

Village of Valemount

Bylaw No. 306

A Bylaw To Regulate Noise Within The Village of Valemount

WHEREAS, under the provisions of Section 932 (c) of the Municipal 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 disturb, or tend 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 Village of Valemount, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "Valemount Noise Control Bylaw No. 306, 1989.

2. DEFINITIONS

- (a) Words defined in the "Motor Vehicle Act" as amended from time to time, and the "Municipal Act" as amended from time to time, shall have the same meaning when used in this bylaw unless defined in this bylaw or unless the context otherwise requires.
- (b) In this bylaw, unless the context otherwise requires:
  - (i) "Village" means the Village of Valemount;
  - (ii) "Council" means the Municipal Council of the Village of Valemount;
  - (iii) "Person" includes any company, corporation, owner, partnership, firm, association, society or party;
  - (iv) "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.
  - (v) "Clerk Administrator" means the person appointed by Council to this position from time to time.

3. GENERAL REGULATIONS

- (a) 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 neighborhood or vicinity.
- (b) 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 neighborhood or vicinity.

- (c) 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 neighborhood or of persons in the vicinity.
- (d) No person shall own, keep or harbor any animal or bird which by its cries disturbs or tends to disturb the peace, quiet, rest or tranquility of the surrounding neighborhood or the public at large.

#### 4. CONSTRUCTION HOURS

- (a) No person in the Village shall on any day before 07:00 hours or after 22:00 hours, 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 neighborhood or of persons in the vicinity.
- (b) Where it is impossible or impractical to comply with this section, the Clerk administrator 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. OTHER

- (a) Notwithstanding any provisions of this bylaw, 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.
- (b) If any article or provision herein is determined to be void or unenforceable in whole or in part, it shall not be deemed to affect or impair the enforceability or validity of any other article or provision of this bylaw or any part thereof.

#### 6. PENALTY SECTION

- (a) 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, who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw or who does any act which violates any of the provisions of this bylaw, is guilty of an offence against this bylaw and liable to the penalties hereby imposed. Each day that a violation continues to exist shall constitute a separate offence.
- (b) Every person who commits an offence against this bylaw is liable to a fine and penalty of not more than Two Thousand Dollars (2,000.00) and not less than One Hundred Dollars (\$100.00) for each offence, and 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.

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7. REPEAL

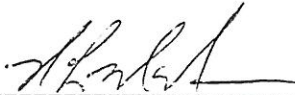
Bylaw No. 141, 1977, as amended, is hereby repealed.

READ A FIRST TIME THIS 13th DAY OF June \_\_\_\_\_, 1989.

READ A SECOND TIME THIS 13th DAY OF June \_\_\_\_\_, 1989.

READ A THIRD TIME THIS 13th DAY OF June \_\_\_\_\_, 1989.

RECONSIDERED AND ADOPTED THIS 27th DAY OF June \_\_\_\_\_, 1989.

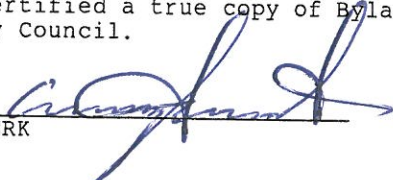


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Mayor



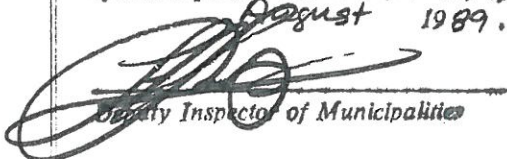
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Clerk Administrator

Certified a true copy of Bylaw No. 306, 1989, as adopted by Council.



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CLERK

*A true copy of By-Law No. 306  
registered in the office of the Inspector  
of Municipalities this 17th day of  
August 1989.*



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Deputy Inspector of Municipalities