

DISTRICT OF FORT ST. JAMES

BYLAW NO. 752, 2001

[CONSOLIDATED WITH AMENDING BYLAW NO. 852, 2007]

A Bylaw to regulate or prohibit the making or causing of noises or sounds in the District of Fort St. James.

WHEREAS the Council of District of Fort St. James believes

- (a) that certain noises or sounds are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public, and
- (b) that it is desirable to regulate or prohibit the making or causing of noises or sounds in the municipality.

NOW THEREFORE, the Council of the District of Fort St. James in open meeting assembled HEREBY ENACTS AS FOLLOWS:

1. INTERPRETATION

(1) In this bylaw:

(a) All Terrain Vehicle

“All Terrain Vehicle” means a vehicle propelled by motorized power and capable of travel on or off a highway, and includes a snowmobile as defined in the Motor Vehicle (All Terrain) Act and regulations;

(b) Bylaw Enforcement Officer

“Bylaw Enforcement Officer” means a person appointed by the Municipality as a Bylaw Enforcement Officer, and includes a Peace Officer;

(c) Construction

“Construction” includes erection, alternation, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, the laying of pipe and conduit whether above or below ground level, street and highway building, concreting, equipment installation and alteration, and the structural installation of construction components and materials in any form or for any purpose, and includes any work in connection therewith;

(d) Construction Equipment

“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 drives, 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;

(e) Conveyance

“Conveyance” includes a vehicle and any other device employed to transport a person or persons or goods from place to place;

(f) Council

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“Council” means the Council of the municipality;

(g) Motor Vehicle

“Motor Vehicle” included 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;

(h) Motor Conveyance

“Motorized Conveyance” means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power;

(i) Municipality

“Municipality” means the District of Fort St. James;

(j) Persistent

“Persistent” means enduring or constantly repeated;

(k) Point of Reception

“Point of Reception” means any point on the premises of a person where sound or vibration originating from other than those premises is received; and

(l) Residential Area

“Residential Area” means those areas of the municipality outlined in red on map attached as Schedule “A”.

2. GENERAL PROHIBITION

- (a) The acts listed on Schedule “B” to this bylaw are hereby declared, in the opinion of Council, to result in sounds which are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;
- (b) No person shall commit or cause or permit the commission of an act listed on Schedule “B”

3. PROHIBITION BY TIME OR PLACE

No person shall commit or cause or permit the commission of an act listed in Schedule “C” to this bylaw which results in the emission of sound which is clearly audible

- (a) at a point of reception, and
- (b) during a prohibition period of time listed on Schedule “C” opposite the act.

4. EXCEPTIONS

In the opinion of Council, the emission of sound in connection with the acts listed in Schedule “D” are not objectionable and are therefore excluded from the prohibitions, regulations, and penalties contained in this bylaw.

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5. INSPECTION

A Bylaw Enforcement Officer is hereby authorized to enter, at all reasonable times, on any property subject to this bylaw, to ascertain whether this bylaw is being observed.

6. SCHEDULES

Schedules "A", "B", "C", and "D" [and "E" – Bylaw no. 852, 2007] form a part of and are enforceable in the same manner as this bylaw.

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7. Any person who violates any of the provisions of this bylaw shall,

(a) upon summary conviction, be liable to pay a penalty of not more than \$500.00 per individual offence; or to imprisonment for a term of not more than 6 (six) months or to both fine and imprisonment.

(b) if an information is laid by means of a ticket, be liable to pay a fine as set out in Schedule "E" of this bylaw.

8. REPEAL

"Fort St. James Noise Regulation Bylaw No. 516, 1992" and all subsequent amendments are hereby repealed.

This bylaw shall be cited as 'Fort St. James Noise Regulation Bylaw No. 752, 2001.

READ A FIRST, SECOND AND THIRD TIME THIS 24th DAY OF October, 2001.

ADOPTED THIS 14th DAY OF November, 2001.

Jim Togyi, Mayor

Dan Zabinsky, Administrator

Certified to be a true copy of the "Fort St. James Noise Regulation Bylaw No. 752, 2001".

