

THE CORPORATION OF THE CITY OF FERNIE

BYLAW NO. 1635

A Bylaw to regulate or prohibit the making or causing of noise or noises.

WHEREAS Section 932, Sub-section (c) of the *Municipal Act, R.S.B.C. 1979, Chapter 290* provides that Council may, by bylaw, regulate or prohibit the making or causing of noises or sounds in or on a highway or elsewhere in the municipality which disturb, or tends to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood, 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;

AND WHEREAS the Council is desirous of enacting the provisions of Section 932(c) to provide for the regulation or prohibition of noise or sounds which disturb or tends to disturb or which the Council believes are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals, the public or the neighbourhood;

NOW THEREFORE, the Municipal Council of the Corporation of the City of Fernie in open meeting assembled enacts as follows:

CITATION

- 1. This Bylaw may be cited as the "*Noise Bylaw*".

APPLICATION

- 2. This Bylaw applies within the municipal boundaries of the City of Fernie.

AUTHORITY TO ENTER

- 3. Pursuant to section 299 of the *Municipal Act* the Building Inspector/Bylaw Enforcement Officer is hereby authorized to enter, at all reasonable times, upon any property to ascertain whether the City should exercise its powers in respect of matters contained in this Bylaw.

PROVISIONS

- 4. Schedule "A" the Zoning Map attached to and forming a part of the Zoning Bylaw of the City of Fernie is hereby appended to and forms part of this Bylaw.

- 5. It shall be unlawful:

- (i) for any person (or persons) to make or cause any noise or sound in or on a highway;
- (ii) for the owner or occupier of a property to make or cause or permit any noise or sound within the boundaries of the residential areas defined as:

Single Family Residential Zone	R-1
Two Family Residential Zone	R-2
Multiple Family Residential (Medium Density) Zone.....	R-3
Multiple Family Residential (High Density) Zone	R-4
Mobile Home Park Zone	R-MP
Rural Residential (Country Estate) Zone	RR-1
Rural Residential (Small Holding) Zone.....	RR-2
Rural Residential (Country) Zone	RR-8

zones, designated and outlined in heavy black line on Schedule "A", being the City's Zoning Map attached hereto, between the hours of 12 Midnight and 6:30 a.m. local time which disturb, or tend to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.

- 6. It shall be unlawful for any person to make or cause any noise or sounds in or on a highway and in any other area not designated in section 5 except for the Provincial Highway No. 3 and the Canadian Pacific Railway Limited rights-of-way between the hours of 2:00 a.m. and 5:00 a.m. local time which disturb, or tend to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.

Page 2
Bylaw No. 1635
Noise Bylaw

7. In order to regulate or prohibit the making or causing of noise or sound as provided in clauses 5 and 6 a member of the R.C.M.P. or the Bylaw Enforcement Officer is authorized to remove, detain and impound any matter or thing deemed to be in contravention of the regulations of this Bylaw.
8. If a portion of this Bylaw is found invalid by a decision of a Court of competent jurisdiction the invalid section shall be severed without effect on the remainder of the Bylaw.

VIOLATION AND PENALTY

9. Every person who violates any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw shall be liable, on summary conviction, to a penalty not more than Two Thousand Dollars (\$2,000.00) together with the said costs of such prosecution recoverable by distress and sale of the goods and chattels of such offender and, in default of sufficient distress, such offender shall be liable to imprisonment for any term not exceeding two (2) months, unless such fines and costs are sooner paid.


REPEAL

10. Bylaw No. 1399 and any amendments thereto are hereby repealed.

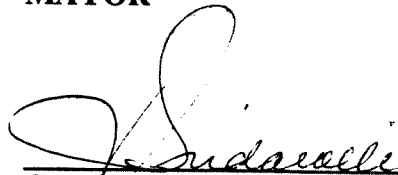
Introduced and read a first time this 23rd day of August, 1993.

Read a second and a third time this 23rd day of August, 1993.

Reconsidered, finally passed and adopted this 13th day of September, 1993.



MAYOR



CLERK

I hereby certify the foregoing to be the original Bylaw No. 1635.