

VILLAGE OF GOLD RIVER

Bylaw No. 665, 2008

A Bylaw to regulate or prohibit the making or causing of noises or sound in the municipality.

WHEREAS the Council of the Village of Gold River believes:

- a) that certain noises or sounds are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public, and
- b) that it is desirable to regulate or prohibit the making or causing of noises or sounds in the municipality.

NOW THEREFORE, the Council of the Village of Gold River in open meeting assembled enacts as follows:

1.0 CITATION

1.1 This bylaw may be cited as the Village of Gold River Noise Control Bylaw No. 665, 2008.

2.0 DEFINITIONS

2.1 In this Bylaw;

“**Administrator**” means the Village of Gold River Chief Administrative Officer or his designate,

“**Bylaw Enforcement Officer**” means a person appointed by the Council for the purpose of enforcement of this bylaw, and includes the Bylaw Enforcement Officer, the Chief Administrative Officer, Deputy Clerk or a member of the Royal Canadian Mounted Police, (RCMP),

“**Construction**” includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, the laying of pipe and conduit whether above or below ground level, street and highway building, concreting, equipment installation and alteration, and the structural installation of construction components and materials in any form or for any purpose, and includes any work in connection therewith.

“**Council**” means the Council of the Village of Gold River.

“**Highway**” includes every highway within the meaning of the *Highway Act*, and every road, street, lane or right-of-way designed or intended for or used by the general public for the passage of vehicles, and every place or passage way to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited.

“**Municipality**” means the Village of Gold River.

“**Noise**” includes sound.

“**Persistent/Persistently**” means enduring or constantly repeated.

“Public Works Supervisor” means the person appointed as the Public Works Supervisor from time to time and includes the Administrator or any person appointed or designated by the Supervisor to act on his behalf.

“Residential Area” means those areas so designated as residential on the zoning map attached to the Village of Gold River Zoning Bylaw as amended or replaced from time to time.

“Truck” means any motor vehicle with a licenced gross vehicle weight over 8,600 kg.

“Vehicle” includes an automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or traction engine, farm tractor, self-propelled implement of husbandry or road building machine.

3.0 GENERAL PROVISIONS

3.1 No person shall make, cause or permit to be made any noise or sound in or on a highway or elsewhere in the Municipality, which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.

3.2 Council considers that the acts listed below cause noises or sounds which are objectionable or are liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public:

- a) Any amplified music or speech which is audible outside the property where it originates or is reproduced, between 11:00 p.m. and 9:00 a.m.
- b) Harboursing or keeping any animal or bird which persistently cries, barks, or howls.
- c) Idling or continuously running of a diesel engine, truck or bus for more than 15 minutes at the same location, except where the truck or bus is located within a garage or building intended to be used for the long term parking of that vehicle.
- d) Erecting, demolishing, constructing, reconstructing, altering or repairing of any building or other structure within the municipality or the excavating or filling of any highway or other land before 7:00 a.m. or after 9:00 p.m. Monday to Saturday and before 9:00 a.m. or after 6:00 p.m. on Sundays and Statutory Holidays.
- e) Using lawn or yard maintenance equipment, drills, compressors or other equipment before 7:00 a.m. or after 9:00 p.m. daily.
- f) Loading, unloading, delivering, collection, packing, unpacking or otherwise handling any containers, products, materials or refuse whatsoever before 7:00 a.m. or after 9:00 p.m. daily in any Residential Area.
- g) Creating noise or sounds by blasting or the operation of drills, compressors or other equipment used to prepare land for blasting before 7:00 a.m. or after 5:00 p.m. Monday to Saturday and at all times on Sundays and Statutory Holidays.

3.3 No person shall make or cause or permit to be made a noise or sound described in Section (3.2).

4.0 EXEMPTIONS

4.1 This Bylaw does not apply to:

- a) Police, Fire Department or Emergency vehicles when engaged upon a service of public convenience or necessity.
- b) Horn or signally device on a boat, train or vehicle when used as a danger or warning signal.
- c) Municipal, other government or utility companies when engaged upon a service of the public or while engaged upon a service of public convenience or necessity.
- d) Bells or chimes from churches or public institutions.
- e) The unloading, loading, pick up or delivering of containers, products, materials or whatsoever that is deemed necessary for the maintenance of essential services or the moving of household effects.
- f) Noise or sound created in connection with emergency measures undertaken for the immediate health, safety or welfare of individuals or for the preservation or restoration of property.
- g) Snow removal or highway cleaning operations.
- h) Noise or sound created from parades or public festivities authorized by Council.
- i) Noise or sound created by extraordinary construction projects which have been authorized to take place by the Public Works Supervisor.

4.2 Where it is impractical or impossible to comply with the General Provisions, the Administrator may, upon receiving written application give approval to carry on any work or activity that is necessary. The approval may stipulate hours of operation, operating methods, type of machinery, maximum noise levels in decibels, period of operation and any other matter relevant to the particular circumstances. Where the approval specifies any limitation or restriction such as noise level it will be the applicant's responsibility to show that the conditions of the approval are complied with.

5.0 INSPECTION

5.1 A Bylaw Enforcement Officer or Peace Officer is hereby authorized to enter, at all reasonable times, on any property to ascertain whether the requirements of this Bylaw are being met or the regulations contained in this Bylaw are being observed.

6.0 OFFENCES

6.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and shall, upon summary conviction thereof, be liable to a maximum penalty of \$2000.00

6.2 Each day that an offence continues shall constitute a separate offence against this Bylaw.

7.0 ENFORCEMENT

7.1 This Bylaw is designated under the provisions of Section 264 of the *Community Charter* as a Bylaw that may be enforced by means of a ticket in the form prescribed, and in accordance with this Bylaw.

7.2 Bylaw Enforcement Officers and members of the Royal Canadian Mounted Police are designated to enforce this Bylaw pursuant to Section 264 (1) (b) of the *Community Charter*.

7.3 Pursuant to Section 269(1)(c) of the *Community Charter*, authorization is hereby delegated to the Bylaw Enforcement Officer to refer tickets issued with respect to this bylaw to the Provincial Court for a hearing.

8.0 PENALTIES

8.1 Pursuant to Section 264(1)(c) of the *Community Charter*, the words or expressions set forth below in Column 1 designate the offence committed under the Bylaw section numbers appearing in Column 2 opposite the respective words or expressions.

8.2 Pursuant to Section 265(1)(a) of the *Community Charter*, the fine amount set forth below in Column 3 is the fine amount that corresponds to the section number and words or expressions set out in Columns 1 and 2 opposite the fine amount.

Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine Amount
Noise causing disturbance	3.1	\$150.00
Objectionable noise causing disturbance	3.3	\$150.00

9.0 SEVERABILITY

9.1 If any section, subsection, sentence, clause or phrase in this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid portion thereof shall be severed and the decision that is invalid shall not affect the validity of the remaining portions of the Bylaw.

10.0 REPEAL

10.1 The District of Gold River Anti-Noise Bylaw No. 84, 1969 is hereby repealed.

READ A FIRST AND SECOND TIME THIS	5 TH	DAY OF	MAY	2008.
READ A THIRD TIME THIS	20 TH	DAY OF	MAY	2008.
ADOPTED THIS	2 ND	DAY OF	JUNE	2008.

-----original signed by the Mayor -----

-----original signed by the CA -----

C. Anderson MAYOR

L. Plourde CORPORATE ADMINISTRATOR