

THE CORPORATION OF THE VILLAGE OF TELKWA

BY-LAW NO. 88

Being a By-law to Prohibit or Regulate
Noises within the Limits of The
Corporation of the Village of Telkwa.

WHEREAS the Council of the Corporation of the Village of Telkwa, in accordance with the provisions of Section 870 (c) of the Municipal Act, deem it necessary to prohibit noises within the Municipal boundaries of the Village of Telkwa;

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

1. It shall be unlawful for any person or persons within the Municipal limits of the Village of Telkwa to make or cause any noises or sounds in or on a highway or elsewhere within the Municipal limits which disturb or tend to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.
2. Without in any way limiting the prohibition contained in Section One (1) hereof, the following are specifically prohibited within the Municipal limits of the Town:
 - (a) The playing of any radio, phonograph, television receiving set, or musical instrument in such a manner or with such volume as to disturb the quiet, peace, rest, enjoyment or comfort of the neighbourhood, or of persons in the vicinity.
 - (b) The keeping of any animal, bird or fowl which by causing frequent or loud continued noise shall disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.
 - (c) The use of any automobile, motor-cycle, bus or other vehicle so out of repair or so loaded or operated as to create loud or unnecessary noise or noises.
 - (d) The discharging into the open air of the exhaust of any stationary internal combustion engine, motor vehicle engine or automobile engine except through a muffler or other device which effectively prevents unnecessary noise therefrom.
 - (e) The sounding of a horn or other signalling device upon an automobile, motor-cycle, bus or other vehicle not in motion.
 - (f) The sounding of a horn or other signalling device upon an automobile, motor-cycle, bus or other vehicle in motion except as a danger or warning signal.

- (g) The creation of any excessive noise on any street, highway or lane, adjacent or any school, institution of learning, Church, or Court, while the same are in session or adjacent to any hospital at any time.
- (h) The loading or unloading of any truck, wagon, automobile or motor vehicle in or upon any public or private place or premises in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.
- (i) Yelling, shouting, whistling or singing on the highways at any time or place so as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any persons in any hospital, dwelling, hotel, motel or other type of residence.
- (j) The use of any drum, loud speaker or other instrument or any noise making device between ten o'clock in afternoon and eight o'clock in the forenoon, or any device for the production or amplification of sound either in or upon private premises or in any public place without first having obtained the permission of the Council provided that nothing contained in the By-law shall be deemed to apply to any motor-vehicle under the control of the Fire Department, while responding to a fire alarm, or to any police officer or constable in the discharge of his duty, or to any licensed ambulance or to the use of any siren, by the Fire or Police Department, or in connection with the operation of the ambulance.
- (k) The erecting (including excavating), demolishing, constructing, reconstructing, altering, or repairing of any building in any residential district, or the excavating of any street, highway or lane in any residential district other than on weekdays between the hours of seven o'clock in the forenoon and six o'clock in the afternoon except in the case of urgent necessity and in the interest of public health and safety and then only after a permit from the Clerk of the Village of Telkwa has been first obtained, which permit may be limited as to the time during which work so permitted be performed.

3. The provisions of this By-law shall not apply to or be enforced against:

- (a) Any vehicle of the Village of Telkwa while engaged upon necessary public business.
- (b) The use of bells or chimes for the announcing of Church services of all kinds.
- (c) The playing dance music in any regularly licensed dance hall between the hours of eight o'clock in the afternoon and two o'clock in the forenoon of the following day when such day is a Sunday.
- (d) Any business or industry established in accordance with the Village of Telkwa Zoning By-law No. 85, of the said Village as may be amended or Reenacted from time to time, in any area designated and approved for that

type of operation provided that all precautions are taken according to the latest and most up-to-date scientific methods for abating, controlling or limiting noise, odor, effluvia, smoke, vibration and nuisance arising from the industry conducted, so that the same may be as free from neighbourhood offence as possible.

- (e) Any work carried out during restricted hours with permission of the Village Clerk in writing, specifying the time during such restricted hours when such work may be performed.
- 4. Any person guilty of any violation or infraction of any of the provisions of this By-law whether hereby expressly declared or not shall be liable on summary conviction to a penalty not exceeding Five Hundred (\$500.00) for every such infraction or violation.
- 5. This By-law may be cited for all purposes as the Village of Telkwa Anti-Noise By-law No. 88, 1971.

Read a first time this 26th day of January, 1971

Read a second time this 26th day of January, 1971

Read a third time this 26th day of January, 1971

Reconsidered and finally passed and sealed with the Seal of the Corporation on this 8th day of February, 1971.

Fritz Pheiffer, Acting Mayor

Helen Dutch, Clerk

I hereby certify the above to be a true copy of By-law No. 88 passed by the Municipal Council of the Village of Telkwa on the 8th day of February, 1971.

Helen Dutch, Clerk

VILLAGE OF TELKWA
NOISE CONTROL
BYLAW NO. 88, 2001
SCHEDULE A

NOISE CONTROL BYLAW NO. 88, 2001

NOTICE OF OFFENCE PURSUANT TO SECTION _____ OF THE VILLAGE OF TELKWA
NOISE CONTROL BYLAW NO. 88, 2001.

TO: _____

THIS IS YOUR NOTICE OF OFFENCE AS PRESCRIBED UNDER THE SAID BYLAW IN
RESPECT OF THE OFFENCE SHOW BELOW:

- G ANIMAL VIOLATION
- G NOISE VIOLATION DISTURBING THE PEACE
- G CONSTRUCTION NOISE BEFORE 7:00 A.M. (0700 HRS.) - AFTER 10:00 P.M. (2200 HRS.)
- G WARNING IF APPLICABLE
- G \$100.00 FIRST OFFENCE
- G \$200.00 SECOND OFFENCE
- G \$350.00 THIRD OFFENSE
- G MANDATORY COURT - 4TH OFFENCE - SUMMONS ISSUED
- \$ _____ 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
MUNICIPAL OFFICE (1704 RIVERSIDE STREET) DURING REGULAR BUSINESS HOURS
WITHIN (4) FOUR DAYS OF THE DATE OF THIS NOTICE OF OFFENCE SHOWN BELOW,
IN LIEU OF APPEARING IN COURT TO ANSWER TO ANY CHARGE WITH RESPECT TO
THE SAID OFFENCE.

DATE OF NOTICE _____ TIME NOTICE IS SERVED _____

SIGNED _____
R.C.M.P., BYLAW OFFICER OR
AUTHORIZED PERSON