

REGIONAL DISTRICT OF KITIMAT-STIKINE

BYLAW NO. 313

A bylaw to regulate or prohibit the making or causing of noises or sounds in Electoral Areas A, B, C, and D in the Regional District of Kitimat-Stikine.

WHEREAS the Regional District of Kitimat-Stikine has, by bylaw, established the extended service of noise control in Electoral Areas A, B, C, and D;

AND WHEREAS the Board believes that:

- a) certain sounds are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public and,
- b) it is desirable to regulate or prohibit them,
- c) it is not the intent of the Board to prevent or prohibit those sounds customarily emitted or usually associated with the normal conduct of reasonable daily activity at reasonable times;

AND WHEREAS the Regional District of Kitimat-Stikine has the power to abate nuisances pursuant to sections 789(2)(b) and 932(c) of the Municipal Act;

NOW THEREFORE the Regional District of Kitimat-Stikine Board, in open meeting assembled, enacts as follows:

1. Interpretation:

1) In this bylaw

- a) "Board" means the Board of the Regional District of Kitimat-Stikine;
- b) "Bylaw Enforcement Officer" includes a Peace Officer or a person appointed by the Board as a Bylaw Enforcement Officer;
- c) "Motor Vehicle" includes an automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or traction engine, farm tractor, self-propelled implement of husbandry or road-building machine;

- d) "Persistent" means enduring or constantly repeated;
- e) "Regional District" means the Regional District of Kitimat-Stikine;
- f) "Residential Premise" means land upon which is located a building or structure, including a mobile home, used seasonally or permanently for human occupancy;

2. Objectionable and Disturbing Noises

The Board believes that the acts listed in Schedule "A" to this bylaw result in sound which is objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public in the neighbourhood or vicinity of those acts.

3. Prohibition by Time or Place

No person shall commit, cause or permit the commission of an act listed in Schedule "A" to this bylaw which results in the emission of a persistent or unreasonable noise which is clearly audible at a residential premise or at a recreational campground during a prohibited period of time.

4. Exceptions

In the opinion of the Board, the emission of sound or vibration in connection with the acts listed in Schedule "B" are necessary and are therefore excluded from the prohibitions, regulations and penalties contained in this bylaw.

5. Inspection and Entry

- a) A Bylaw Enforcement Officer is hereby authorized to enter, at all reasonable times, on any property subject to this bylaw to determine whether the requirements of this bylaw are being observed;
- b) A Bylaw Enforcement Officer is hereby authorized to enter on any property subject to this bylaw to prevent or abate a nuisance by noise.

6. Abatement

- a) Where a Bylaw Enforcement Officer has reasonable and probable grounds to believe and does believe that a thing or device is being used or has been used and is likely to be again used to cause a nuisance by noise, the Bylaw Enforcement Officer may, to abate the nuisance, take and store the thing or device;
- b) The costs of removing and storing the thing or device shall be paid by the owner of the thing or device;

- c) Where any thing or device is removed and stored to abate a nuisance, the thing or device shall be returned to the owner within seven days of the date of the owner's application provided that:
 - i) the owner has applied to the Bylaw Enforcement Officer for the return of the thing or device; and
 - ii) the thing or device has not been designated as an exhibit for the purpose of proceedings pursuant to this bylaw; and
 - iii) the owner has paid all expenses and costs associated with the removal and storage of the thing or device;
- d)
 - i) if the owner does not make an application for the return of the thing or device within thirty days after the thing or device is taken, then the thing or device shall be deemed to be the property of the Regional District and the Regional District may sell or otherwise dispose of it to recover the expenses and costs associated with the removal, storage and disposition of the thing or device; and
 - ii) any surplus remaining after the disposition of the thing or device shall be returned to the owner providing the owner is known and can be contacted within seven days of the disposition of the thing or device; and
 - iii) if the thing or device taken and stored pursuant to this bylaw is declared to be an exhibit in proceedings pursuant to this bylaw, then the disposition of the thing or device shall be in the discretion of the court in which the proceedings are taken.

7. Schedules

Schedules "A" and "B" form a part of and are enforceable in the same manner as this bylaw.

8. Penalty

A person who contravenes a provision of this bylaw is guilty of an offense and is liable upon conviction for a first offense, to a penalty of not less than \$100.00 and not more than \$2,000.00, and for a second or subsequent offense to a penalty of not less than \$250.00 and not more than \$2,000.00.

9. Jurisdiction

This bylaw is applicable to and enforceable in Electoral Areas A, B, C, and D of the Regional District of Kitimat-Stikine.

10. Severability

If any provision of this bylaw is held to be beyond the power of the Regional District by any court of competent jurisdiction then the provision may be severed from the remainder of the bylaw without affecting the validity of any other provision.

11. Title

This bylaw may be cited as the "Regional District of Kitimat-Stikine Noise Control Bylaw No. 313, 1991".

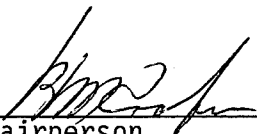
READ a first time this 7 day of December, 1991.

READ a second time this 7 day of December, 1991.

READ a third time as amended this 18 day of January, 1992.

APPROVED by the Minister of Municipal Affairs, Recreation and Housing this 25 day of June, 1992, pursuant to Section 203 of the Municipalities Enabling and Validating Act.

RECONSIDERED AND FINALLY ADOPTED this 27 day of June, 1992.


Chairperson


Administrator

SCHEDULE "A"

PROHIBITIONS BY TIME

<u>Act</u>	<u>Prohibited Period of Time</u>
1. The operation of an electronic device group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers, and intended for the production reproduction or amplification of sound, including but not limited to radios, record players, compact disc players, and television.	At all times
2. The operation of an auditory signalling device, including but not limited to the ringing of bells or gongs and the blowing of horns or sirens or whistles, or the production, reproduction or amplification of any similar sounds by electronic means except where required or authorized by law in accordance with good safety practices.	At all times
3. Persistent barking, calling or whining or other similar persistent sound made by a domestic pet or other animal kept or used for a purpose other than agriculture.	At all times
4. Yelling, shouting, whistling, hooting, and singing.	At all times
5. The operation of a motor vehicle other than on a highway or other place intended for its operation in a manner which results in tires squealing, racing its engine or without effective exhaust or intake muffling device which is in good working order and in constant operation.	At all times

SCHEDULE "B"

EXCEPTIONS

1. Sound or vibration emitted in connection with emergency measures undertaken
 - a) for the immediate health, safety or welfare of the inhabitants or any of them, or
 - b) for the preservation or restoration of property;
unless sound or vibration is clearly of a longer duration or of a nature more disturbing than is reasonably necessary for the accomplishment of such emergency purpose.
2. Sound customarily emitted or usually associated with
 - a) traditional, cultural, religious or other similar activity such as parades and festivals, or
 - b) an organized recreational or sporting event conducted by a recognized club or organization.