

THE CORPORATION OF THE VILLAGE OF TELKWA

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.

SECTION I - CITATION

- 1.1 This bylaw may be cited for all purposes as "Noise Control Bylaw No.495, 2001".
- 1.2 This bylaw is effective and in force on all persons upon adoption.
- 1.3 "Telkwa Anti-Noise Bylaw No. 88, 1971", and all amendments thereto are hereby repealed.

SECTION 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.

SECTION 3 - GENERAL REGULATIONS

- 3.1 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.
- 3.2 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.
- 3.3 No person shall play or operate any radio, stereo-ponic 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.
- 3.4 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.

- 3.5 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 neighborhood or vicinity.
- 3.6 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.

SECTION 4 - CONSTRUCTION HOURS

- 4.1 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.
- 4.2 Where it is impossible or impractical to comply with this section, the Chief Administrative Officer or his 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.

SECTION 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 p.m. (2000hrs) and 2:00 a.m (0200hrs) of the following day.
- 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.

SECTION 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.

SECTION 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 \$2000.00 and not less than \$100.00 for each offence, as detailed in Schedule A attached to and forming part of this 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 as detailed in Schedule B attached to and forming part of this bylaw.

SECTION 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.

READ A FIRST TIME THIS 12th day of March, 2001

READ A SECOND TIME THIS 26th day of March, 2001.

READ A THIRD TIME THIS 26th day of March, 2001.

ADOPTED THIS 9th day of April, 2001.

Sharon L. Hartwell
Mayor

Norma J. Stumborg
Deputy Corporate and Financial Administrator

Certified a true and correct copy of the
Village of Telkwa Noise Control
Bylaw No. 495, 2001 as adopted.

Norma J. Stumborg
Deputy Corporate and Financial Administrator

Village of Telkwa Noise Control Bylaw No. 495, 2001

Schedule A

<u>Offence</u>	<u>Fine</u>
Disturbing the Peace - First Offence	\$100.00
Disturbing the Peace - Second Offence	\$200.00
Disturbing the Peace - Third Offence	\$350.00
Construction Hours Offence	\$100.00

Village of Telkwa Noise Control Bylaw No. 495, 2001

Schedule B

Notice of Offence Pursuant to Section 7 of the Village of Telkwa Noise Control Bylaw No. 495, 2001.

TO: _____

THIS IS YOUR NOTICE OF OFFENCE AS PRESCRIBED UNDER BYLAW NO. 495 AND IN RESPECT OF THE OFFENCE CHECKED BELOW:

- ANIMAL VIOLATION
- NOISE VIOLATION DISTURBING THE PEACE
- CONSTRUCTION NOISE BEFORE 7:00 A.M. (0700 HRS)-AFTER 10:00 PM.(2200HRS)
- WARNING IF APPLICABLE

BASED ON THIS OFFENCE THE FOLLOWING FINE IS ISSUED:

- \$100.00 FIRST OFFENCE
- \$200.00 SECOND OFFENCE
- \$350.00 THIRD OFFENCE
- \$100.00 CONSTRUCTION OFFENCE

\$_____ IS THE TOTAL PAYMENT REQUIRED FOR THIS OFFENCE.

FOR YOUR INFORMATION:

THE OFFENCE OCCURRED AT (PLACE) _____
ON (DATE) _____ AT (TIME) _____

The penalty indicated above may be paid at the Village of Telkwa Office during regular business hours at 1704 Riverside Street, Telkwa, B.C. within four (4) days of this Notice of Offence show below, in lieu of appearing in court to answer to any charge with respect to the said offence.

DATE OF NOTICE _____ TIME SERVED _____

SIGNED _____
Authorized Person of the Village of Telkwa

PRINT NAME _____