



City of Prince Rupert

**Noise Control Bylaw No. 2430, 1982**

**(With Amendments to May 23, 1989)**

**Consolidated for Convenience Only**

This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws of this subject.

**CITY OF PRINCE RUPERT  
BY-LAW NO. 2430**

**A BY-LAW TO REGULATE AND PROHIBIT THE MAKING OR CAUSING OF  
NOISE, NUISANCE OR SOUNDS WITHIN CITY OF PRINCE RUPERT**

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**WHEREAS**, under the provisions of Section 932 of the Municipal Act, Chapter 290 of the Revised Statutes of British Columbia 1979, the Council of City of Prince Rupert is empowered to enact a by-law to;

- (a) Prevent, abate and prohibit nuisances and provide for the recovery or the cost of abatement of nuisances from the person causing the nuisance or other persons described in the by-law;
- (b) Regulate or prohibit the making or causing of noises, or sounds in or on a highway or elsewhere in the Municipality which disturb, or tend to disturb the quiet, peace, rest, enjoyment, comfort or convenience, or of persons in the vicinity or which the Council believes are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public and may make different regulations or prohibitions for different areas of the Municipality;
- (c) Prevent or prohibit persons from shouting, using megaphones and making other noise in or at or on streets, wharves, docks, piers, railway stations or other public places;
- (d) Prevent charivaries and similar disturbances of the peace;
- (e) Prevent vice, drunkenness, profane swearing or indecent, obscene, blasphemous, or grossly insulting language or other immorality and indecency.

**NOW THEREFORE** the Municipal Council of City of Prince Rupert in open meeting assembled, enacts as follows:

1. **DEFINITION**

“Animal” shall include any form of life endowed with voluntary motion.

“Authorized Person” shall include the following:

- (a) a member of the R.C.M.P.
- (b) the City Engineer
- (c) a Special Constable
- (d) the Manager of Operations

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- (e) an Animal Control Officer
- (f) the City Clerk

“City” means the City of Prince Rupert.

“Council” means the Municipal Council of City of Prince Rupert.

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Deleted

“Permit” shall be a Permit as in Schedule “A”

“Permit Application” shall be as in Schedule “B”

“Person” shall include any corporation, partnership or party and the heirs, executors, administrators or other legal representatives of such person, to whom the context can apply according to law and also includes the owner, his agent or the occupier of or the holder of a purchaser's interest in any agreement for sale of any real or personal property" or premises within the City.

“Property” shall include real property and includes land together with all improvements which have been so affixed to the land to make them in fact and in law a part thereof, and shall include a highway as determined in the Motor Vehicle Act.

Utility shall include water, sewer, electrical, telephone, cable service, etc.

2. **GENERAL REGULATIONS**

- (i) No person shall make or cause, or allow or permit to be made or caused, any noise in or on any property which disturbs or tends to disturb the quiet, peace, rest enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.
- (ii) No person who is the owner or occupier or tenant of property shall use: such property or any part thereof or allow or permit such property or any part thereof to be used in such a manner that noise or sound which occurs thereon or emanates therefrom, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons on the same piece of property or in the neighbourhood or vicinity.
- (iii) No person shall play or operate any radio, tape recorder, audio playback machine, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound in or on private premises, or in or on any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons on the same piece of property or in the neighbourhood or vicinity.

- (iv) No person shall own, possess, keep, or harbour any dog which by its repeated barking disturbs or tends to disturb the quiet, peace, rest or tranquility of any person or persons in the neighbourhood or vicinity.
- (v) No person shall own, possess, keep or harbour any animal or bird which by its cries disturbs or tends to disturb the quiet, peace, rest or tranquility of any person or persons in the neighbourhood or vicinity.
- (vi) No hawker, huckster, pedlar, newsvendor or other person shall by his intermittent or reiterated cries disturb or tend to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the vicinity.
- (vii) No person shall use or operate a public address system or a megaphone or other thing or device emitting or amplifying noise in the City without first having obtained a permit from the City.
- (viii) No person shall operate a motor vehicle, snow vehicle, motorcycle, motor boat, or dune buggy which makes or causes noise which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity.
- (ix) No person shall allow or permit or take part in or be part of any charivaries or other similar disturbances of the peace.
- (x) No person shall commit or abet the committing of any nuisance.
- (xi) No person being the owner, occupier or tenant of property shall allow or permit any nuisance on that property or emanating from that property to remain unabated.
- (xii) No person being the owner, occupier or tenant of property shall allow or permit or be a party to vice, drunkenness, profane swearing or indecent, obscene, blasphemous or grossly insulting language or other immorality or indecency which disturbs or tends to disturb the quiet, peace, rest or tranquility of the neighbourhood or of persons in the vicinity.

