



Village of Telkwa Noise Control Bylaw No. 495, 2001

INDEX OF AMENDING BYLAWS


This document has been reproduced for convenience only and is a consolidation of the "Village of Telkwa Noise Control Bylaw No. 495" with the following amending bylaws:

| Amendment Bylaw | Effective Date |
|-----------------|-------------------|
| No. 722 | November 12, 2020 |
| No. 622 | June 11, 2012 |

NOTE TO USER

WHEREAS each bylaw consolidation shall be proof, in the absence of evidence to the contrary, of the original bylaw, of all bylaws amending it and of the fact of adoption of the original and all amending bylaws, pursuant to the "Village of Telkwa Consolidation of Bylaws Authorization Bylaw No. 711, 2020", which was adopted on the 10th day of November, 2020;

This consolidation is hereby certified to be a true and correct copy, this 12th day of November, 2020.


Corporate Officer
Village of Telkwa

**THE CORPORATION OF THE VILLAGE OF TELKWA
NOISE CONTROL BYLAW NO. 495, 2001**

Being a bylaw to regulate noise within the Village of Telkwa.

WHEREAS under section 724 of the *Local Government Act*, the Council of a municipality is empowered to enact a bylaw to regulate or prohibit the making or causing of noises or sounds 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, or which in the opinion of the Council 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.

1. CITATION

1.0 This bylaw may be cited for all purposes as "Noise Control Bylaw No.495, 2001".

1.1 This bylaw is effective and in force on all persons upon adoption.

1.2 "Telkwa Anti-Noise Bylaw No. 88, 1971", and all amendments thereto are hereby repealed.

2. DEFINITIONS

"Village" means the Corporation of the Village of Telkwa.

"Council" means the municipal council of the Corporation of the Village of Telkwa.

"Authorized Person" means the person or persons appointed by the Council with authority to enforce the bylaws of the Village, Domestic/Companion Animal Control Officer, Police Officer or Auxiliary Constable.

"Person" shall include any corporation, partnership, owner, association, society or party.

"Property" means real property and includes land, other than a highway, together with all improvements which have been so affixed to the land as to make them in fact and in law a part thereof.

3. GENERAL REGULATIONS

3.0 No person shall make or cause, or permit to be made or caused, any noise in or on a public or private place which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.

- 3.1 No person being the owner, tenant or occupier of real property shall allow or permit such real property to be used so that noise or sound which occurs thereon or emanates therefrom, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons on the same piece of property or in the neighbourhood or vicinity.
- 3.2 No person shall play or operate any radio, stereo-phonics equipment or other instrument or any apparatus for the production or amplification of sound either in or on private premises or in any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.
- 3.3 No person shall own, keep, or harbour any animal or bird which by its cries disturbs or tends to disturb the peace, quiet, rest or tranquillity of the surrounding neighbourhood or the public at large.
- 3.4 No person shall operate a motor vehicle, snow vehicle, motorcycle, motorboat, or dune buggy which makes or causes noise that disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.
- 3.5 No person being the owner, occupier or tenant of property shall allow or permit or be a party to vice, drunkenness, profane swearing or indecent, obscene blasphemous or grossly insulting language or other immorality or indecency which disturbs or tends to disturb the quiet, peace, rest or tranquility of the neighbourhood or of persons in the vicinity.

4. CONSTRUCTION HOURS

- 4.0 No person in the Village shall on any day before 7:00 a.m. (0700hrs) or after 10:00 p.m. (2200 hrs) erect, reconstruct, alter, repair or demolish any building, structure or thing or excavate or fill in land in any manner which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.
- 4.1 Where it is impossible or impractical to comply with this section, the Chief Administrative Officer or his/her designate for the Village of Telkwa 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. EXEMPTIONS

- 5.0 The provisions of this bylaw shall not apply to or be enforced against:

- 5.1 A person performing works of an emergency nature for the preservation or protection of life, health or property but the onus shall be on the person performing the work to show cause that the work was of an emergency nature.
- 5.2 Any vehicle of the Village of Telkwa while engaged upon necessary public business.
- 5.3 The use of bells or chimes for the announcing of Church services or community events of all kinds.
- 5.4 The playing of dance music in any licensed dance hall between the hours of 8:00 pm (2000hrs) and 2:00 am (0200hrs) providing that the proper authorization has been provided by the Village of Telkwa.
- 5.5 Any work carried out during restricted hours with permission of the Chief Administrative Officer or designate in writing, specifying the time during such restricted hours when such work or event may be performed.

6. ACCESS

- 6.0 Where an authorized person has reasonable and probable ground to believe and does believe that a violation of this bylaw exists or that abatement procedures are inadequate, that authorized person(s) may enter upon any property to further an investigation or resolve any violation.

7. CONTRAVENTIONS AND PENALTIES

- 7.0 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 is guilty of any offence against this bylaw and liable to the penalties hereby imposed.

Each incident attended by an authorized person constitutes a separate offence.

- 7.1 Every person who commits an offence against this bylaw is liable to a fine of not more than Two Thousand Dollars (\$2,000.00) and not less than One Hundred Dollars (\$100.00) for each offence, as specified in the Village of Telkwa Fees and Charges Bylaw.
- 7.2 An authorized person is hereby authorized to issue a "Notice of Offence" to any person alleged to have offended against the provisions of this bylaw and the said Notice shall specify that the Offender may make payment to the Village of Telkwa for the Offences.

8. SEVERABILITY CLAUSE

8.0 In the event any portion of this Bylaw is for any reason declared to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed. Such decision shall not affect the Bylaw as a whole, and the remaining portions of the Bylaw shall remain in effect.