

CITY OF FORT ST. JOHN

NOISE REGULATION BYLAW NO. 2507, 2019

A bylaw to regulate, prohibit, and impose requirements in relation to noise and vibration in the City of Fort St. John

WHEREAS, Council of Fort St. John has the authority to regulate, prohibit, and impose requirements in relation to noise and vibration that tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;

NOW THEREFORE, Council of the City of Fort St. John in open meeting assembled, enacts as follows:

TITLE

1. This Bylaw may be cited for all purposes as the “City of Fort St. John Noise Regulation Bylaw No. 2507, 2019.”

INTERPRETATION

- 2.1 In this Bylaw:

“**Animal**” means any domestic animal including birds and fowl;

“**City**” means the City of Fort St. John;

“**Construction Noise**” means any noise, sound or vibration made on or associated with a construction site:

- a. in carrying on work in connection with the construction, reconstruction, alteration, repair, or demolition of any building, structure or thing;
- b. in carrying on any excavation, clearing, grading, filling or other operation; or
- c. in moving, or operating any machine, engine or equipment;

“**Contractor**” means a person/company employed to provide supplies or perform services,

“**Director of Planning and Engineering**” means the staff person employed by the City in this position or his/her alternate during the Director’s absence.

“**Person**” includes any company, corporation, owner, partnership, firm, association, society or party;

INTERPRETATION

- 2.2 Unless otherwise provided in this Bylaw, words and phrases used herein have the same meanings as in the *Community Charter*, *Local Government Act* and the *Interpretation Act* as the context and circumstances may require. A reference to an Act in this Bylaw refers to a statute of British Columbia and a reference to any statute, regulation, bylaw or other enactment refers to that enactment as it may be amended or replaced from time to time. Words in the singular include the plural and words in the plural include the singular. Headings are for convenience only and must not be construed as defining or limiting its scope or intent.
- 2.3 If any part of this Bylaw is held to be invalid by a court of competent jurisdiction, the invalid part is severed and the remainder continues to be valid.

REGULATIONS

3. No person shall make or cause, or permit to be made or caused, any noise, sound or vibration in or on a public place which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity.
4. No person shall use or permit such property to be used so that noise, sound or vibration emanating from the property disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.
5. Without limiting the generality of Sections 3 and 4, the following noises, sounds and vibrations are deemed to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public and are generally prohibited:
- a. between the hours of 10:00 pm and 8:00 am, use of a megaphone, microphone or other voice amplification device, shouting, clamouring, banging or making similarly disruptive sounds, whether produced outdoors or from within a premises that can be heard from outside, unless the sounds are made to warn of or address a safety risk, threat, emergency, or other practical necessity to obtain attention or help in such situations;
 - b. between the hours of 10:00 pm and 8:00 am, noise or sound from a radio, television, player or other sound equipment or playback device, public address system, amplification equipment, musical instrument, whether recorded or live, whether amplified or not, and whether produced outdoors or from within a premises that can be heard from outside;

REGULATIONS

5. Without limiting the generality of Sections 3 and 4, the following noises, sounds and vibrations are deemed to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public and are generally prohibited: (continued)
 - c. between the hours of 8:00 pm and 8:00 am, noise or sounds permitted to be made or caused by any kept or harboured animal, other than in relation to a farm operation occurring in a farm area or to a licensed animal shelter, veterinary clinic, impoundment or kennel facility.
 - d. a dog whose owner permits or causes the dog to cry or bark in a manner which disturbs quiet, peace, rest enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity of the place where the dog is kept.
 - e. noise or sound made by a horn, alarm or other warning device and continuing for a period, or periods, totaling three (3) minutes or more in any fifteen (15) minute period except in circumstances where deemed necessary as a danger or warning signal.
6. Construction noise made or caused, or permitted to be made or caused shall not be permitted:
 - a. before 7:00 am or after 10:00 pm on any day other than Sunday or a statutory holiday;
 - b. on a Sunday or statutory holiday if the contractor is receiving profit or financial compensation for services,
 - c. where it is impossible or impractical to comply with Section 6(a) or 6(b), the Director of Planning and Engineering or his/her alternate may give written approval to a contractor carry on the work that is found to be necessary outside of the designated hours above. This permission will be subject to the contractor hand delivering written notification to affected property owners within a hundred meter (100m) radius three (3) days prior to the work commencing.

EXEMPTIONS

7. This Bylaw does not apply to:
 - a. police, fire or ambulance service personnel operating vehicles and equipment pursuant to their work or otherwise responding to an emergency;

EXEMPTIONS

7. This Bylaw does not apply to: (continued)
 - b. municipal or government personnel or contractors carrying out work on behalf of the City or government, as applicable, including but not limited to snow removal, construction, alteration, excavation, maintenance and repair of highways, public works, infrastructure, buildings, structures, parks and other lands;
 - c. the use of bells or chimes for announcing of public worship services;
 - d. the operation of a public address or alarm system, required under the Building or Fire Code;
 - e. farm operations within the Agricultural Land Reserve or other farming area that are in accordance with section 2 of the *Farm Practices Protection (Right to Farm) Act*.

