

DISTRICT OF FORT ST. JAMES

NOISE REGULATION

BYLAW NO. 993, 2018

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

The Council of the District of Fort St. James enacts as follows:

ADMINISTRATIVE PROVISIONS

1. This bylaw shall be cited as “District of Fort St. James Noise Regulation Bylaw No. 993, 2018.”
2. “Fort St. James Noise Regulation Bylaw No. 752, 2001,” as amended, is repealed.
3. Schedule “A” – Fines is attached to and forms part of this bylaw.

INTERPRETATION

4. In this bylaw:
 - a) “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) “Amplified Sound Equipment” means 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;
 - c) “Auditory Signalling Device” includes bells, gongs, horns, sirens, whistles, or the production, reproduction or amplification of any similar sounds by electronic means;
 - d) “Bylaw Enforcement Officer” means a person appointed by the Municipality as a Bylaw Enforcement Officer, and includes a Peace Officer;
 - e) “Construction” includes any work connected to 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;

- f) “Construction Equipment” means any equipment or device designed and intended for use in Construction;
- g) “Conveyance” includes a vehicle and any other device employed to transport a person or persons or goods from place to place;
- h) “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;
- i) “Motorized Toy” means a combustion engine which is, or is used in, or 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;
- j) “Moving Sounds” means 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;
- k) “Municipality” means the District of Fort St. James;
- l) “Persistent” means enduring or constantly repeated;
- m) “Point of reception” means a position that
 - (a) is within the property line of the real property occupied by the recipient of a noise or sound,
 - (b) is located at least 1.2 m above the surface of the ground, and
 - (c) best represents the location at which the noise or sound, emanating from another property, is received and the resulting disturbance experienced.
- n) “Premises” means the area contained within the boundaries of a legal parcel of land and any building situated within those boundaries; each unit, the common areas of the building, and the land within the apparent boundaries of the lot are each separate premises where a building contains more than one unit of commercial, industrial or residential occupancy.
- o) “Prohibition Period of Time” means
 - i) between the hours of 9:00 p.m. one day and 7:00 a.m. the following day;
 - or,
 - ii) if the following day is a Sunday or statutory holiday, between the hours of 9:00 p.m. one day and 9:00 a.m. the following day.
- p) “Residential Area” means all areas of the Municipality designated as residential in

the Zoning Bylaw, as amended.

- q) “Ventilation Device” includes an autoclave, boiler pressure vessel and any machine or device that vents, releases, or relieves pressure of air, steam or other gaseous material, product or compound.

GENERAL PROHIBITIONS

- 5. No person shall cause or permit:
 - a) the Persistent barking, calling or whining or other similar Persistent sound made by a pet or domestic animal; or
 - b) any sound made by an animal that is an unprovoked regular pattern of noise or sound
 - i) for a period of more than fifteen (15) minutes; or
 - ii) that an Bylaw Enforcement Officer deems to be a nuisance sound if they find it to be unusual and unnecessary;
 - c) the Persistent operation of an Auditory Signalling Device, except where required or authorized by law or in accordance with good safety practices;
 - d) the operation of an engine retardant brake while operating a Motor Vehicle on a highway in the District of Fort St. James, except to assist in stopping or slowing down the vehicle in an emergency.

PROHIBITIONS BY TIME AND PLACE

- 6. A person shall not, in a Residential Area,
 - a) operate a Motor Vehicle other than on a highway or other place intended for its operation;
 - b) operate an All-Terrain Vehicle;
 - c) operate a Motorized Toy;
 - d) operate Construction Equipment whether in connection with Construction or not
 - e) operate or use any tool for domestic purposes other than snow removal;
 - f) operate solid waste bulk lift or other like equipment;
 - g) operate a Ventilation Device;
 - h) yell, shout, hoot, whistle or make other vocal noises;
 - i) cause Moving Sounds; or,

j) operate a commercial car wash

in a manner which results in the emission of a sound which is clearly audible at a Point of Reception during the Prohibition Period of Time.

