

CITY OF TERRACE

BYLAW NO. 2100-2016

“A BYLAW OF THE CITY OF TERRACE THAT REGULATES, PROHIBITS, AND IMPOSES REQUIREMENTS ON NOISE”.

WHEREAS under Sections 8(3), 8(3)(h) and 64(b) of the Community Charter, the Council of the City of Terrace may, by bylaw, regulate, prohibit and impose requirements in relation to the protection and enhancement of the well-being of its community on matters related to noise that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.

NOW THEREFORE the Council of the City of Terrace hereby enacts as follows:

1.0 Citation

This Bylaw will be cited as the “City of Terrace Noise Control Bylaw No. 2100–2016”.

2.0 Repeal

This Bylaw repeals the City of Terrace Noise Control Bylaw No. 1051–1985 and all its amendments thereto.

3.0 Definitions

In this Bylaw:

Bylaw Compliance Officer means the official(s) appointed by the Council of the City of Terrace to enforce the bylaws of this City.

City means the City of Terrace.

Fire Prevention Bylaw means the City of Terrace’s most current Fire Prevention Bylaw.

General Holiday includes New Year’s Day, Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, British Columbia Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, and any

other day declared or proclaimed as a General Holiday by the Federal, Provincial, or Municipal Government.

Highway means a street, road, lane, pathway, walkway, bridge, viaduct and any other way open to public use, other than a private right-of-way on privately owned parcels.

Noise means a sound that is loud or unpleasant and that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.

Nuisance Bylaw means the City of Terrace's most current Nuisance Bylaw.

Person means any individual, association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

Power Equipment means any tool, equipment or machinery powered by an internal combustion engine or electronic motor that is used on Residential properties for Residential purposes in lawn and garden care or in building and property maintenance, and includes but is not limited to leaf blowers, edge-trimmers, line trimmers, chippers, rototillers, lawnmowers, pressure washers and hand-operated tools.

Residential means a category of zone, building or use that provides for dwelling units for human habitation.

Sound means vibrations that travel through the air or another medium and can be heard when they reach a person's ear.

4.0 Prohibited Noises

4.1 A person must not create, make or cause Noise, or allow an animal to create, make or cause Noise, in or on a Highway or elsewhere in the City of Terrace.

5.0 Exemptions

Notwithstanding prohibitions under Section 4.0, the following are exempt from regulation under this Bylaw:

- 5.1 *All zones, excluding Residential zones, lawfully carrying on day-to-day legitimate activities, functions, and operations that are related to the use of the property;*
- 5.2 *Any emergency vehicle (Fire, Police, Ambulance);*
- 5.3 *Any vehicle or equipment engaged in the repair of a utility;*
- 5.4 *Bells or chimes for the announcing of public worship services;*
- 5.5 *Any person exploding fireworks, provided that the person adheres to the Nuisance Bylaw and Fire Prevention Bylaw;*
- 5.6 *Any construction, repair or maintenance of any Highways, lands, or premises between the hours of 7:00 a.m. and 8:00 p.m., Monday to Saturday;*
- 5.7 *Any blasting, air-hammering or other equipment pounding, or excavating bedrock between the hours of 8:00 a.m. and 5:00 p.m., Monday to Saturday;*
- 5.8 *Any use of Power Equipment on Residential zones between 7:00 a.m. and 8:00 p.m., Monday to Saturday, and between 9:00 a.m. and 8:00 p.m. on a Sunday or General Holiday; and*
- 5.9 *Any vehicle or equipment engaged in the ploughing or removal of snow on or from Residential zones between the hours of 6:00 a.m. and 10:00 p.m., on any day.*
- 5.10 *Any vehicle or equipment engaged in the ploughing or removal of snow on or from a Highway, Commercial, Industrial, Institutional, or Agricultural zone.*

6.0 Enforcement and Right-of-Entry

- 6.1 *Subject to the provisions of the Community Charter, the Bylaw Compliance Officer and any official of the City of Terrace duly authorized by Council is hereby authorized to enter on or into property to confirm compliance of this Bylaw, in case of an emergency, or at all reasonable times, any day of the week, on any parcel that is subject to regulation under this Bylaw or for any matter which Council has exercised legislated authority to regulate, prohibit, and impose requirements.*

7.0 Penalty

7.1 *Any person who commits an offence or contravenes any of the provisions of this Bylaw is liable on summary conviction to a fine not less than \$100 or more than \$2,000 for a first offence, and not less than \$300 or more than \$2,000 for a second and subsequent offenses, and the costs of prosecution, as provided for in the Community Charter.*

7.2 *Each day that a provision of this Bylaw is contravened will be considered a separate offence.*

7.3 *This Bylaw may be enforced by means of a municipal ticketing information system.*

8.0 Severability

8.1 *If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion will be omitted and the decision that is invalid must not affect the validity of the remaining portion of this Bylaw.*

READ a first time this 14th day of December, 2015.

READ a second time this 14th day of December, 2015.

READ a third time this 14th day of December, 2015.

ADOPTED this 11th day of January, 2016.

Mayor

Clerk

