



**Skawahlook First Nation
Noise Control Law**

SKAWAHLLOOK FIRST NATION
NOISE CONTROL LAW, 2014

(A Law to Regulate the Making or Causing of Noise Within the Skawahlook I.R #1 & Ruby Creek I.R #2)

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WHEREAS the Skawahlook First Nation has an inherent right to self- government which emanates from our people, culture, and land and which is recognized and affirmed by section 35 of the *Constitution Act, 1982*;

AND the Skawahlook First Nation has taken over control and management of Skawahlook Reserve lands and resources pursuant to the *Framework Agreement on First Nation land Management* and has enacted the *Skawahlook First Nation Land Code* effective the 5th day of August, 2010;

AND under the *Skawahlook First Nation Land Code*, Skawahlook Council is authorized to pass various laws relating to lands including laws relating to the regulation of noise under section 4(74) of the Code;

AND Council is concerned about the making or causing of noises or sounds in the community which disturb, or tend to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of the community;

NOW THEREFORE BE IT RESOLVED THAT this *Skawahlook First Nation Noise Law, 2011* is hereby enacted as a Law of the Skawahlook First Nation.

PART 1. NAME

1.1 This Law may be cited as the *Skawahlook First Nation Noise Control Law, 2011*.

PART 2. PURPOSE

2.1 The purpose of this Law is to prevent unreasonable noise that is likely to disturb the community and to establish which certain noise levels may not be exceeded at certain times.

PART 3. WHERE THIS LAW APPLIES

- 3.1 The provisions of this Law apply to the whole area of the Reserve and Skawahlook First Nation Lands as defined in the Skawahlook First Nation Land Code.

PART 4. DEFINITIONS

- 4.1 For the purpose of this Law, terms have the same definitions as in the Land Code;
- 4.2 Words defined in the “Motor Vehicle Act” and regulations thereto, shall have the same meaning when used in this law unless defined in this law or unless the context otherwise requires.
- 4.3 For the purpose of this Law, the following definitions apply:

“Administrator” means any person, who is appointed by Council in the capacity of Administrative Worker of Skawahlook First Nation;

“Law Enforcement Officer” means any person or persons appointed by the Council, from time to time, to administer and enforce the provisions of Skawahlook Laws enacted by Council, and includes any delegate, the RCMP, and any peace officer;

“Noise” includes any sound, continuous sound or non-continuous sound which:

- (a) disturbs or tends to disturb the peace, quiet, rest, enjoyment, comfort or convenience of the neighbourhood in which such sound is received, or, of any reasonable person in the vicinity of the source of such sound who receives such sound, or;
- (b) exceeds a sound level permitted by this law at the point of reception of such sound.

“Law Enforcement Officer” means any person or persons appointed by the Council from time to time, to administer and enforce the provisions of Skawahlook First Nation Laws enacted by Council, and includes any delegate, the RCMP, and any Peace Officer.

“Person” includes any company, corporation, owner, partnership, firm, association, society or party.

“Property” means Skawahlook First Nation land, other than a highway, together with all improvements which have been so affixed to the land as to make them in fact and in law a part thereof.

“Recreational Vessel” means a craft including, but not limited to, a motorboat, seaplane, hydrofoil or air boat that is designed to float on the water, and that is employed for the enjoyment of open air leisure time activity, but excludes all craft for industrial and commercial purposes.

“Skawahlook” or “SKFN” means the Skawahlook First Nation

PART 5. GENERAL PROVISIONS

- 5.1 The headings of parts and sections of this Law have been inserted as a matter of convenience and for reference only and in no way define or limit any of its provisions.
- 5.2 In the event that all or any part of any section or sections of this Law are found by a court of competent jurisdiction to be invalid, such sections shall be severable, and the remaining portions or sections shall remain in full force and effect.
- 5.3 This Law shall be and remain in effect on Skawahlook Land at all times.
- 5.4 An order made pursuant to this Law shall be binding when it has been advertised once in a newsletter circulating in the community, or when it has been posted in the Skawahlook First Nation Office.

PART 6. REGULATIONS

- 6.1 (a) No person shall make or cause, or permit to be made or caused, any noise in or on a public or private place which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons on the same piece of property or in the neighbourhood or vicinity.
- (b) No person being the owner, tenant or occupier of property shall allow or permit such property to be used so that noise or sound which occurs thereon or emanates therefrom, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons on the same piece of property or in the neighbourhood or vicinity.
- (c) No person shall play or operate any radio, stereophonic equipment or other instrument or any apparatus for the production of amplified sound either in or on private premises or in any public place in such a manner as to disturb the peace, quiet, rest, enjoyment, comfort, or convenience of the neighbourhood or of persons in the vicinity, between 10:00 pm and 7:00 am.
- (d) No person shall own, keep, or harbor any animal or bird which by its cries, barks, or howling unduly disturbs the peace, quiet, rest, or tranquility of the surrounding neighbourhood or the public at large, continually or sporadically or erratically for any period in excess of one hour of time.
- 6.2 Exclusions
The provisions of this bylaw shall not apply to any person making or causing, or permitting to be made or caused, any noise or sound which might otherwise be deemed a breach of this bylaw, if such noise or sound is made or caused, or permitted to be made or caused, in connection with any activity which is legitimately being carried on in an area which Skawahlook First Nation has approved for the carrying on of such an activity.

