

VILLAGE OF CANAL FLATS

BYLAW NO. 133, 2011

Being a Bylaw to regulate noise within the Village of Canal Flats

WHEREAS Council has the authority under Section 64 of the *Community Charter* to regulate nuisances, disturbances and noise that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.

NOW THEREFORE the Council of the Village of Canal Flats, in open meeting assembled, **ENACTS AS FOLLOWS:**

1. This Bylaw shall be cited for all purposes as “**Village of Canal Flats Noise Control Bylaw No. 133, 2011**”.

2. **DEFINITIONS**

In this bylaw:

“**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, Director of Corporate Services or a member of the Royal Canadian Mounted Police, (RCMP),

“**Council**” means the Council of the Village of Canal Flats,

“**Noise**” means any loud outcry, call, bark, clamor, shouting, movement or any sound:

- a) that disturbs, or tends to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of the neighborhood, or of persons in the vicinity; or
- b) is objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;

and includes continuous barking, howling or yelping sounds lasting more than five minutes or the sound of barking, howling or yelping sporadically or erratically for a cumulative duration of five minutes or longer in any 15 minute period which sounds are repeated again within 72 hours.

“**Municipality**” means the Village of Canal Flats,

“**Owner**” means the registered owner in fee simple of a property and those persons defined as “owner” in the *Community Charter*,

“**Person**” means any corporation, individual, partnership or party and the personal or other legal representative of a person, to whom the context can apply according to the law and also includes an owner, the agent of an owner, or the occupier of, or the holder of a purchaser’s interest in an Agreement for Sale, of any real or personal property within the municipality.

“**Real Property**” means any parcel of private or public land within the Village of Canal Flats

3. **GENERAL REGULATIONS**

- a) No person shall make or cause or permit to be made or caused, any objectionable noise in or on a highway, public or private place or elsewhere within the municipality.
- b) No person being the owner, tenant or occupier of real property within the municipality shall allow or permit such real property to be used so that objectionable noise occurs thereon or emanates there from.

Village of Canal Flats
Noise Control Bylaw No. 133, 2011

- c) No person in the municipality shall play or operate any outdoor public address system, radio, stereophonic equipment or other instrument or any apparatus for the production of amplification of sound either in or on a public or private place in such a manner as to cause or create objectionable noise.
- d) No person in the municipality shall own, keep or harbor any animal or bird, which by its continuous calls, cries, barks, or other sounds create objectionable noise.
- e) No person shall operate a snow vehicle or motor vehicle either in or on a public or private place within the municipality in such a manner so as to cause or create objectionable noise.

4. CONSTRUCTION HOURS

- a) No person shall on any day before 7:00am or after 10:00 pm, construct, erect, reconstruct, alter, repair or demolish any building, structure, or thing or excavate or fill in land in any manner so as to cause or create objectionable noise.
- b) Where it is impossible or impractical to comply with this section, the Bylaw Enforcement Officer may give written approval to carry on the work that is found to be necessary at designated hours. Responsibility for obtaining written approval lies with the person carrying on the work.

5. MOTORBOATS

- a) No person shall operate a motorboat if that motorboat is equipped with a captains exhaust system that permits the exhaust gases from the engine to be expelled into the air without first passing through water, unless the motorboat is equipped with a muffling device that ensures that the exhaust gases from the engine are expelled without causing or creating objectionable noise.
- b) No person shall operate any motorboat equipped with:
 - dry stacks;
 - dry headers;
 - water injected headers; or
 - over-transom water-cooled exhaust

unless a properly operating muffler system is installed on these exhausting devices, so as to prevent the motorboat from causing or creating objectionable noise.

6. EXEMPTIONS

- a) This Bylaw does not apply to:
 - municipal police, fire, or other emergency vehicles;
 - equipment used to excavate, construct, or repair bridges, streets, highways, or infrastructure; and
 - equipment used for snow removal or highway cleaning operations.
- b) Notwithstanding any provisions of this Bylaw, Council may by resolution, grant an exemption from any provisions of this Bylaw where the Council determines it necessary and in the best public interest.

7. OFFENCES

- a) 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
- b) Each day that an offence continues shall constitute a separate offence against this Bylaw.

8. ENFORCEMENT

- a) 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.
- b) 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*.

9. INSPECTION

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 the Bylaw are being observed, and may take such actions as required.

10. PENALITES

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, who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw or who does any act which violates any of the provisions of this bylaw is guilty of an offence against this bylaw and liable to the penalties hereby imposed. Each day that a violation continues to exist shall constitute a separate offence under this bylaw.

11. REPEAL

Regional District of East Kootenay - Noise Control Regulation Bylaw No. 1396, 1998 and any amendments thereto is hereby repealed.

INTRODUCED AND READ a first time this 11th day of October, 2011.

READ a second time this 11th day of October, 2011.

READ a third time this 9th day of July, 2012.

RECONSIDERED AND FINALLY ADOPTED this 23rd day of July, 2012.

MAYOR

DIRECTOR OF CORPORATE SERVICES

CERTIFIED a true and correct copy of
"Village of Canal Flats Noise Control
Bylaw No. 133, 2011".

DIRECTOR OF CORPORATE SERVICES