

REGIONAL DISTRICT OF KITIMAT-STIKINE

BYLAW NO. 265

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A bylaw to provide for the abatement and control of noise within Electoral Area 'E' of the Regional District of Kitimat-Stikine

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WHEREAS the supplementary letters patent of the Regional District of Kitimat-Stikine, dated the 16th day of May, 1985, authorize the Regional District to exercise the powers set out in Sections 932(b) and 932(c) of the Municipal Act;

AND WHEREAS the Regional Board believes:

- (a) That certain sounds are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public and;
- (b) It is desirable to regulate or prohibit them.

NOW THEREFORE the Board of the Regional District of Kitimat-Stikine in open meeting assembled hereby enacts as follows:

1. DEFINITIONS

"Administrator" means the official appointed as Administrator by the Board of the Regional District of Kitimat-Stikine or in his absence, another official designated to act on his behalf;

"Bylaw Enforcement Officer" means the person or persons appointed by the Board of the Regional District of Kitimat-Stikine to enforce its bylaws; and, for the purposes of this bylaw, includes the Administrator of the Regional District or his designate, and Peace Officers.

"Prohibited Noise" means a sound which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of a neighbourhood, or of persons in the vicinity and includes, but is not restricted to, clamour, shouting, outcry, amplified sound or music, or sounds created by an animal, construction activity, motors or equipment.

"Thornhill" means Electoral Area 'E' of the Regional District of Kitimat-Stikine.

## 2. GENERAL PROVISIONS

### 2.1.1 Right of Entry for Inspection

A Bylaw Enforcement Officer may enter, at all reasonable times, upon any property subject to the regulations of this bylaw, to ascertain whether the regulations are being observed.

### 2.1.2 Penalty

Any person who contravenes a provision of this bylaw is guilty of an offense and shall, upon conviction thereof, be liable to a penalty of not less than \$100.00 or more than \$2,000.00 for a first offense, and not less than \$300.00 or more than \$2,000.00 for second and subsequent offenses.

### 2.1.3 Jurisdiction

This bylaw is applicable to and enforceable in Thornhill.

## 3. REGULATIONS

### 3.1.1 Prohibited Noise

No person shall make or cause to be made a prohibited noise.

### 3.1.2 Nuisance

No person shall create, cause or permit to be created a nuisance by making or causing to be made a prohibited noise or vibration.

### 3.1.3 Exceptions

Section 3.1.1 and 3.1.2 shall not apply to:

- (a) Any emergency vehicle of a Fire or Police Department or ambulance or any vehicle or equipment engaged in the repair of any utility or the plowing of snow on a highway;
- (b) Any noise or vibration created as a result of construction, demolition, alterations or repair or maintenance of any street or lands and premises which take place between the hours of 7:00 o'clock a.m. and 10:00 o'clock p.m. of any day except Sunday;
- (c) Any necessary noise or vibration associated with the normal business of an operation located on land in an "Industrial" zone in the Regional District of Kitimat-Stikine Electoral Area 'E' Zoning Bylaw No. 194.

4. TITLE

This bylaw may be cited as the "Regional District of Kitimat-Stikine Electoral Area 'E' Noise Abatement Bylaw No. 265, 1988."

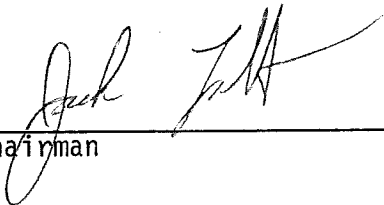
READ a first time this 20 day of February, 1988.

READ a second time this 20 day of February, 1988.

READ a third time this 20 day of February, 1988.

APPROVED by the Minister of Municipal Affairs this 5 day of October, 1988.

RECONSIDERED AND FINALLY ADOPTED this 15 day of October, 1988.

  
Chairman

  
Administrator