

CITY OF PRINCE GEORGE
BYLAW NO. 8816

A Bylaw of the City of Prince George to amend City of Prince George Noise Control By-Law No. 3848, 1982.

WHEREAS Council enacted "City of Prince George Noise Control By-Law No. 3848, 1982" to regulate noise, nuisance and disturbances within the City;

AND WHEREAS Council deems it desirable to amend the "City of Prince George Noise Control By-Law No. 3848, 1982" by authorizing bylaw contraventions that may be dealt with by Bylaw Notice;

NOW THEREFORE the Council of the City of Prince George, in open meeting assembled, **ENACTS AS FOLLOWS:**

1. That the "City of Prince George Noise Control By-Law No. 3848, 1982", be amended as follows:

1.1 . That the following words,

"WHEREAS under the provisions of Section 932 of the Municipal Act, Chapter 290 of the Revised Statues of British Columbia, the Council of the City of Prince George is empowered to enact a by-law to:

- a) Prevent, abate and prohibit nuisances and provide for the recovery of 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 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."

be deleted in its entirety and replaced with the following:

"WHEREAS Section. 8 (3) (h) of the *Community Charter, S.B.C. 2003, c.26* provides that Council may by bylaw regulate, prohibit or impose requirements in relation to, among others, the protection and enhancement of the well-being of persons or property in relation to nuisances, disturbances and other objectionable situations;

AND WHEREAS Section. 64 of the *Community Charter* provides that the authority under Sections. 8 (3) (h) may be exercised in relation to, among others, disturbances and noise;"

- 1.2. That Section 6 – Notices be deleted in its entirety and replaced with a new “Section 6 – Offences and Penalties” as follows:

“6. Offences and Penalties

- 6.1 This Bylaw may be enforced,
- a) by an Information laid in accordance with the *Offence Act*;
 - b) by means of a ticket under the *Community Charter*;
 - c) by Bylaw Notice in accordance with the “*Local Government Bylaw Notice Enforcement Act*”; or
 - d) by a combination of the above noted methods in (a), (b) and (c).
- 6.2 With respect to enforcement further to a ticket issued pursuant to the *Community Charter*, the fines outlined in the “*City of Prince George Ticket Information Utilization Bylaw No. 5422, 1990*”, as amended or replaced from time to time, shall apply.
- 6.3 With respect to enforcement further to a Bylaw Notice issued pursuant to the *Local Government Bylaw Notice Enforcement Act*, the fines outlined in Schedule “B” of the “*City of Prince George Bylaw Notice Enforcement Bylaw No. 8813, 2016*”, as amended or replaced from time to time, shall apply.
- 6.4 Except as otherwise provided in this Bylaw, the “*City of Prince George Ticket Information Utilization Bylaw No. 5422, 1990*”, or the “*City of Prince George Bylaw Notice Enforcement Bylaw No. 8813, 2016*”, and amendments thereto, any person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who refuses, or omits or neglects to fulfill, observe, carryout or perform any duty or obligation imposed by the Bylaw shall be liable on summary conviction to a fine not exceeding Ten Thousand Dollars (\$10,000.00), the cost of prosecution and any other penalty or order imposed pursuant to the *Community Charter, S.B.C., 2003, c.26* or the *Offence Act, R.S.B.C., 1996, c.338*. Each day that an offence against the Bylaw continues or exists shall be deemed to be a separate and distinct offence.
- 6.5 Subject to subsection 4 ENFORCEMENT, if the Owner or Recipient of the Notice fails to comply with an order of the Authorized Person issued under Section 6.1 of this Bylaw, the City, by its employees, contractors and agents may take action in accordance with section 17 of the *Community Charter, S.B.C., 2003, c.26* to fulfill the requirements of the order of the Authorized Person and to recover the costs or expenses associated with and incurred by the City in relation to the taking, storage or selling of an animal, vehicle, thing or device.”

- 1.3. That Section 7 – FAILURE TO COMPLY – COST AS TAXES be deleted in its entirety.

- 2. That the Mayor and Corporate Officer are hereby empowered to do all things necessary to give effect to this Bylaw.
- 3. That this Bylaw may be cited for all purposes as the "City of Prince George Noise Control By-Law No. 3848, 1982, Amendment Bylaw No. 8816, 2017".

READ A FIRST TIME THIS 23rd DAY OF JANUARY , 2017.

READ A SECOND TIME THIS 23rd DAY OF JANUARY , 2017.

READ A THIRD TIME THIS 23rd DAY OF JANUARY , 2017.

All three readings passed by a UNANIMOUS decision of Members of City Council present and eligible to vote.

ADOPTED THIS 6th DAY OF FEBRUARY , 2017,
BY A UNANIMOUS DECISION OF ALL MEMBERS OF CITY COUNCIL
PRESENT AND ELIGIBLE TO VOTE.



MAYOR



DEPUTY CORPORATE OFFICER