

SECHELT BAND OF INDIANS

BY-LAW NO. 1982-02

A By-law to regulate or prohibit noise or objectionable sounds within the Reserves of the Sechelt Band of Indians.

WHEREAS Section 81 of the Indian Act empowers the council of a band to make by-laws to provide for the health of residents, for the observance of law and order and the prevention of disorderly conduct and nuisances, for the regulation of the use of buildings and with respect to any matter arising out or ancillary to the exercise of powers under Section 81;

AND WHEREAS the Council of the Sechelt Band of Indians deems it necessary for the health and protection of persons and property to regulate or prohibit noise or objectionable sounds within the Reserves of the Sechelt Band of Indians;

NOW THEREFORE the Council of the Sechelt Band of Indians in open meeting assembled enacts as follows:

1. Short Title

1.1 This By-law may be cited as the "Sechelt Indian Band Noise By-law 1982-02".

2. Definitions

2.1 In this By-law, or in any resolution of the Council passed relating to this By-law, unless the context otherwise requires:

"Act" means the Indian Act, R.S.C. 1970 Chapters 1-6.

"Band" means the Sechelt Band of Indians.

"Council" means the Council of the Sechelt Band of Indians as duly constituted.

"Highway" means any street, road, avenue, lane, crescent, bridge, alley, viaduct, public parking area, boulevard, or any other way open to the public or intended to be open to the public.

"Inspector" means the person or persons appointed from time to time by the Council to enforce and administer this By-law and shall include any peace officer.

"Motor Vehicle" means a vehicle, not run upon rails, that is designed to be self-propelled.

"noise" includes any loud outcry, clamour, shouting or movement, or any sound that is loud or harsh or undesirable.

"objectionable sound" means any sound deemed objectionable by Council.

"Person" means and includes any company, corporation, owner, partnership, firm, association, society, individual or party.

"Reserve" means all those tracts of land, the title of which is vested in Her Majesty in the Right of Canada, which are or have been set aside for the use and benefit of the Sechelt Band of Indians and which have not been unconditionally surrendered.

3. General Regulations

- 3.1 No Person shall, except as herein provided, make or cause to be made any noise or sound on the Reserves or any adjoining Highway which disturbs, or tends to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood, or of persons in the vicinity.
- 3.2 No Person shall make or cause to be made on the Reserves or any adjoining Highway any sound deemed objectionable by Council which objectionable sounds are listed on Schedule "A" attached hereto and forming part of this By-law.
- 3.3 No owner, lessee or occupier of property within the Reserves shall, except as herein provided, allow such property to be used so that noise or sound emanates therefrom which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood, or of persons in the vicinity.

3.4 No Person shall 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 in any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.

3.5 No Person shall own, keep or harbour any animal or bird which by its cries unduly disturbs the peace, quiet, rest or tranquillity of the surrounding neighbourhood or the public at large.

3.6 No Person shall use a horn or other warning device on a Motor Vehicle except for the purpose of giving an audible warning where necessary for the safe operation of such Motor Vehicle or for the safety of others on the Highway.

3.7 No hawker, huckster, pedlar, newsvendor, or other person shall by his intermittent or reiterated cries disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.

4. Construction Hours

4.1 No Person within the Reserves or on an adjoining Highway shall on any day before 07:00 hours or after 22:00 hours, construct, erect, reconstruct, alter, repair or demolish any building, structure or thing or excavate or fill in land in any manner which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.

4.2 No Person within the Reserves shall for profit or gain on a Sunday or statutory holiday construct, erect, reconstruct, alter, repair or demolish any building or thing, or excavate or fill in land in any manner which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.

4.3 Where it is impossible or impractical to comply with this section, the Inspector may give written approval to carry on the work that is found to be necessary at designated hours. Responsibility for obtaining written approval lies with the Person carrying on the work.

5. Other

5.1 No Person shall operate any outdoor public address system within the Reserves or on an adjoining Highway without first having obtained a permit therefor from the Council.

5.2 No Person shall operate a snow vehicle, motorboat or motorcycle which makes or causes noise.

5.3 Notwithstanding any provisions of this By-law, a Person may perform works of an emergency nature for the preservation or protection of life, health or property but the onus shall be on the Person performing the work to show cause that the work was of an emergency nature.

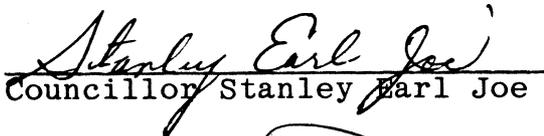
6. Penalty Section

6.1 Every Person who violates any of the provisions of this By-law or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this By-law, who neglects to do or refrains from doing anything required to be done by any of the provisions of this By-law or who does any act which violates any of the provisions of this By-law, is guilty of an offence against this By-law and liable to the penalties hereby imposed. Each day that a violation continues to exist shall constitute a separate offence.

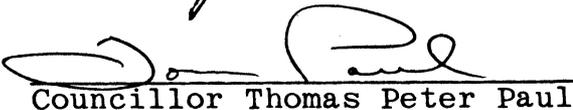
6.2 An offence against this By-law shall be subject to the penalties prescribed in Section 81(r) of the Indian Act.

APPROVED AND PASSED at a duly convened meeting of the Council of the Sechelt Band of Indians, held at Sechelt, British Columbia on the 22nd day of December, 1982.


Chief Calvin Craigan


Councillor Stanley Earl Joe


Councillor Anne Quinn


Councillor Thomas Peter Paul


Councillor Benedict Pierre

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Calvin Craigan
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Stanley Earl Joe
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Anne Quinn
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Thomas Paul
Councillor Thomas Peter Paul

Benedict Pierre
Councillor Benedict Pierre

SCHEDULE "A"

Sounds deemed objectionable by Council:

The squeal of a tire on a road surface emitted by a motor vehicle which is accelerating;

The squeal of a tire on a road surface emitted by a motor vehicle during a change in the course of direction or travel of the motor vehicle;

Any loud, roaring or explosive sound emitted by a motor vehicle.