BYLAW ENFORCEMENT

8. No person shall hinder, obstruct or interfere with a staff member authorized to inspect or enforce this Bylaw while in the performance of his or her duties.
9. Any person designated as a Bylaw Enforcement Officer pursuant to the City of Fort St. John's Bylaw Enforcement Notice Bylaw or Fort St. John's Municipal Ticket Information Bylaw is hereby authorized and empowered to enforce the provisions of this Bylaw to the Bylaw Notice Enforcement Bylaw No. 2428, 2018, as amended from time to time, or by the Municipal Ticket Information System Bylaw No. 2429, 2018 as amended from time to time.

OFFENCES AND PENALTIES

10. Every person who:
 - a. contravenes any provision of this Bylaw is liable to the City for and must indemnify the City from all costs, expenses, damages and injury resulting from the contravention. This does not in any way limit any other provision or any other remedy the City may have under this bylaw or otherwise at law; or
 - b. permits, suffers or allows any act or thing to be done in contravention of this Bylaw; or
 - c. fails or neglects to rectify the offence as required to be done under this Bylaw,

OFFENCES AND PENALTIES

10. (continued)

is liable to a fine identified in Schedule A – Municipal Ticket Information Offences, attached and forming part of this Bylaw.

11. Where an offence continues for more than one day, separate fines may be issued for each day or part thereof in respect of which the offence occurs or continues.

12. Nothing in this Bylaw limits the City from utilizing any other remedy that is otherwise available to the City at law.

13. The City designates this Bylaw as a Bylaw that may be enforced by means of a ticket in the form prescribed for that purpose by the *Community Charter* and the *Community Charter Bylaw Enforcement Ticket Regulation*.

14. A bylaw enforcement officer, a building inspector, or a RCMP officer is designated as Bylaw Enforcement Officers for the purposes of issuing tickets under this bylaw.

15. The words or expressions set forth in Column 1 of Schedule A of this Bylaw designate the offence committed under the bylaw section number appearing in Column 2 opposite the respective words or expressions for the purposes of issuing tickets under the *Community Charter*.

16. The amounts appearing in Column 3 of Schedule A of this Bylaw are the fines set pursuant to the *Community Charter* of the corresponding offences designated in Column 1 for the purposes of issuing tickets under the *Community Charter*.

17. The penalty for a contravention dealt with by bylaw notice in accordance with the Bylaw Notice Enforcement Bylaw No. 2428, 2018 is as follows:

- a. The Penalty amount set out in Column 3 of Schedule “A” is payable for the corresponding contravention except when circumstances are deemed necessary as a danger or warning signal as sited in Section 5(e);
- b. The early Payment Penalty set out in Column 4 of Schedule “A” applies if payment is received by the City within 14 days of the person receiving or being presumed to have received the bylaw notice; and
- c. The Late Payment Penalty set out in Column 5 of Schedule “A” applies if payment is received more than 31 days after the person received or is presumed to have received the bylaw notice.

REPEAL

18. The City of Fort St. John Noise Regulation Bylaw No. 2261, 2015 is hereby repealed.

READ FOR THE FIRST THREE TIMES THIS 9th DAY OF December, 2019

ADOPTED THIS 13th day of January, 2020

LORI ACKERMAN
MAYOR

JANET PRESTLEY, DIRECTOR OF
LEGISLATIVE AND ADMINISTRATIVE
SERVICES

SCHEDULE A – MUNICIPAL TICKET INFORMATION OFFENCES

| COLUMN 1 OFFENCE | COLUMN 2 SECTION | COLUMN 3 FINE (\$) (15- 30 Days) | COLUMN 4 EARLY PAYMENT (\$) (1-14 Days) | COLUMN 5 LATE PAYMENT (\$) (31-60 Days, Collections 60+) | COLUMN 6 COMPLIANCE AGREEMENT AVAILABLE (50% of Penalty) |
|---|---------------------------------|--|--|--|--|
| Noise, Sound or Vibration Which Disturbs – Public Property | 3 | \$100 | \$75 | \$125 | YES |
| Noise, Sound or Vibration Which Disturbs – Private Property | 4 | \$100 | \$75 | \$125 | YES |
| Amplified Sound Which Disturbs | 5 (a) 5 (b) | \$100 | \$75 | \$125 | YES |
| Animal/Bird Noise Which Disturbs | 5 (c) | \$100 | \$75 | \$125 | YES |
| Dog Barking/Crying Which Disturbs | 5 (d) | \$100 | \$75 | \$125 | YES |
| Horn, Alarm or Warning Device Noise Which Disturbs | 5 (e) | \$100 | \$75 | \$125 | YES |
| Construction Noise Outside of Approved Hours | 6 (a) 6 (b) | First Offence \$100 Second Offence \$250 Third and subsequent Offences \$500 | 1 st - \$75 2 nd - \$200 3 rd - \$400 | 1 st - \$125 2 nd - \$300 3 rd - \$500 | YES |