



## **The Corporation of the City of Dawson Creek**

### **Noise Control**

### **Bylaw No. 3873, 2006**

### **CONSOLIDATED VERSION FOR CONVENIENCE ONLY**

Amendment Bylaw 4193, 2013 incorporated  
Amendment Bylaw 4237, 2014 incorporated  
Amendment Bylaw 4294, 2016 incorporated

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**THE CORPORATION OF THE CITY OF DAWSON CREEK**

**BYLAW NO. 3873**

A Bylaw of The Corporation of the City of Dawson Creek (hereinafter called the "The City") 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:

**SECTION 1 – TITLE**

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

**SECTION 2 – DEFINITIONS**

2.1 In this Bylaw the following words and terms have the following meanings assigned to them:

**"Bylaw Enforcement Officer"** means a person or persons appointed from time to time by resolution of City Council pursuant to Section 36 of the Police Act, the purpose of which is to enforce regulatory bylaws of the municipality.

**"Council"** means the Municipal Council of the City of Dawson Creek;

**"City"** means the Corporation of the City of Dawson Creek; and

**"Director of Development Services"** means a person appointed in accordance with the City of Dawson Creek Appointment of Officers Bylaw, as amended from time to time, and includes any other person authorized to act on behalf of the Director of Development Services.

**"licensed"** means holding a valid business license issued by the *City*.

**SECTION 3 – PROHIBITED NOISES AND SOUNDS**

3.1 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.

3.2 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.

**SECTION 4 - EXEMPTIONS**

- 4.1 Despite the prohibitions in section 3 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;
  - j. A person may shout into or use a megaphone or other noise-making or noise-amplifying device within the City, only after requesting and obtaining written permission from the Director of Development Services;
  - k. Noise from a municipal or provincial utility vehicle or vehicles of a public utility corporation while engaged in their duties.

## **SECTION 5 – ENFORCEMENT**

- 5.1 Any person designated as a Bylaw Enforcement Officer pursuant to the City of Dawson Creek's Bylaw Enforcement Notice Bylaw or Dawson Creek's Municipal Ticket Information Bylaw is hereby authorized and empowered to enforce the provisions of this Bylaw by the Bylaw Notice

Enforcement Bylaw No. 4277, 2016 as amended from time to time, or by the Municipal Ticket Information System Bylaw No. 4278, 2016 as amended from time to time.

- 5.2 No person shall do any act or suffer or permit any act to be done in contravention of this bylaw.
- 5.3 No person shall obstruct or impede a bylaw officer in lawful performance on any property, at all reasonable times, in order to ascertain whether such regulations are being observed as per Section 16 of the *Community Charter*.
- 5.4 Each day that an offence against this bylaw continues shall be deemed a separate and distinct offence.
- 5.5 A person who contravenes any provision of this bylaw is liable to a fine of not more than \$10,000.00 and not less than \$100.00 for each offence.
- 5.6 Any penalty imposed pursuant to this bylaw shall be in addition to, and not in substitute for, any other penalty or remedy imposed pursuant to any other applicable statute, law, or legislation.

**SECTION 6 - ADMINISTRATIVE**

- 6.1 If any provision of this bylaw is declared or held to be illegal, invalid, or ultra vires, in whole or in part, then the provision shall not apply and the remainder of this bylaw shall continue in full force and effect and be construed as if it had been enacted without the illegal, invalid, or ultra vires provision.
- 6.2 The City of Dawson Creek Noise Control Bylaw No. 2311, 1982 is repealed and replaced by this Bylaw.

**READ** a first time this \_\_\_\_\_ day of \_\_\_\_\_, 2006.  
**READ** a second time this \_\_\_\_\_ day of \_\_\_\_\_, 2006.  
**READ** a third time this \_\_\_\_\_ day of \_\_\_\_\_, 2006.  
**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 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:

\_\_\_\_\_  
 Calvin Kruk – Mayor

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 John Malcolm – Corporate Administrator