3. **EXCEPTIONS**

1) **GENERAL**

Nothing in this by-law shall preclude:

- (i) The operation of emergency equipment or any emergency vehicle by an authorized person; or
- (ii) Any act of maintenance or repair being carried out by employees or contractors of the City, the Ministry of Highways or any public or private utility; or
- (iii) Any repairs to property of an emergency nature; or
- (iv) Snow removal or washing/cleaning operations, provided that in the case of private parking lots such actions are commenced as soon as is practicable after the close of business for the day; or
- (v) Any maintenance or repairs or construction to property by the owner, occupier or agent of said property between the hours of 7:00 a.m. and 9:00 p.m. of the same day; or
- (vi) The operation of a public transportation system; or
- (vii) The operation or use of any public address system required under a building or fire code; or
- (viii) Any person from functioning within the limits of a permit issued under the Fire or Traffic ByLaws of the City; or
- (ix) Construction or industrial work between the hours of 7:00 a.m. and 9:00 p.m. of the same day.

2) PERMIT

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- 2.1 A permit may be issued by the City Clerk, City Engineer, or Manager of Operations.
- 2.2 Any permit issued pursuant to Section 2.1 shall be in the form prescribed by this By-law in Schedule "A".
- 2.3 A permit shall not be issued unless;
  - 2.3.1 it is applied for in writing using the form of application prescribed by Schedule "B"; and
  - 2.3.2 any fee prescribed by this by-law for the issuance of a permit has been paid; and

- 2.3.3 it is signed by the person who intends to create or make noise which is otherwise prohibited by this by-law; and
  - 2.3.4 the creation of noise is necessarily incidental to legal activity on land within the City; and
  - 2.3.5 the creation of noise, whether intermittently or continuously created, is limited to, in total, 48 hours or less duration; and
  - 2.3.6 the noise cannot be muffled by the person creating it at reasonable expense, or, such noise is created for the purpose of displaying wares, fireworks, celebrations or other similar activities; and
  - 2.3.7 the creation of noise cannot be limited to the time span of between 7:00 a.m. and 9:00 p.m. on the same day on any day that it is created.
- 2.4 Any permit issued pursuant to this by-law may be revoked by the person who issued it if the information supplied by the applicant to such person for the purpose of seeking the permit is inaccurate or untrue.
  - 2.5 A person who operates a business, which is duly licenced to operate within the City, may apply to the Council of the City for a permit to create noise which is necessarily incidental the business activity of such person.
  - 2.6 The applicant for a permit described in Section 2.5 shall file with the Clerk of the City an application for such permit duly completed and signed by such person in the form prescribed by Schedule "B" to this by-law, and the Clerk shall place such application form before Council of the City as soon as is reasonably possible for the purpose of allowing the applicant to have Council determine if such a permit shall be issued.
  - 2.7 A permit issued by Council of the City may be revoked by the Council of the City if the information supplied by the applicant to Council is untrue or inaccurate, or, if the Council should subsequently determine that the permit authorizing the creation of noise should be revoked because it unduly disturbs the neighbourhood in which such business of the applicant is carried on.

4. **ENFORCEMENT**

- (i) Where an authorized person has reasonable and probable grounds to believe and does believe that a nuisance or disturbance involving an animal has been committed and remains unabated or continues, the authorized person may cause the animal to be taken and stored in the City animal pound or other suitable location and all costs incurred with respect to the taking and storing of such animal shall be paid by the owner or harbourer of the animal.
- (ii) Where an authorized person has reasonable and probable grounds to believe and does believe that a nuisance or disturbance is emanating or originating from a motor vehicle, an authorized person may cause such motor vehicle to be taken and stored until such nuisance or disturbance is abated and the costs associated with and incurred with respect to the removal and storage of such vehicle shall be paid by the registered owner of such vehicle.
- (iii) Where an authorized person has reasonable and probable grounds to believe and does believe that any thing or device has been used or is being used to cause a nuisance, noise or disturbance in violation of this by-law that authorized person may cause such thing or device to be taken and stored and the costs associated to such action of removal and storage shall be paid by the owner of such thing or device.
- (iv) Where any animal, vehicle, thing or device is impounded in order to prevent the continuation of or to abate any nuisance or disturbance or other violation of this by-law, such animal vehicle, thing or device shall be returned to the owner of it provided that:
  - 1. The owner shall have applied to the City for its return, and
  - 2. It shall not have been designated by an Authorized Person to be an exhibit for the purposes of proceedings pursuant to this by-law, and
  - 3. The owner shall have paid any and all fees, expenses or costs associated with and incurred by the City with respect to the taking and storing of such animal, vehicle, thing or device,and in such case it shall be returned to the owner of it within seven days from the date of such application.
- (v) Should no application for the return of the animal, vehicle, thing or device be made by the owner within 30 days of the taking thereof, such animal, vehicle, thing or device shall be deemed to be the property of the City, and the City may sell it, or dispose of it to recover any or all costs or expenses

associated with such taking, storing and selling, and any surplus over and above such costs shall be returned to the owner of such animal vehicle, thing or device, providing such owner is known to the City and can be contacted within seven days from the date of the obtaining of a surplus on sale. Should the animal, vehicle thing or device taken and stored according to the provisions of this by-law be declared an exhibit in proceedings to this by-law, the disposition of such animal, vehicle, thing or device shall be at the discretion of the Judge or Court in which such proceedings are taken.

