

DISTRICT OF INVERMERE

BYLAW No. 1117

A Bylaw to regulate and prohibit certain noises and sounds.

WHEREAS, pursuant to the *Local Government Act*, Council may by bylaw regulate the or prohibit the making or causing of certain noises or sounds within the District;

AND WHEREAS pursuant to the *Local Government Act*, the Council of the District of Invermere deems it necessary and desirable to regulate or prohibit noises or sounds which disturb the quiet, peace rest, enjoyment, comfort or convenience of neighborhoods, persons in the vicinity or the public;

NOW THEREFORE the Council of the District of Invermere in an open meeting enacts as follows:

1. This Bylaw may be cited for all purposes as "Noise Control Bylaw No. 1117, 2002".
2. In this Bylaw:
 - "Bylaw Enforcement Officer" means the Bylaw Enforcement Officer or their designate appointed from time to time by resolution of the Council to administer and enforce this Bylaw;
 - "Council" means the Council of the District of Invermere;
 - "dawn" means one hour before official sunrise on any day as defined by Environment Canada;
 - "dusk" means one hour after official sunset on any day as defined by Environment Canada; and
 - "municipality" means that area within the municipal boundaries of the District of Invermere;
3. No person shall make or cause, or permit to be made or caused, in or on a highway or elsewhere in the municipality, any noise or sound which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of a person in the vicinity.
4. No owner or occupier of real property shall allow such real property to be used so that a noise or sound which originates from that property disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of a person in the vicinity.
5. No person shall own, keep or harbour any animal or bird which, by its calls, cries, barks or other noise whatsoever, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of a person in the vicinity.
6. The provisions of this Bylaw do not apply to:
 - (a) police, fire or other emergency vehicles proceeding to an emergency;
 - (b) excavation, construction, demolition or repair activities conducted by the District of Invermere;

- (c) snow removal or highway clearing operations;
 - (d) the operation of maintenance equipment by the District of Invermere or the Ministry of Transportation;
 - (e) operation of a public address system required under a building or fire code.
 - (f) A lawnmower or power gardening equipment operated between 8:00 am and 8:00 PM on any day;
 - (g) Construction, demolition, maintenance, repair, or excavation activities carried on between 8:00 am and 8:00 PM on Saturdays, Sundays, and Holidays;
 - (h) Construction, demolition, maintenance, repair, or excavation activities carried on between 7:00 am and 9:00 PM from Monday to Friday.
7. A Bylaw Enforcement Officer may enter on any property at any time for the purpose of ascertaining whether the regulations and requirements of this Bylaw are being observed.
8. Any person who contravenes any provision of this Bylaw is Liable upon summary conviction to a fine not exceeding two thousand dollars (\$2,000.00) and the costs of the prosecution of each offence, and every day during which there is an infraction of this Bylaw shall constitute a separate offence.
9. The District of Invermere "Noise Control Bylaw No. 353,1981 " together with all amendments is hereby repealed.
10. This bylaw comes into force and takes effect on the date of adoption.

Read a First Time this 14th day of May, 2002

Read a Second Time this 25th day of June, 2002

Read a Third Time this 13th day of August, 2002

ADOPTED this 13th day of July, 2004

MAYOR

CHIEF ADMINISTRATIVE OFFICER

Certified a true copy of Bylaw No. _____
this ____ day of _____, 200__.

Chief Administrative Officer