

**DISTRICT OF TUMBLER RIDGE**

**BYLAW NO. 457, 2002**

**A Bylaw to provide for the Regulation and Prohibition of Certain Noises and Sounds**

**WHEREAS** the *Local Government Act* provides Council with the authority, by bylaw, to regulate or prohibit the making or causing of certain noises or sounds within the Municipality;

**AND WHEREAS** the Council of the District 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 Municipal Council of the District of Tumbler Ridge in open meeting assembled, enacts as follows:

**Citation**

1. This Bylaw may be cited for all purposes as the Tumbler Ridge Noise Control Bylaw No. 457, 2002."

**Definition**

2. In this Bylaw:
  - (a) "*Bylaw Enforcement Officer*" means every person designated by *Council* as a bylaw enforcement officer for the *District*, and every peace officer;
  - (b) "*Council*" means the Municipal Council of the District;
  - (c) "*District*" means the Corporation of the District of Tumbler Ridge;
  - (d) "*engine*" means gas powered engines in motor vehicles, chainsaws, lawnmowers, leaf blowers, snow mobiles, all terrain vehicles, dirt bikes, mini-bikes, jet skis, track vehicles, and other things; and
  - (e) "*licensed*" means holding a valid business license issued by the *District*.

**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 2 or more persons within 100 metres of the parcel.
5. Without limiting the above, the *Council* believes that the following noises or sounds are objectionable and no person shall cause or permit them to be made:
  - (a) any calls, cries, barks, or other noises made by an animal which are audible in a public place or outside the parcel where the animal is kept, between 10:00 p.m. and 8:00 a.m.;
  - (b) any amplified music or speech which is audible in a public place or outside the parcel where it originates or is reproduced, between 11:00 p.m. and 8:00 a.m.;
  - (c) the sounding of a horn except where necessary to signal a warning;
  - (d) the sounding of a home or vehicle alarm except when signalling smoke, damage or theft;
  - (e) any noise from an *engine* operating on private property that is audible in a public place or outside the parcel where it originates between 11:00 p.m. and 8:00 a.m.;
  - (f) any noise from an *engine* that has no muffler that is audible in a public place or outside the parcel where the *engine* is operating at any time of day;
  - (g) the noise of a stationary motor vehicle with its motor running that is audible in a public place or outside the parcel where it originates for 15 minutes or more;

- (h) any noise caused by or emanating from construction activity, including alterations, demolitions, and excavations, between the hours of 11:00 p.m. and 7:00 a.m.

**Exemptions**

- 6. Despite the prohibitions in sections 3-5 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 Industrial uses; and
  - (g) a horn from a motor vehicle, boat or train where it is necessary to warn of a danger or a hazard.

**Inspections**

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

**Offences and Penalties**

- 9. Any person who contravenes this Bylaw is liable upon summary conviction to a fine not exceeding \$5,000.00. Every day that an infraction of this Bylaw continues shall constitute a separate offence.

**Severability**

- 10. 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**

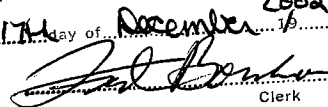
- 11. The District of Tumbler Ridge Abatement and Control of Noise Bylaw No. 94, 1984, as amended, is repealed and replaced by this Bylaw.


INTRODUCED AND READ A FIRST TIME THIS 2<sup>nd</sup> day of December, 2002.


READ A SECOND TIME THIS 2<sup>nd</sup> day of December 2002.

READ A THIRD TIME THIS 2<sup>nd</sup> day of December, 2002.

**RECONSIDERED**, finally passed and adopted this 16<sup>th</sup> day of December, 2002.

I hereby certify that this is a true and correct copy of District of Tumbler Ridge.....  
*Noise* By-Law No. *457*  
 as adopted by the District of Tumbler Ridge Council  
 on the *16th* day of *December* *2002*  
 Signed this *17th* day of *December* *2002*  
  
 Clerk

  
 \_\_\_\_\_  
 Clay Iles, Mayor

  
 \_\_\_\_\_  
 Fred Banham, Chief Administrative Officer