5. **RIGHT OF ENTRY**

Where an authorized person has reasonable and probable grounds to believe and does believe that a violation of this by-law exists or that abatement procedures are inadequate, that authorized person may enter upon any property to further an investigation or resolve any violation.

6. **NOTICES**

Where any notice is required to be given pursuant to this by-law such notice may be given:

- (a) orally; or,
- (b) in writing.

Such notice shall be sufficiently delivered if:

- (a) Personally served upon a person apparently aged 16 years or more and apparently occupying the property affected by such notice; or
- (b) Sent to the owner of real property by Double Registered mail to his address appearing on the last revised assessment roll; or,
- (c) Deposited in a place normally used for the reception of mail; or,
- (d) If affixed to the property in a prominent place.

7. **FAILURE TO COMPLY - COST AS TAXES**

Should any part or the whole of any costs or expenses associated with and incurred by the City in relation to the taking, storage of selling or an animal, vehicle, thing or device pursuant to this by-law and which are payable by the owner thereof be unpaid after December 31st, in the year of such taking, storing or selling, such costs and expenses shall be deemed to be taxes in arrears on the property of the owner of such animal, vehicle, thing or device if they remain unpaid after March 31st, of the year next following, with interest at 15 per year accrued on them as from the first day of January of the latter year, and all such taxes and arrears may be collected by the City in the same manner prescribed in Section 636 of the Municipal Act,



R.S.B.C. 1979, Chapter 290. and amendments thereto as if such unpaid costs, expenses and interest constituted charges and rates for utilities as specified therein.

8. **PENALTY SECTION**

- (i) Every person who violates any of the provisions of this by-law or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this by-law, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this by-law, is guilty of an offence against this by-law and liable to the penalties hereby imposed.

Each Day that a violation continues to exist shall constitute a separate offence,

- (ii) Every person who commits an offence against this by-law is liable to a fine of not more than \$2,000.00 and not less than \$100.00 for each offence, together with the costs of conviction.

9. **REPEAL**

Anti-noise By-Law No. 1972, 1974 is hereby repealed.

10. This By-Law may be cited as "**CITY OF PRINCE RUPERT NOISE CONTROL BY-LAW NO. 2430, 1982**"

READ THE FIRST TIME THIS 8TH DAY OF NOVEMBER, A.D. 1982.

READ THE SECOND TIME THIS 8TH DAY OF NOVEMBER, A.D. 1982.

READ THE THIRD TIME THIS 8TH DAY OF NOVEMBER, A.D. 1982.

RECONSIDERED AND FINALLY ADOPTED THIS 22ND DAY OF NOVEMBER A.D. 1982.

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MAYOR

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CLERK

This Bylaw has been consolidated for convenience and includes amendments from:

Bylaw No. 2674, 1989 - Adopted May 23, 1989

**SCHEDULE: "A"**

**By-Law No. 2430**

**PERMIT**

PURSUANT TO SECTION 3.2 OF BY-LAW NO. 2430 PERMISSION IS GRANTED TO:

\_\_\_\_\_  
NAME

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
PHONE

TO MAKE OR CAUSE NOISE PURSUANT TO BY-LAW NO. 2430:

\_\_\_\_\_  
PLACE

\_\_\_\_\_  
DATES

\_\_\_\_\_  
TIMES

REASONS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
APPROVED

\_\_\_\_\_  
DATE

**SCHEDULE "B"**

**By-Law No. 2430**

**APPLICATION FOR NOISE PERMIT**

\_\_\_\_\_  
NAME

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
PHONE

\_\_\_\_\_  
BUSINESS NAME

\_\_\_\_\_  
PHONE

\_\_\_\_\_  
ADDRESS

WILL NOISE BE: CONTINUOUS: \_\_\_\_\_ INTERMITTENT: \_\_\_\_\_ OCCASIONAL: \_\_\_\_\_

DESCRIBE NOISE SOURCE \_\_\_\_\_  
\_\_\_\_\_

REASON FOR PERMIT \_\_\_\_\_  
\_\_\_\_\_

WHY CAN NOISE GENERATED NOT BE CONTAINED TO 7:00 A.M. to 9:00 P.M.  
\_\_\_\_\_  
\_\_\_\_\_

WHAT IS LOCATED ON ADJACENT PROPERTY? \_\_\_\_\_  
\_\_\_\_\_

WHAT DATE(S) IS/ARE REQUESTED FOR PERMIT? \_\_\_\_\_  
\_\_\_\_\_

WILL SOMEONE BE ON SITE AT ALL TIMES? \_\_\_\_\_

IF NO, WHO IS TO BE CONTACTED AND WHERE MIGHT PROBLEMS BE ENCOUNTERED?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_