Dan Zabinsky, Administrator

SCHEDULE "A"

MAP

DESIGNATED RESIDENTIAL AREAS

SCHEDULE “B”

ACTS GENERALLY PROHIBITED

1. Race a motorized conveyance except in a racing event regulated by law.
2. Operate a motor vehicle in such a way that the tires squeal, or by racing its engine.
3. Operate a combustion engine or pneumatic device, unless it is equipped with an effective exhaust or intake muffling device which is in good working order and in constant operation.
4. Operate a motor vehicle or a motor vehicle with a trailer unless the loads or equipment on them are secured and they are properly maintained in order to eliminate banging, squealing or other sounds.
5. Activate a motor vehicle horn or other warning device, except where required or authorized by law, or in accordance with good safety practices.
6. Operate an item of construction equipment in a residential area unless it is equipped with effective muffling devices which are in good working order and in constant operation.
7. The discharge of firearms.
8. The detonation of fireworks or explosive devices not used in construction or otherwise allowed under a municipal permit.
9. The 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.
10. The persistent 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 or in accordance with good safety practices.

SCHEDULE “C”**PROHIBITIONS BY TIME AND PLACE**Prohibited Periods of Time

- A 23:00 one day to 07:00 next day (09:00 Sundays)
 B 21:00 one day to 07:00 next day (09:00 Sundays)
 C 21:00 one day to 09:00 next day
 D At all times except as permitted in Schedule ‘D’

1.	The operation of a combustion engine which, (i) is, or (ii) is used in, or (iii) is intended for use in, a toy, or model or replica or a device, which model or replica has no function other than amusement and which is not a conveyance.	B	Residential Area
2.	The operation of an electronic device or 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.	D	Residential Area
3.	The operation of an auditory signalling device, including but not limited to the ringing or 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 or in accordance with good safety practices.	A	Residential Area
4.	The operation of a motor vehicle or all terrain vehicle other than on a highway or other place intended for its operation.	C	Residential Area
5.	The venting, release, or pressure relief of air, steam or other gaseous material, product or compound from autoclave, boiler pressure vessel, pipe, valve, machine, device or system,	A	Residential Area
6.	Yelling, shouting, hooting, whistling or <u>other like noises.</u>	A	Residential Area
7.	All selling or advertising by shouting or <u>other like noises.</u>	B	Residential Area
8.	Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, products, materials, or refuse whatsoever, unless necessary for the maintenance of essential services or the moving of private household effects.	A	Residential Area
9.	The operation of construction equipment whether in connection with construction or not.	B	Residential Area
10.	The operation or use of any tool for domestic purposes other than snow removal.	B	Residential Area
11.	The operation of solid waste bulk lift or <u>other like equipment.</u>	B	Residential Area
12.	The operation of a commercial car wash.	A	Residential Area
13.	The operation or use of any tool or equipment for the purpose of repair or maintenance of a motor vehicle.	D	Residential Area

SCHEDULE “D”

EXCEPTIONS

Sound or vibration emitted in connection with:

- (1) emergency measures undertaken
 - (a) for the immediate health, safety or welfare of any person or persons, or
 - (b) for the preservation or restoration of property;

unless such 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) the traditional festive, religious and other activities listed below:
 - (a) church bells and other like noises;
 - (b) fireworks as allowed by municipal permit;
 - (c) special events held under legislation, or by municipal permit;
 - (d) parade authorized by municipal permit;
- (3) a sound produced in a manner referred to in Section 2 of Schedule “C” to this Bylaw which is clearly audible:
 - (a) on a maximum of only two days per week, of which only one may be a Saturday or Sunday; and
 - (b) on a day referred to in paragraph a) during any one period of time not exceeding 4 consecutive hours between 11:00 hours and 19:00 hours.
- (4) a sound produced in a manner referred to in Section 13 of Schedule “C” to this Bylaw which is clearly audible:
 - (a) on a maximum of only two days per week, of which only one may be a Saturday or Sunday; and
 - (b) on a day referred to in Paragraph a) during any one period of time not exceeding 6 consecutive hours between 0900 hours and 1900 hours.

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SCHEDULE "E" - FINES

"Fort St. James Noise Control Bylaw No. 752, 2001"

Column 1 OFFENCE	Column 2 SECTION	Column 3 FINE
Commit or cause or permit the commission of an act listed on Schedule "B"	2 (b)	\$100.00
Commit or cause or permit the commission of an act listed in Schedule "C"	3	\$100.00