

## THE CORPORATION OF THE CITY OF DAWSON CREEK

### BYLAW NO. 3873

A Bylaw of The Corporation of the City of Dawson Creek to provide for the regulation and prohibition of certain noises and sounds.

**WHEREAS** the *Community Charter* provides Council with the authority, by bylaw, to regulate or prohibit the making or causing of certain noises or sounds within the City; and

**WHEREAS** Council deems it necessary and desirable to regulate or prohibit noises or sounds that disturb the quiet, peace, rest, enjoyment, comfort or convenience of persons in the vicinity, or the public;

**NOW THEREFORE** the Council of the City of Dawson Creek in open meeting assembled, enacts as follows:

#### Citation

1. This Bylaw may be cited for all purposes as the Dawson Creek Noise Control Bylaw No. 3873, 2006."

#### Definition

2. In this Bylaw:
  - (a) "*Bylaw Enforcement Officer*" means every person designated by *Council* as a bylaw enforcement officer for the *City*, and every peace officer;
  - (b) "*Council*" means the Municipal Council of the City of Dawson Creek;
  - (c) "*City*" means the Corporation of the City of Dawson Creek; and
  - (d) "*licensed*" means holding a valid business license issued by the *City*.

#### Prohibited Noises and Sounds

3. No person shall make or cause, or permit to be made or caused, any noise or sound that disturbs the quiet, peace, rest, enjoyment, comfort or convenience of a person or persons in the vicinity.
4. No owner, tenant or occupier of a parcel shall allow that property to be used so that a noise or sound that originates from that parcel disturbs the quiet, peace, rest, enjoyment, comfort or convenience of two or more persons within 100 metres of the parcel.

#### Exemptions

5. Despite the prohibitions in sections 3-4 of this Bylaw, the following noises are permitted:
  - (a) Noise from police, fire, ambulance or other emergency vehicles;

- (b) Noise from snow removal or highway cleaning operations;
- (c) Noise from the operation of a public address system required under a building or fire code;
- (d) Noise from bells or chimes for the announcing of public worship services;
- (e) Noise from amplified music or speech in a *licensed* theatre, club, restaurant, pub or other *licensed* entertainment facility between noon and 2:00 am;
- (f) Noise from a *licensed* business within an area zoned for commercial uses during the hours from 8:00 am to 8:00 pm;
- (g) Noise from a *licensed* business within an area zoned for industrial use twenty four (24) hours per day;
- (h) Noise from a construction site -
  - i) No person in the City shall on any day before 07:00 hours (7:00 A.M.) or after 22:00 hours (10:00 P.M.), construct, erect, reconstruct, alter, repair or demolish any buildings, structure or thing or excavate or fill in land in any manner which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity;
  - ii) No person in the City shall for profit or gain on a Sunday, construct, erect, reconstruct, alter, repair, or demolish any building or thing, excavate or fill in land in any manner which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity;
  - iii) Where it is impossible or impractical to comply with section (h), the Director of Development Services may give written approval to carry on the work that is found to be necessary at designated hours. Responsibility for obtaining written approval lies with the person carrying on the work.
- (i) a horn from a motor vehicle, boat or train where it is necessary to warn of a danger or a hazard.

### **Inspections**

- 6. A *Bylaw Enforcement Officer* may, subject to the *Community Charter*, enter on any property at any reasonable time for the purpose of ascertaining whether the regulations and requirements of this Bylaw are being observed.
- 7. No person shall obstruct a *Bylaw Enforcement Officer* from entering property under section 6.

### **Offences and Penalties**

- 8. Any person who contravenes this Bylaw is liable upon summary conviction to a fine not exceeding \$10,000.00 and not below \$500.00. Every day that an infraction of this Bylaw continues shall constitute a separate offence.

9. This bylaw may be enforced by means of a ticket in the form prescribed for the purpose of Section 264 of the *Community Charter*.
10. Bylaw Enforcement Officers and Peace Officers are designated to enforce this bylaw pursuant to Section 264 (1) (b) of the *Community Charter*.
11. Pursuant to Section 264 (1) (c) of the *Community Charter*, the words or expressions set forth below in Column 1 of Schedule A of this bylaw designate the offence committed under the bylaw section numbers appearing in Column 2 opposite the respective words or expressions.
12. Pursuant to Section 265 1 (a) of the *Community Charter*, the fine amount set forth in Column 3 of Schedule A of this Bylaw is the fine amount that corresponds to the section number and words or expressions set out in Columns 1 and 2 opposite the fine amount.

**Severability**


13. If any portion of this Bylaw is held to be invalid by a Court of competent jurisdiction, such invalidity shall not affect the remaining portions of the Bylaw.

**Repeal**

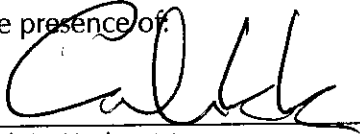
14. The City of Dawson Creek Noise Control Bylaw No. 2311, 1982 is repealed and replaced by this Bylaw.


READ a first time this 10 day of July, 2006.  
 READ a second time this 10 day of July, 2006.  
 READ a third time this 10 day of July, 2006.  
 ADOPTED this 14 day of August, 2006.

**CERTIFIED A TRUE AND CORRECT COPY** of Bylaw No. 3873 cited as "NOISE CONTROL BYLAW NO. 3873, 2006".

  
 \_\_\_\_\_  
 John Malcolm  
 Corporate Administrator

The Corporate Seal of **THE CORPORATION OF THE CITY OF DAWSON CREEK** was affixed in the presence of:

  
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 Calvin Kruk – Mayor

  
 \_\_\_\_\_  
 John Malcolm – Corporate Administrator

**BYLAW NO. 3873, 2006  
SCHEDULE "A"**

<b><u>Designated Expression</u></b>	<b><u>Section</u></b>	<b><u>Fine Amount</u></b>
Unlawful noise	3	\$200.00
Noise from property	4	\$200.00
Obstruct inspection	7	\$200.00