

REGIONAL DISTRICT OF FRASER-CHEAM

BYLAW NO. 799, 1988

Being a Bylaw for the purposes of regulating or prohibiting the making or causing of certain noises or disturbances in the Chilliwack River Valley, Electoral Area "E"

WHEREAS the Regional District is empowered by Supplementary Letters Patent dated June 17, 1970, issued by the Lieutenant Governor in council pursuant to the Municipal Act, R.S.B.C. 1979, c. 290, to regulate or prohibit the making or causing of sounds in or on a highway or elsewhere in the Regional District which disturb, or tend to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood, or of persons in the vicinity, or which the Regional Board believes are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public, and may make different regulations or prohibitions for different areas of the Regional District;

NOW THEREFORE, the Regional District Board in open meeting assembled, enacts as follows:

1. CITATION

This bylaw may be cited for all purposes as "the Chilliwack River Valley Noise and Disturbance Bylaw No. 799, 1988".

2. APPLICATION

- a) This bylaw shall be applicable within the boundaries of those areas of the Chilliwack River Valley which are shown and outlined in red on Schedule A attached hereto.
- b) This bylaw shall not apply to:-
 - i) animals,
 - ii) emergency vehicles,
 - iii) vehicles owned by, or the operations of, the Department of National Defence
 - iv) a private or public utility,
 - v) a Peace Officer carrying out his duties,
 - vi) a person carrying on a lawful agricultural, mechanical or industrial pursuit or operation.

3. DEFINITIONS

In this bylaw, unless the context otherwise requires:

"bylaw enforcement officer" means a person appointed by the Regional Board as bylaw enforcement officer for the Regional District or any person duly authorized by statute to act in his stead.

"owner" with respect to real property means the registered owner of an estate in fee simple and includes a tenant for life under a registered life estate, the registered holder of the last registered agreement for sale and the lessee or occupier of any real property;

"person" means any individual, company, corporation, partnership, firm, association or society;

"premises" means an estate, including land and buildings and other structure thereupon;

"private land" means lands:

- i) the fee of which is in some person or organization other than the Crown, or;
- ii) the fee of which is in the Crown but which is controlled, held, or occupied by some person or organization other than the Crown under a form of agreement with the Crown which has a term of one year or more;

"public land" means unalienated land, the general public domain, lands owned by British Columbia or Canada; excludes private land

"real property" means land together with all improvements thereon;

"Regional Board" means the governing and executive body of the Regional District;

"Regional District" means the Regional District of Fraser-Cheam as incorporated under the Municipal Act or the geographical area within its boundaries, as the context requires.

4. REGULATION

- a) No person shall make or cause to be made noises or sounds in or on a public highway, public waterbody or in or on any other public land or premises which disturb, or tend to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.
- b) No person being the owner or occupier of any private land or premises, or being for the time being in charge thereof, shall suffer or permit to be made thereon or therein any noises or sounds which disturb or which are liable to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity after the hour of ten o'clock in the afternoon or before the hour of six o'clock in the forenoon of any day.

5. RIGHT TO ENTER

- a) The Bylaw Enforcement Officer is hereby authorized to enter, at any time upon any real property to carry out his investigation where he has reasonable and probable grounds to believe that an infraction of this Bylaw is occurring or has occurred;
- b) Refusal by any person to permit the Bylaw Enforcement Officer to enter upon any real property where such Bylaw Enforcement Officer is lawfully engaged in his duties under this Bylaw shall constitute violation of this Bylaw.

6. PENALTY

Every person who offends against or violates any provision of this bylaw, or who suffers or permits any act or thing

to be done in contravention or in violation of any of the provisions of this bylaw commits an offence under this Bylaw and shall be liable upon conviction to a penalty not exceeding two thousand dollars (\$2,000.00) plus the costs of prosecution.

7. SEVERABILITY

If any section, subsection, sentence, clause or phrase in this bylaw is for any reason held to be invalid by a decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of the bylaw.

8. SCHEDULE

That Schedule A attached hereto is an integral part of this Bylaw.

READ A FIRST TIME THIS 7th DAY OF JUNE , 1988

READ A SECOND TIME THIS 19th DAY OF JULY , 1988

READ A THIRD TIME THIS 19th DAY OF JULY , 1988

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS

THIS 24 DAY OF AUGUST , 1988

RECONSIDERED, FINALLY PASSED AND ADOPTED BY THE REGIONAL

DISTRICT BOARD THIS 7 DAY OF SEPTEMBER , 1988

[Signature]
Chairman

[Signature]
Secretary

I hereby certify the foregoing to be a true and correct copy of By-law No. 799 cited as the Fraser - Cheam Regional District Chilliwack River Valley Noise & Disturbance By-law No. 799 as read a third time by the Board on the 19 day of July 1988 Dated at Chilliwack this 25 day of July 1988
[Signature]
Secretary-Treasurer

I hereby certify that this is a true and correct copy of By-law 799 adopted by the Board of Directors of the Regional District of Fraser-Cheam on the 7 day of September 1988 Dated at Chilliwack, B.C. This 4 day of November 1988
[Signature]
Secretary

