

**DISTRICT OF PORT HARDY
BYLAW NO. 949**

**A BYLAW TO REGULATE OR PROHIBIT
THE MAKING OR CAUSING OF NOISE OR SOUND
WITHIN THE DISTRICT OF PORT HARDY**

WHEREAS the Council is authorized pursuant to Section 932 (c) and (d) of the Municipal Act to regulate or prohibit the making or causing of noises in or on a highway or elsewhere in the municipality which disturb, or tend to disturb the quiet, peace, rest, 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;

THEREFORE BE IT RESOLVED the Municipal Council of the district of Port Hardy, in open meeting assembled, ENACTS as follows:

1. TITLE

This bylaw may be cited as the "Noise Regulation Bylaw No. 949, 1996".

2. INTERPRETATION

(i) Words defined in the Motor Vehicle Act shall have the same meaning when used in this bylaw unless defined in the bylaw or unless the context otherwise requires.

(ii) In this bylaw unless the context otherwise requires:

ACTIVITY ZONE means any part of the District not within the Quiet Zone.

COUNCIL means the Council of the District of Port Hardy.

CHIEF OF POLICE means the officer in charge of the detachment of the Royal Canadian Mounted Police policing the District.

DISTRICT means the District of Port Hardy.

NOISE includes any loud outcry, clamour, shouting or movement, or any sound that is loud, or harsh or undesirable.

PEACE OFFICER means a police constable or person having the powers of a police constable.

PERSON includes every individual, company, corporation, partnership, association and society.

REAL PROPERTY means lands, other than a highway, together with all improvements which have been so fixed to the land as to make them in law a part thereof and includes land without improvements and both a mobile home and motor home as defined by the Motor Vehicle Act.

QUIET ZONE means any part of the District designated as residential in the District of Port Hardy Land Use Bylaw and all roads within such zone; the QUIET ZONE shall also be applicable to hospitals, schools, colleges and places of worship.

3. REGULATIONS

No person shall disturb or tend to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the quiet or activity zones:

(i) General

Making or causing or permitting to be made or caused any noise in or on a public or private place.

(ii) Real Property

Being the owner, tenant or occupier of real property, allowing or permitting such real property to be used, so that noise occurs thereon or emits therefrom.

(iii) Electronic Equipment or Musical Instruments

Playing or operating any radio, stereophonic equipment, television receiving set or other instrument or any apparatus for the production or amplification of sound, either in or on private premises or in any public place.

(iv) Animals or Birds

Keeping or harbouring any animal or bird which unduly cries, barks or chirps.

(v) Vocal

Making intermittent or reiterated cries.

(vi) Construction

Constructing, erecting, reconstructing, altering, repairing or demolishing buildings, structures or things; excavating, altering, repairing or removing public facilities or utilities; or laying, repairing or raising highways on any day before 7:00 a.m. (9:00 a.m. on Sundays) or after 10:00 pm.

4. EXEMPTION

(i) A person or persons involved in the performance of work of an emergency nature for the preservation or protection of life, health or property shall be exempted from the requirements of this bylaw. The onus shall be on the person performing the work to show cause that the work was of an emergency nature.

(ii) This bylaw is not applicable to the normal operational requirement of an airport, seaplane base and a heli-port.

5. MISCELLANEOUS

Council may sanction the use of a decimeter to corroborate complaints made under this bylaw.

6. GRANT OF SPECIAL EXEMPTION

Notwithstanding anything contained in this bylaw, any person may make application to Council to be granted a temporary exemption from any of the provisions of this bylaw and any exemption may be made by way of a resolution of Council and such resolution may contain such terms and conditions as Council sees fit.

7. PENALTY

A person who violates this bylaw commits an offence and is punishable in accordance with the Offence Act, R.S.B.C. 1979 Chapter 305 and all amendments thereto, subject to a minimum fine of \$200.00

8. REPEAL

"Noise Regulation Bylaw No.734, 1989 is hereby repealed.

READ A FIRST TIME ON THE 11th DAY OF September, 1996.

READ A SECOND TIME ON THE 11th DAY OF September, 1996.

READ A THIRD TIME ON THE 25th DAY OF September, 1996.

RECONSIDERED AND FINALLY PASSED BY THE MUNICIPAL COUNCIL ON THE
_____ DAY OF _____

CLERK

MAYOR