)*
*(**Bylaw 3937, adopted May 12/97)*
- 4 Without limiting the generality of the foregoing, the following conduct is specifically prohibited within the geographical limits of The Corporation of the District of Oak Bay:

- (1) shouting, using a megaphone, or making other noise in or at or on streets, parks, wharves, docks, piers, boatlandings or other public place in such a manner liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;
- (2) the playing of any radio, phonograph, television, receiving set, musical instrument or sound amplification device whether in or upon private premises or in any public place in such a manner or with such volume liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;
- (3) the keeping or harbouring of any animal or caged bird which by making frequent noise is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;
- (4) the operation of any automobile, truck, motorcycle, bus or other vehicle which by reason of disrepair, lack of a sufficient muffler, or any other cause, creates noise or sound liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.

*(**Bylaw 3332, adopted Aug.5/80)*

- (5)
 - (a) on Saturday, Sunday or a holiday, the operation of a leaf blower at a time outside the hours of 9:00 a.m. to 5:00 p.m.;
 - (b) from Monday through Friday, excluding holidays, the operation of a leaf blower at a time outside the hours of 8:00 a.m. to 8:00 p.m.

*(**Bylaw 4198, adopted Oct.14, 2003)*

5 The provisions of this Bylaw shall not apply to:

- (1) any vehicle of the Police or Fire Department of The Corporation or of any other public body or any ambulance or any public service or emergency vehicle while engaged in a service of public convenience or necessity;
- (2) the sounding of a horn or other signalling device upon any vehicle or boat, where such sounding is property and necessarily used as a danger or warning signal;
- (3) the use, in a reasonable manner, of any apparatus or mechanism for the amplification of the human voice or of music in a public park or square in connection with any public meeting, public celebration or other public gathering;
- (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 bylaw, statute or ordinance in force in The Corporation of the District of Oak Bay;

- (6) the erection, demolition, construction, reconstruction, altering or repairing of any building or other structure within the Municipality or the excavating of any street, highway, lane or any other land between the hours of 7:00 a.m. and 7:00 p.m. on each day except Sunday, or, in case of urgent necessity, at any other time during the week if such work is essential to the health, safety or protection of the public;
- (7) any sound or noise resulting from the use in a reasonable manner of the premises of any Community Care Facility duly licensed under the *Community Care Facilities Licensing Act*, or of similar institutions.

6 Between the hours of 6:00 a.m. and 8:00 p.m. on any day, Section 4(5) shall not apply to the operation of a leaf blower by municipal crews acting in the course of their employment or engagement by The Corporation, nor to the operation of a leaf blower on the lands shown in bold outline on Schedule "A" attached to this Bylaw.

*(**Bylaw 4198, adopted Oct.14, 2003)*

7 Any person who violates any provision of this Bylaw is guilty of an offence and liable upon summary conviction to a fine of not more than One Thousand Dollars (\$1,000.00). For the purpose of this clause an offence shall be deemed committed upon each day during or on which a violation occurs or continues.

8 The "*Anti-Noise Bylaw, 1964*" being Bylaw No. 2491 of the Corporation is hereby repealed.

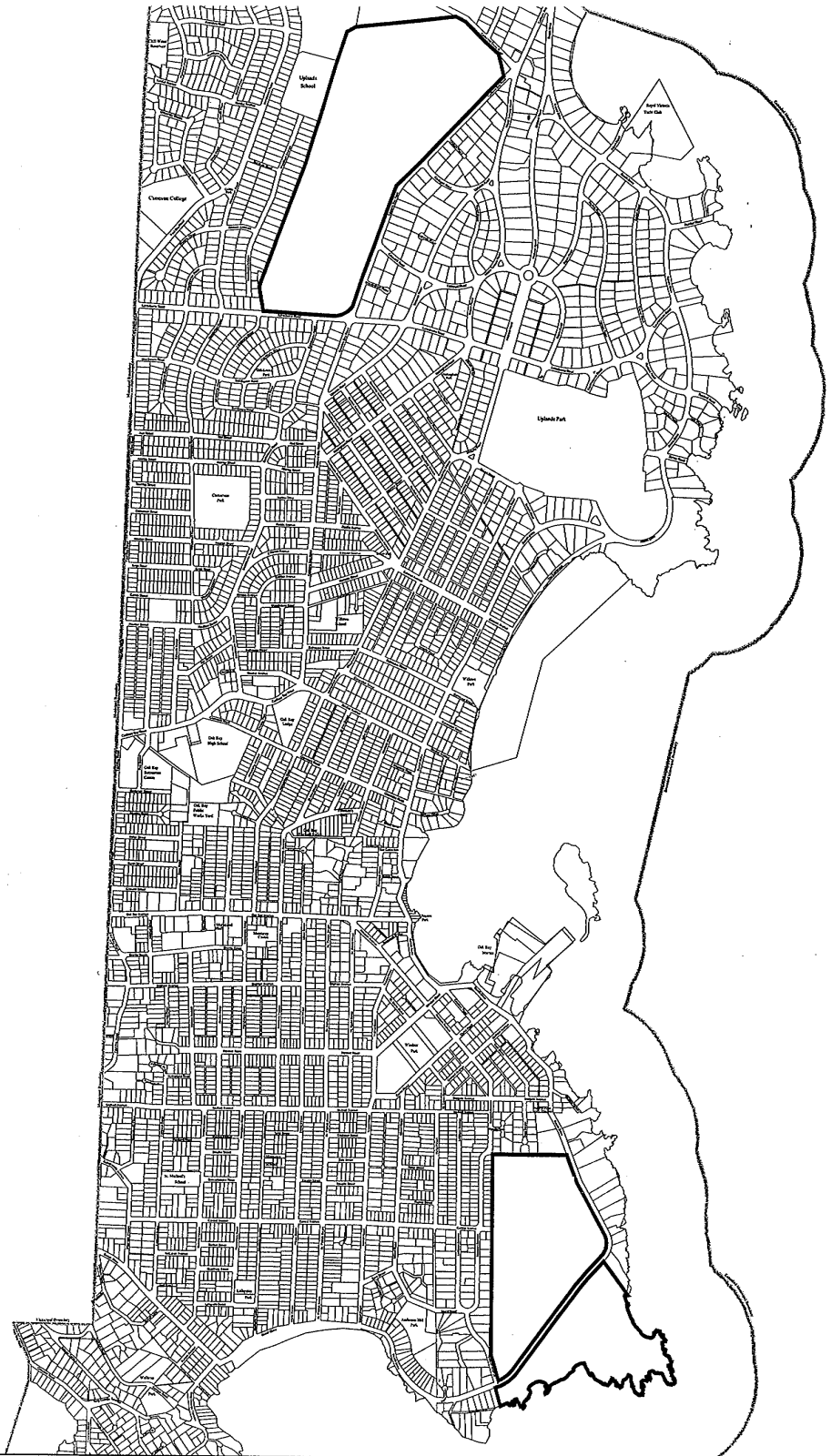
READ a first, second and third time by the Municipal Council on May 25, 1977

RECONSIDERED, ADOPTED AND FINALLY PASSED by the Municipal Council on June 6, 1977

Mayor

Municipal Clerk

Sealed with the Seal of The Corporation of the District of Oak Bay.



Map Produced by:
Corporation of the District of Oak Bay
Engineering Department, GIS
September 4, 2003
Noise Bylaw - Schedule A.mxd

Schedule "A" to Bylaw No. 4198

