

DISTRICT OF BARRIERE

BY-LAW NO. 0020

A BY-LAW TO REGULATE NOISE WITHIN THE DISTRICT OF BARRIERE

WHEREAS, pursuant to the *Community Charter*, Council may, by By-law, regulate, prohibit, and impose requirements in relation to the protection and enhancement of the well-being of the District, including, without limitation, in relation to noise, vibrations, and any other matter that is liable to disturb the quiet, rest, enjoyment, comfort or convenience of individuals or the public.

Now therefore, the District of Barriere, in open meeting assembled, enacts as follows:

1. This by-law may be cited as the “District of Barriere Noise Control By-law, No.0020, 2008”.
2. DEFINITIONS AND INTERPRETATION
 - (a) Where a word is used in this by-law, but is not defined specifically or by context, it shall be interpreted by reference to the *Motor Vehicle Act* and the *Community Charter*.
 - (b) In this by-law, unless the context otherwise requires:

“Chief Administrative Officer” means the appointed as much from time to time by the District of Barriere and any person delegated to assist in carrying out his/her duties under this by-law.

“Commercial Motor Vehicle” means any motor vehicle having a gross vehicle weight in excess of five thousand five hundred kilograms (5,500 kg) or a length in excess of 7.5 metres, but does not include buses, emergency medical service vehicles, fire apparatus, police, or vehicles owned by or operated for the District of Barriere;

“Council” means the Council of the District of Barriere;

“District” means the District of Barriere;

“Gross Vehicle Weight” means the number of kilograms derived by adding the weights on all the axels of a vehicle;

“Idle” means the operation of the engine of a commercial motor vehicle while the commercial motor vehicle is not in motion, and “idling” shall have a corresponding meaning;

“Mobile Workshop” means a motor vehicle containing equipment that must be operated inside or in association with the motor vehicle, not on rails, that is designed to be self-propelled, and includes all ancillary parts, components, and equipment attached thereto;

“Person” includes any individual, firm, company, association, society, corporation, group, or municipality;

“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; and

“Residential Area” means any single family, two family, or multiple family residential zone provided for in the District of Barriere Zoning by-law.

- (c) If a division, section, subsection, sentence, clause, or phrase of this by-law is for any reason held to be invalid by the decision of a court of competent jurisdiction, it shall be severed and such decision shall not affect the validity of the remaining portions of this by-law.

4. 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 is liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public. Failure to comply may result in a fine of One Hundred Dollars (\$100).
- (b) No person being the owner, tenant, or occupier of property shall allow or permit such property to be used so that noise or sound which occurs thereon or emanates therefrom, is liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public. Failure to comply may result in a fine of One Hundred Dollars (\$100).
- (c) 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 property or in any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public. Failure to comply may result in a fine of One Hundred Dollars (\$100).
- (d) 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 tranquility of the surrounding neighbourhood or the public. Failure to comply may result in a fine of One Hundred Dollars (\$100).

5. IDLING RESTRICTIONS

- (a) No person shall cause or permit a commercial motor vehicle to idle in a residential area for more than ten (10) consecutive minutes. Failure to comply may result in a fine of One Hundred Dollars (\$100).
- (b) Section 5(a) of this by-law does not apply to:
 - (i) buses, fire apparatus, police, or emergency medical service vehicles while engaged in operational activities, including training and patient transfer activities;
 - (ii) commercial motor vehicles participating in an emergency activity;
 - (iii) commercial motor vehicles that remain motionless because of an emergency, traffic conditions (including congestion and signals),

weather conditions, or mechanical difficulties over which the driver has no control;

- (iv) commercial motor vehicles where idling is required as part of the repair process or to prepare the vehicle for service;
- (v) armored vehicles where a person remains inside the vehicle while guarding the contents of the vehicle or while the vehicle is being loaded or unloaded;
- (vi) commercial motor vehicles engaged in a parade or race or any other such event authorized by Council or;
- (vii) mobile workshops.

6. CONSTRUCTION HOURS

- (a) No person in the District 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 individuals or the public. Failure to comply may result in a fine of One Hundred Dollars (\$100).
- (b) Where it is impossible or impractical to comply with this section, the Chief Administrative Officer may give written approval to carry on the work that is found to be necessary at designated hours.
- (c) Responsibility for obtaining written approval lies with the person carrying on the work.

7. OTHER

- (a) 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 emergent nature.

8. OFFENCES AND PENALTIES

- (a) No person shall do any act or suffer or permit any act or thing to be done in contravention of this by-law.
- (b) Every person who violates any provision of this by-law, or who permits any act or thing to be done in contravention of this by-law, or who fails to do any act or thing required by this by-law, shall be deemed to have committed an offence against this by-law and:
 - (i) shall be liable to a fine set out in the District of Barriere Municipal Ticket Utilization By-law; or
 - (ii) shall be liable, upon summary conviction, to the penalties provided under the Offence Act; or

Any combination of the above.

- (c) Each day that an offence against this by-law continues shall be deemed a separate and distinct offence.
- (d) Any penalty imposed pursuant to this by-law shall be in addition to, and not in substitution for, any other penalty or remedy imposed pursuant to any other applicable statute, law, or legislation.

READ FOR A FIRST TIME the 20th day of October, 2008.

READ FOR SECOND TIME the 20th day of October, 2008.

READ FOR A THIRD TIME the 20th day of October, 2008.

ADOPTED this 17th day of December, 2008.

Original signed by Mayor Fennell
Mike Fennell, MAYOR

Original signed by Wayne Vollrath
Wayne Vollrath, CAO