

## BYLAW NO. 494

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### A BYLAW TO REGULATE OR PROHIBIT OBJECTIONABLE NOISE WITHIN ELECTORAL AREA A

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**WHEREAS** the Regional District has, by Bylaw No. 476, established a service for the control of noises considered objectionable or disturbing within Electoral Area A;

**AND WHEREAS** Regional Board believes that certain sounds are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public and it is desirable to regulate or prohibit them;

**AND WHEREAS** it is not the intent of the Board to prevent or prohibit those sounds customarily emitted or usually associated with the normal conduct or reasonable daily activity at reasonable times;

**NOW THEREFORE** the Board of Directors of the Strathcona Regional District, in open meeting assembled, enacts as follows:

#### PART 1: INTERPRETATION

##### Definitions

1. Within this bylaw, the following definitions apply:

**Authorized Person** means the Chief Administrative Officer for the Regional District or designate.

**Board** means the Board of Directors of the Regional District.

**Bird Scare Device** means a Category 'A' Bird Scare Device or a Category 'B' Bird Scare Device.

**Category 'A' Bird Scare Device** means a stationary device that creates an impulse sound from impacts or explosions and can include, but is not limited to, propane fueled exploders or cannons. Neither firearms nor shell launchers (e.g. orchard pistols) are Category 'A' Bird Scare Devices.

**Category 'B' Bird Scare Device** means a stationary device which is not a Category 'A' Bird Scare Device and which generates sounds to scare or disturb birds and can include, but is not limited to, a device that broadcasts birdcalls or other sounds through loudspeakers. Neither firearms nor shell launchers (e.g. orchard pistols) are Category 'B' Bird Scare Devices

**Bylaw Enforcement Officer** means a person or persons appointed from time to time by the Board to enforce and administer this bylaw or any Peace Officer.

**Noise** means any sound that is liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public by being unreasonably loud or excessive.

**Person** includes a natural person, individual, a company, corporation, partnership, firm, association, society, or party and the personal or other legal representatives of a Person to whom the context can apply according to law.

**Premises** means:

(a) the area contained within the boundaries of a legal parcel of land and any building situated within those boundaries, and

(b) that each unit, the common areas of the building, and the land within the apparent boundaries of the lot are each separate Premises where a building contains more than one unit of commercial, industrial or residential occupancy.

**Real Property** means land, with or without improvements so affixed to the land as to make them in fact and in law a part of the real property.

**Regional District** means the Strathcona Regional District.

## **PART 2: ADMINISTRATION AND ENFORCEMENT**

### **Inspection and Entry**

2. The Bylaw Enforcement Officer is hereby authorized to enter at all reasonable times upon any property within that part of the Regional District affected by this bylaw for the purpose of ascertaining whether the regulations under this bylaw are being observed, or whether a requirement of the Regional District is being met.
3. No person shall prevent or obstruct, or attempt to prevent or obstruct, the Bylaw Enforcement Officer from the exercise or performance their powers, duties or functions under this bylaw.

## **PART 3: PROHIBITIONS**

4. No person or owner or occupier of real property shall use an unauthorized bird scare device which unduly disturbs the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or person in the vicinity.

## **PART 4: CONDITIONS OF USE**

5. The use of a **Bird Scare Device** is not permitted unless:
  - a) it is operated only when strictly necessary and only between 8:00 a.m. and 8:00 p.m. and;
  - b) it is the only Bird Scare Device operated at any one time on any one farm.
6. In addition to Part 4 (5) above, a **Category 'A' Bird Scare Device** is not permitted unless:
  - a) it is located a minimum of 200 metres from all adjacent dwelling units, and;
  - b) it is pointed away from adjacent dwelling units, horse farms and horse trails.
7. In addition to Part 4 (5) above, a **Category 'B' Bird Scare Device** is not permitted unless it is located a minimum of 100 metres from all adjacent dwelling units.
8. The use of shell launchers or orchard pistols as a **Bird Scare Device** is not permitted unless directed away from and discharged not closer than 200 metres of any adjacent dwelling units.

**PART 5: EXEMPTIONS**

9. This bylaw does not apply to:
- a) police, fire, ambulance or other emergency response vehicles and equipment while engaged in an emergency, or persons or agency staff engaged in acts of an emergency;
  - b) permitted agricultural uses and activities on a farm operation as defined by and protected by the *Farm Practices Protection (Right to Farm) Act*, with the exception of **Bird Scare Devices**;
  - c) Federal or Provincial Crown activities;
  - d) mining or logging activities subject to provincial approvals;
  - e) the sounding of a horn, bell or other signalling device where such sounding is properly and necessarily used as a danger or a warning signal as part of a public address system;
  - f) the construction, repair, maintenance or alteration of any public structure, facility, utility, service, or land, including park land, open space, roads or trails;
  - g) the use of bells or chimes by churches, schools or any public body, or
  - h) the discharge of firearms or fireworks.

**PART 5: PENALTIES**

10. No person, owner, tenant, or occupier of **premises** shall do any act or permit any act or thing to be done which contravenes this bylaw.
11. Any person who violates a provision of this bylaw or who permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, or who refuses, or omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this bylaw, is deemed to have committed an offence, and:
- a) pursuant to the *Local Government Act* or the *Offence Act* or both, shall be liable on summary conviction to:
    - i. a fine not exceeding ten thousand dollars (\$10,000.00);
    - ii. the costs of prosecution; and
    - iii. any other penalty or remedy imposed or permissible pursuant to an enactment;
  - b) any penalty imposed pursuant to this bylaw will be in addition to, and not in substitution for, any other penalty or remedy imposed pursuant to any other applicable statute, law or regulation; and
  - c) each day that a violation is caused or allowed to continue constitutes a separate offence under this bylaw.

**Citation**

12. This bylaw may be cited for all purposes as Bylaw No. 494, being Electoral Area A Noise Control Bylaw 2023.

**READ A FIRST TIME ON THE 22<sup>ND</sup> DAY OF NOVEMBER, 2023**

**READ A SECOND TIME ON THE 22<sup>ND</sup> DAY OF NOVEMBER, 2023**

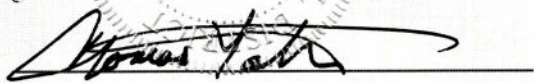
**READ A THIRD TIME ON THE 22<sup>ND</sup> DAY OF NOVEMBER, 2023**

**RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE 22<sup>ND</sup> DAY OF NOVEMBER, 2023**



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Chair



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Corporate Officer