

THE CORPORATION OF THE VILLAGE OF ALERT BAY

BY-LAW NO. 402

BEING a By-law to regulate noise within the Village of Alert Bay.

WHEREAS, under the provisions of Section 932 (c) of the Municipal Act, being Chapter 290 of the Revised Statutes of British Columbia, 1979, the Council of a municipality is empowered to enact a by-law to regulate or prohibit the making or causing of noises or sounds in or on a highway or elsewhere in the municipality which disturb or tend 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;

NOW THEREFORE, the Municipal Council of the Corporation of the Village of Alert Bay, in open meeting assembled enacts as follows:

A. Definitions

1. (a) Words defined in the "Motor Vehicle Act" being Chapter 288 of the Revised Statutes of British Columbia, 1979 and the "Municipal Act" being Chapter 290 of the Revised Statutes of British Columbia, 1979, shall have the same meaning when used in this by-law unless defined in this by-law or unless the context otherwise requires.
(b) In this by-law, unless the context otherwise requires:
 - (1) "Village" means the Village of Alert Bay or the area within the boundaries thereof as the context may require;
 - (2) "Council" means the Municipal Council of the Corporation of the Village of Alert Bay;
 - (3) "Inspector" means the person or persons appointed from time to time by Village Council to enforce and administer this by-law and shall include any Peace Officer;
 - (4) "Noise" includes any loud outcry, clamour, shouting or movement, or any sound that is loud or harsh or undesirable;
 - (5) "Peace Officer" shall have the same meaning as in the Interpretation Act, being Chapter 206 of the Revised Statutes of British Columbia, 1979, plus the person or persons who are appointed to enforce and administer this by-law;
 - (6) "Person" includes any company, corporation, owner, partnership, firm, association, society or party;
 - (7) "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.

B. General Regulations.

1. 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.
2. 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. No person shall play or operate any radio, stereophonic 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.
4. No person shall own, keep or harbour any animal or bird which by its cries unduly disturbs the peace, quiet, rest or tranquillity of the surrounding neighbourhood or the public at large.
5. No hawk, huckster, pedlar, news vendor or other person shall by his intermittent or reiterated cries disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.

C. Construction Hours:

1. No person in the Village shall on any day before 07.00 hours or after 22.00 hour: construct, 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.
2. No person in the Village shall for profit or gain on a Sunday, construct, erect, reconstruct, alter, repair or demolish any building 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.
3. Where it is impossible or impractical to comply with this section, the Municipal Clerk 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.

D. Other:

1. Notwithstanding any provisions of this by-law, a person may perform 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.

E. Penalty Section:

1. Every person who violates any of the provisions of this by-law or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this by-law, who neglects to do or refrains from doing anything required to be done by any of the provisions of this by-law, is guilty of an offence against this by-law and liable to the penalties hereby imposed. Each day that a violation continues to exist shall constitute a separate offence.
2. Every person who commits an offence against this by-law is liable to a fine and penalty of not more than \$2,000.00 and not less than \$100.00 for each offence, an in default of payment thereof, forthwith or within such time as the presiding Provincial Court Judge or Justice of the Peace shall direct, the fine imposed shall be recoverable under the provisions of the Offence Act, R.S.B.C. 1979 Chapter 305 and all amendments thereto.

F. Citation:

1. This by-law may be cited as "Village of Alert Bay Noise Control By-law No. 402, 1981".

G. Repeal:

"Village of Alert Bay Anti-Noise By-law No. 186, 1965" and "Village of Alert Bay Anti-Noise Amendment By-law No. 244, 1971" are hereby repealed.

READ A FIRST TIME this 7th day of December , 1981.
READ A SECOND TIME this 7th day of December , 1981.
READ A THIRD TIME this 7th day of December , 1981.

RECONSIDERED, PASSED AND FINALLY ADOPTED this 21st day of December , 1981.



Mayor




Clerk

Certified a true and correct copy of "Village of Alert Bay Noise Control By-law No. 402, 1981".


Deputy Inspector of Municipalities Clerk

COPY

A true copy of By-Law No. 402
registered in the office of the Inspector
of Municipalities this 28th day of
January 1982.


Deputy Inspector of Municipalities