7. A person shall not, in a Residential Area, operate or use any Tool or equipment for the purpose of repair or maintenance of a Motor Vehicle in a manner which results in the emission of a sound which is clearly audible at a Point of Reception at any time, except
 - a) on a maximum of only two (2) days per week, of which only one (1) may be a Saturday or Sunday; and
 - b) on a day referred to in Paragraph (a) during any one period of time not exceeding six (6) consecutive hours between 9:00 a.m. and 7:00 p.m.
8. A person shall not, in a Residential Area, operate Amplified Sound Equipment in a manner which results in the emission of a sound which is clearly audible at a Point of Reception at any time, except
 - a) on a maximum of only two (2) days per week, of which only one (1) may be a Saturday or Sunday; and
 - b) on a day referred to in subsection (a) during any one period of time not exceeding 4 consecutive hours between 11:00 a.m. and 11:00 p.m.

EXCEPTIONS

9. The emission of sound or vibration in connection with the following acts are excluded from the prohibitions, regulations, and penalties contained in this bylaw:
 - a) emergency measures undertaken
 - i) for the immediate health, safety or welfare of any person or persons, or
 - ii) 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;
 - b) traditional festive, religious and other activities listed below:
 - i) church bells and other like noises;
 - ii) fireworks authorized by municipal permit;
 - iii) special events held under legislation, or by municipal permit; or
 - iv) parade authorized by municipal or provincial permit;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 festive or

religious purpose.

ENFORCEMENT

10. A Bylaw Enforcement Officer is authorized to enter, at all reasonable times, on any property subject to this bylaw, to ascertain whether this bylaw is being observed.
11. 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 \$1,000.00 per individual offence; or,
 - b) if an information is laid by means of a ticket, be liable to pay a fine as set out in Schedule "A" of this bylaw.

READ A FIRST TIME THE 25th DAY OF APRIL 2018

READ A SECOND AND THIRD TIME THE 13 DAY OF JUNE 2018

ADOPTED THE 27 DAY OF JUNE 2018

[Original Signed]

Rob MacDougall, Mayor

[Original Signed]

Kevin Crook, Chief Administrative Officer

SCHEDULE "A" - FINES

The following fines are applicable for the listed offenses when an information is laid by means of a ticket:

OFFENCE	SECTION	FINE First instance	FINE Second instance	FINE Third or subsequent instance
Persistent barking, calling or whining by a domestic pet or other animal	5(a)	\$100.00	\$250.00	\$500.00
Sound made by an animal that is an unprovoked regular pattern of noise or sound	5(b)	\$100.00	\$250.00	\$500.00
Operate of an Auditory Signalling Device	5(c)	\$100.00	\$250.00	\$500.00
Operate engine retardant brake	5(d)	\$100.00	\$250.00	\$500.00
Operate a motor vehicle or All-Terrain Vehicle other than on a highway	6(a)	\$100.00	\$250.00	\$500.00
Operate a Motorized Toy	6(b)	\$100.00	\$250.00	\$500.00
Operate Construction Equipment	6(c)	\$100.00	\$250.00	\$500.00
Operate or use any power tool for domestic purposes other than snow removal	6(d)	\$100.00	\$250.00	\$500.00
Operate solid waste bulk lift or other like equipment	6(e)	\$100.00	\$250.00	\$500.00
Operate a Ventilation Device	6(f)	\$100.00	\$250.00	\$500.00
Yell, shout, hoot, whistle or make other vocal noises	6(g)	\$100.00	\$250.00	\$500.00
Cause Moving Sounds	6(h)	\$100.00	\$250.00	\$500.00
Operate a commercial car wash	6(i)	\$100.00	\$250.00	\$500.00
Operate or use any tool or equipment for the purpose of repair or maintenance of a Motor Vehicle	7	\$100.00	\$250.00	\$500.00
Operate Amplified Sound Equipment	8	\$100.00	\$250.00	\$500.00