

SQUAMISH INDIAN BAND

BY-LAW NO. 14, 1979

A BY-LAW TO REGULATE OR PROHIBIT NOISE OR
OBJECTIONABLE SOUNDS WITHIN THE RESERVES
OF THE SQUAMISH INDIAN BAND

The Squamish Indian Band Council in meeting assembled on the 1st day of October, 1979 pursuant to Sections (a), (c), (d), (h), (n), (q) and (r) of S.81 of the Indian Act, R.S.C. 1970, Ch. I-6 hereby enacts as follows:

PART I - TITLE

This by-law may be cited as the "Noise By-law, 1979".

PART II - DEFINITIONS

1. "audio equipment" means radio, record player, tape recorder, tape player or any other instrument or apparatus for the production or amplification of sound;
2. "band" means the Squamish Indian Band;
3. "construction" includes erection, alteration, repair, relocation, dismantling, demolition, maintenance, painting, moving, land clearing, earth moving, grading, excavating, the laying of pipe and conduit whether above or below ground level, highway building, concreting, equipment installation and alteration, structural installation of construction components and materials in any form or for any purpose, and any work being done in connection therewith;
4. "construction equipment" means any equipment or device designed and intended for use in construction or material handling including but not limited to air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders, or other material handling equipment;
5. "council" means the council of the Squamish Indian Band;
6. "emergency vehicle" means:
 - (a) a motor vehicle carrying rescue or first aid equipment;
 - (b) a motor vehicle driven by a member of a fire department in the discharge of his duties;
 - (c) a motor vehicle driven by a peace officer or band constable or by a member of the police branch of any of Her Majesty's armed forces in the discharge of his duty.

7. "highway" includes every road, street, lane, or right-of-way designed or intended for or used by members of the Squamish Indian Band or the general public for the passage of motor vehicles, and every private place or passageway to which the members of the Squamish Indian Band or the general public, for the purpose of the parking or servicing of motor vehicles, have access or are invited;
8. "motor vehicle" means a vehicle, not run upon rails, that is designed to be self-propelled;
9. "night time" means from 8 o'clock p.m. of one day to 7 o'clock a.m. of the following day;
10. "noise" means any sound which disturbs or has the tendency to disturb the peace, quiet, rest, enjoyment, comfort, or convenience of any reasonable person in the vicinity of the source of such sound who receives such sound;
11. "objectionable sound" means any sound deemed objectionable by Council;
12. "vehicle" means a device in, upon, or by which a person or thing is or may be transported or drawn upon a highway, except a device designed to be moved by human power or used exclusively upon stationary rails or tracks.

PART III - APPLICATION

This by-law applies within all of the Reserves of the Squamish Indian Band, including, without restricting the generality of the foregoing, those Reserve lands that have been surrendered for the purpose of the granting of leases, rights-of-way, and easements.

PART IV - OBJECTIONABLE SOUNDS

The Council deems that the sounds listed on Schedule "A" attached hereto are objectionable.

PART V - OFFENCES

1. No person shall make or cause to be made any noise or objectionable sound whether in or on a public or private place or premises.
2. No person shall own, keep or harbour any animal or bird which by its cries or other means creates noise.

3. No person shall play or operate audio equipment in a manner that causes noise whether in or on a public or private place or premises.
4. No person shall operate a motor vehicle or other vehicle or conveyance or machinery or equipment or device:
 - a) that causes noise or objectionable sounds; or,
 - b) in a manner that results in the causing of noise or objectionable soundswhether on a highway or in or on a public or private place or premises.
5. Notwithstanding the provisions of section 4 a person may use or cause or permit to be used a power lawnmower or other similar equipment except during the night time and except between 7 o'clock a.m. and 10 o'clock a.m. on Sunday provided that such power lawnmower or other similar equipment is equipped with a device to muffle the sound caused by the exhaust cycle of an internal combustion engine.
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.
7. A person may perform works of an emergency nature in order to preserve the life or health of people or to protect property notwithstanding that such works cause noise or objectionable sounds for the duration of the emergency.
8. Notwithstanding Sections 1, 3 and 4, the following works initiated and carried out pursuant to the direction of the council are deemed not to constitute a breach or breaches of this by-law:
 - a) the construction, alteration, relocation, repair or demolition of buildings and structures;
 - b) excavation, grading, or land filling;
 - c) construction, installation, alteration, relocation, repair or removal of public facilities or utilities;
 - d) construction, alteration, relocation, repair, fill or excavation of highways;
 - e) the operation of construction equipment in connection with the aforesaid works.
9. A driver of an emergency vehicle may disregard all of the provisions of this by-law while acting in the course of his lawful duty.

PART VI - APPLICATION FOR EXEMPTION

1. Any person may make application to council to be granted an exemption from any of the provisions of this by-law with respect to any source of sound for which he might be prosecuted and council, in its sole discretion, may refuse to grant any exemption or by resolution may grant the exemption applied for or any exemption of lesser effect. Any exemption granted shall specify the time period during which it is effective and may contain such terms and conditions as council sees fit.
2. An application under subparagraph 1 of this part shall be made in writing and shall contain:
 - a) the name and address of the applicant;
 - b) a description of the source of sound in respect of which exemption is sought;
 - c) a statement of the particular provision or provisions of the by-law from which exemption is sought;
 - d) the period of time, of a duration not in excess of 30 days, for which the exemption is sought;
 - e) the reasons why the exemption should be granted;
 - f) a statement of the steps, if any, planned or presently being taken to bring about compliance with this by-law.
3. A breach by the applicant of any of the terms or conditions of the exemption shall render the exemption null and void.

PART VII - SEVERABILITY

1. If a Court of competent jurisdiction declares any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.
2. Parts and titles are for convenience only and are not to be construed as part of the by-law.

PART VIII - PENALTY

Every person who contravenes any of the provisions of this by-law is guilty of an offence and is liable on summary

conviction to a fine not exceeding the sum of \$100 or imprisonment for a term not exceeding 30 days or both.

CONSIDERED AND PASSED by the Squamish Indian
Band Council on the 1st day of October , 1979.

Chief Philip Joe
Chief

Chief

Chief

George Jacobs
Councillor

Councillor

Simon Baker
Councillor

Glen Newman
Councillor

Lance A. Baker
Councillor

Lois Guss
Councillor

Chief Gordon Band
Councillor

Ross George
Councillor

Sam Baker
Councillor

Councillor

Richard Williams
Councillor

Councillor

SCHEDULE "A"

"NOISE BY-LAW 1979"

1. The squeal of a tyre on a road surface emitted by a motor vehicle which is accelerating;
2. The squeal of a tyre on a road surface emitted by a motor vehicle during a change in the course of direction of travel of the motore vehicle;
3. Any loud, roaring or explosive sound emitted by a motor vehicle.