6.3 Construction Hours

- (a) No person within the Skawahlook boundaries shall on any day before 6:00 am or after 8:00 pm, construct, erect, reconstruct, alter, repair, or demolish any building, structure or thing or excavate or fill in land in any manner which disturbs the peace, quiet, rest, enjoyment, comfort, or convenience of the neighbourhood or persons in the vicinity.
- (b) No person within the Skawahlook boundaries shall for profit or gain on a Sunday or Statutory Holiday construct, erect, reconstruct, alter, repair, or demolish any building, structure or thing or excavate or fill in land in any manner which disturbs the peace, quiet, rest, enjoyment, comfort, or convenience of the neighbourhood or persons in the vicinity.
- (c) Where it is impossible or impractical to comply with this section, the Council of Skawahlook may give written approval to carry out the work that is found to be necessary at designated hours. The responsibility for obtaining written approval lies with the person carrying out the work.

6.4 Other

- (a) No person within the Skawahlook boundaries shall operate any outdoor public address system without first having obtained a permit therefore.
- (b) No person shall operate a snow vehicle, motor boat, ATV or motorcycle which makes or causes noise which noise or sound emanating therefrom disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons on the same piece of property or in the neighbourhood or vicinity.
- (c) Notwithstanding any provisions of this 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.

6.5 Every person

- (a) who violates or causes or allows any of the provisions of this law to be violated; or
- (b) who fails to comply with any of the provisions of this, or any other law or applicable statute; or
- (c) who neglects or refrains from doing anything required under the provisions of this law is deemed to have committed an infraction or, an offence against, this law

shall be deemed to have committed an offence under this law and shall be liable on conviction to the penalties provided and each day that such violation is caused or allowed to continue, constitutes a separate offence.

- 6.6 Any person who is found guilty under any provision of this Law is liable, on summary conviction to a fine of not more than \$2000 dollars.

BE IT KNOWN that this Law entitled the *Skawahlook First Nation Noise Control Law, 2014* is hereby enacted by a quorum of Council at a duly convened Council of the Skawahlook First Nation held on June 24, 2014


Chief Maureen Chapman


Councillor Debra Schneider

A quorum consists of 2
Council Members



| |
|---|
| Chronological no. - N° consecutive BYLAW - NOISE 2014-2015 |
| File reference no. - N° de reference du dossier BYLAW NOISE - 2014 |

**BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE**

NOTE: The words "from our band funds" "capital" or "revenue" whichever is the case, must appear on all resolutions requesting expenditures from band funds.
NOTA: Les mots "des fonds de notre bande" "capital" ou "revenu" selon les cas doivent paraître dans tous les résolutions portant sur des dépenses à même les fonds des bandes.

| | | | | | | |
|---|-----|---------------------------------|-----|------------------|--------------------------------------|--|
| | | | | | Cash free balance – Soldè disponible | |
| The council of the Le conseil de | | SKAWAHLLOOK FIRST NATION | | | Capital account Compte capital \$ | |
| Date of duly convened meeting Date de l'assemblée dument convoquée | D-J | M | Y-A | Province | Revenue account Compte revenu \$ | |
| | 24 | 06 | 14 | British Columbia | | |

DO HEREBY RESOLVE:
DÉCIDE PAR LES PRESENTES:

WHEREAS:

Skawahlook First Nation ratified the Skawahlook First Nation Land Code by referendum on the 29th day of March 2010;

WHEREAS:

The Council of Skawahlook First Nation completed the Noise Control Law (NCL) in consultation with legal guidance and the Skawahlook First Nation Lands Advisory Committee in March 2013.

WHEREAS:

The membership received a copy of the Noise Control Law (NCL) and a summary outlining the purpose and intent of the NCL and was requested to provide feedback before June 2, 2014.

NOW THEREFORE:

The Chief and Council of the Skawahlook First Nation, at a duly convened meeting, enact this Noise Control Law as a Law of the Skawahlook First Nation.

This resolution is supported by the undersigned and passed this 24 day of June 2014.

A quorum for this Band consists of 2 (two) council members

Chief Maureen Chapman

Councillor Debra Schneider

| FOR DEPARTMENTAL USE ONLY – RÉSERVÉ AU MINISTÈRE | | | | | |
|--|--|--|---------------------------------------|--|--|
| Expenditure – Dépenses | Authority (Indian Act Section) - Autorité (Article sur la loi des les Indiens) | Source of funds Sources des fonds ↑ Capital ↳ Revenue - Revenu | Expenditure – Dépenses | Authority (Indian Act Section) - Autorité (Article sur la loi des les Indiens) | Source of funds Sources des fonds ↑ Capital ↳ Revenue - Revenu |
| Recommending officer – Recommandé par | | | Recommending officer – Recommandé par | | |
| _____ Signature | | _____ Date | _____ Signature | | _____ Date |
| Approving officer – Approuvé par | | | Approving officer – Approuvé par | | |
| _____ Signature | | _____ Date | _____ Signature | | _____ Date |