

Subdivision 1 - Noise

9.12.1. Interpretation

1. In this Subdivision:

"Motorized Conveyance" means a conveyance propelled or driven otherwise than by muscular, gravitations or wind power;

"Point of Reception" means any point on the property of a person where sound or vibration originating from other than those premises is received;

"Residential Area" means areas of the municipality within a Residential or G3 or G3-A or G3-B or G3-C zone unless otherwise specified.

Prohibited Acts

2. The acts listed below are hereby declared, in the opinion of Kitimat Council, to result in sounds which are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public:

- a. race a motorized conveyance except in a legally regulated racing event;
- b. operate a motor vehicle in such a way that the tires squeal or the engine races;
- c. operate a combustion engine, pneumatic device, motor vehicle, or construction equipment in a residential area unless it is equipped with effective muffling devices which are in good working order and in constant operation;
- d. operate a motorized conveyance on other than a driveway, road or parking lot.

No person shall commit or cause or permit the commission of any of the acts listed above.

Subdivision 1 - Noise (Continued)

Prohibition by Time and Place

- 9.12.1. 3. No person shall commit or cause or permit the commission of an act listed below in Column A, during the times listed in Column B in the locations listed in Column C should it result in the emission of sound which is clearly audible at a point of reception.

<u>Prohibition</u>	<u>Prohibited Time</u>	<u>Prohibited Place</u>
Column A	Column B	Column C
Persistent, repeated or regular barking, calling or whining or other similar persistent sound made by a domestic pet or other animal on a property.	At all times	Residential Area excluding G3, G3-A, G3-B and G3-C zone land where agriculture is a permitted accessory use
The playing of a musical instrument or the operation of a device or group of connected devices used for the production, reproduction or amplification of sound.	At all times	Residential Area
The persistent or repeated or regular operation of an auditory signalling device, including but not limited to the ringing of bells or gongs and the blowing of horns or sirens or whistles, or the reproduction or amplification of any similar sound; except where required or authorized by law or in accordance with good safety practices.	At all times	Residential Area
The persistent or repeated or regular operation of a toy, model or replica used as an amusement and which is not a conveyance.	At all times	Residential Area

Subdivision 1 - Noise (Continued)

<u>Prohibition</u>	<u>Prohibited Time</u>	<u>Prohibited Place</u>
Yelling, shouting, hooting, whistling.	1900 one day to 700 next day	Residential Area
The operation of any tool, household appliance, motor, or other device except those used for snow removal or cutting grass.	1900 one day to 700 next day except during June, July and August when the prohibited time changes to 2100 one day to 700 next day	Residential Area
The operation of a lawn mower that is, where appropriate, equipped with effective muffling devices which are in good working order and in constant operation.	2100 one day to 700 next day all year	Residential Area
Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, products, materials or refuse unless necessary for the maintenance of essential services or the moving of private household effects.	1900 one day to 700 next day all year	Residential Area
The operation of construction, maintenance or other equipment except when used for snow removal or the maintenance of essential services.	1900 one day to 700 next day except during June, July and August when the prohibited time changes to 2100 one day to 700 next day	Residential Area

Subdivision 1 - Noise (Continued)

9.12.1. Exceptions

4. In the opinion of Council the emission of sound in connection with the following are not objectionable and are excluded from the applicable prohibitions, regulations and penalties:
 - a. emergency measures taken for the immediate health, safety or welfare of the inhabitants, or for the preservation or restoration of property unless such sound or vibration is clearly of a longer duration or of a nature more disturbing than is reasonably necessary for the accomplishment of such emergency purpose;
 - b. sounds associated with traditional festive and religious activities; and sanctioned community events and celebrations, unless such sound is clearly of a longer duration or of a nature more disturbing than reasonably necessary for the event.
 - c. any activities directed or approved to be performed by the Municipal Engineer, subject to any specified operation, noise or timing restrictions."

Subdivision 2 - Nuisances

9.12.2. Interpretation

1. In this Subdivision:

"Municipal Official" means an Officer of the Municipality, Municipal Bylaw Enforcement Officer or any person appointed to administer the Kitimat Municipal Code.

"Premises" means real property consisting of land only or land and improvements, and means a portion of real property occupied separately by the owner or an occupier.

Prohibitions

2. No Owner or Occupier of Premises shall cause or permit water, rubbish, or noxious, offensive or unwholesome matter to collect or accumulate around their premises.

Subdivision 2 - Nuisances (Continued)

- 9.12.2.
3. No person shall deposit or throw bottles, broken glass or other rubbish in any open place.
 4. No Owner or Occupier of real property shall allow such property to become or to remain unsightly.
 5. No person shall place graffiti on walls, fences or elsewhere on or adjacent to a public place.
 6. No Owner or Occupier of a Premises shall cause or permit smoke or offensive odours from a Fire Pit to pass over or collect on another Premises such that it interferes with the quiet use and enjoyment of that other Premises.

Requirements

7. Owners or Occupiers of real property or their agents shall keep their property clear of brush and noxious weeds.
8. Owners or Occupiers of real property or their agents shall prevent infestation of it by caterpillars and other noxious or destructive insects and shall clear the property of caterpillars and other noxious or destructive insects.
9. Owners or Occupiers of real property or their agents shall remove from it any unsightly accumulations of filth, discarded materials, rubbish or graffiti.
10. Owners or Occupiers of real property shall prevent motor vehicles which are not licensed for the current or immediately preceding year under the Motor Vehicle Act from being parked on any registered lot in any residential zone except in an enclosed building.

Inspection

11. Municipal Officials are hereby authorized to enter upon any lands and premises in the municipality at all reasonable times to ascertain whether the provisions of the Code are being observed.

Subdivision 2 - Nuisances (Continued)

- 9.12.2. 12. Where a Municipal Official observes that real property does not comply with the Code, the Municipal Official may notify the Owner or Occupier of the real property to comply within a stated time period.

Remedial

13. If the Owner or Occupier of real property fails to comply with a direction from the Council to remove from the real property any unsightly accumulations of filth, discarded materials or vehicles, rubbish or graffiti, or clearing the property of brush, or noxious weeds, or clearing the property of infestation of caterpillars and other noxious or destructive insects, the municipality, by its employees and others, may enter and effect the removal or clearance at the expense of the Owner or Occupier who fails to comply, and the charges for doing so, if unpaid on December 31st in any year, shall be added to and form part of the taxes payable on that real property as taxes in arrear.