

# THE CITY OF TRAIL

## BYLAW NO. 2433

### A BYLAW TO REGULATE AND PROHIBIT THE MAKING OR CAUSING OF NOISES IN THE CITY OF TRAIL

WHEREAS Council of the City of Trail believes that it is desirable to regulate or prohibit the making or causing of noises that are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public in the City;

NOW THEREFORE the Council of the City of Trail in open meeting assembled, enacts as follows:

1. That this bylaw may be cited as the “**Noise Control Bylaw No. 2433, 1999**”.

#### 2. **DEFINITIONS**

In this Bylaw:

“City” means the City of Trail.

“Council” means the Council of the City of Trail.

“Highway” includes all public streets, roads, ways, trails, lanes and sidewalks.

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

“Property” means real property and includes lands, other than a highway, together with all improvements that have been so affixed to the land as to make them in fact and in law a part thereof.

#### 3. **GENERAL REGULATIONS**

(1) No person shall make, cause or permit to be made any noise or sound in or on a highway or in or on any public or private property, in the City, which disturbs or tends to disturb the quiet peace, rest, enjoyment, comfort or convenience of the neighbourhood or persons in the vicinity.

(2) No person shall play or operate any radio, television set, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound either in or on private premises or in any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity of those premises or place;

(3) No person being the owner, occupier or tenant of real property shall allow or permit his real property to be used by a person or persons for playing or operating any radio or stereophonic equipment or other instrument or other apparatus for the production or amplification of sound in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity of said real property;

(4) No person shall own, keep or harbour a dog which by repeated barking disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity.

(5) No person shall operate a motor vehicle on a highway in the Municipality which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity of that highway;

(6) No person shall operate any motor vehicle in excess of four (4) ton gross weight between the hours of 11:00 pm and 8:00 am on the City streets named Hazlewood Drive, Hillside Drive and Marianna Crescent.

## BYLAW NO. 2433

### 4. **SPECIFIC PROHIBITIONS**

Between the hours of 11:00 pm and 7:00 am, no person shall:

- (1) construct, erect, reconstruct, alter, repair or demolish any building, structure or thing, or excavate or fill in land in any manner which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity;
- (2) operate any kind of equipment, machinery or engine which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity;
- (3) notwithstanding sections 4(1) and (2) hereof, in cases where it is impossible or impractical to comply with the provisions of these sections, the City Clerk may approve in writing such work, activities or operation between said hours.

### 5. **EXEMPTIONS**

Notwithstanding anything contained herein, no person shall be guilty of an infraction of this Bylaw while:

- (1) operating or in charge of Fire Department, Police or Ambulance vehicles while in the execution of their duties;
- (2) operating City, other government or public utility company vehicles when engaged upon a service of the public or while engaged upon a service of public convenience or necessity.
- (3) creating a noise or sound in connection with emergency measures undertaken for the immediate health, safety or welfare of individuals or for the preservation or restoration of property.
- (4) lawfully carrying on a trade or industry at a commercial, industrial or light industrial zoned area, provided that the sound or noise therefrom does not exceed the sound or noise common to such trade or industry;

### 6. **INSPECTION**

Officers, employees, and agents of the City may enter any building or premise at any reasonable time, in order to ascertain whether the provisions of this Bylaw are being complied with, and no person shall obstruct the entrance of such persons into the building or premise.

### 7. **PENALTY**

A person who contravenes a provision of this Bylaw is guilty of an offence and is liable, upon summary conviction, to a penalty of not less than \$100.00 and not more than \$2,000.00; or, if an information is laid by means of a ticket, in accordance with the procedure set out in the Municipal Act and the Offence Act, a fine as stipulated in Schedule "A" of this Bylaw.

Each day that a violation continues to exist shall constitute a separate offence.

### 8. **REPEAL**

The City of Trail Anti-Noise Bylaw, 1974 and amendments thereto is hereby repealed.

**BYLAW NO. 2433**

**READ** the **FIRST, SECOND** and **THIRD** time the 25<sup>th</sup> day of May,  
1999.

**ADOPTED** the 14<sup>th</sup> day of June, 1999.

\_\_\_\_\_  
**ACTING MAYOR**

\_\_\_\_\_  
**CLERK**

Certified a true copy of  
Bylaw No. 2433, 1999.

**CITY CLERK**

# **THE CITY OF TRAIL**

## **BYLAW NO. 2433**

### **SCHEDULE "A"**

#### **FINE SCHEDULE**

Fines for tickets issued pursuant to this Bylaw shall be as follows:

| <b>Description of Offence</b>          | <b>Section</b>               | <b>Amount of fine</b> |
|--|------------------------------|-----------------------|
| Noise causing disturbance              | 3(1), 3(2), 3(3), 3(4), 3(5) | \$100                 |
| Operating heavy vehicle                | 3(6)                         | \$100                 |
| Construction noise                     | 4(1)                         | \$100                 |
| Operating noisy equipment or machinery | 4(2)                         | \$100                 |