

# VILLAGE OF RADIUM HOT SPRINGS

## Bylaw No. 353, 2009.

Being a bylaw to regulate noise within the Village of Radium Hot Springs.

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**WHEREAS** Council has the authority under the *Community Charter* to regulate nuisances, disturbances and noise that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.

**NOW THEREFORE** the Municipal Council of the Corporation of the Village of Radium Hot Springs, in open meeting assembled, enacts as follows:

### **1. DEFINITIONS:**

- (a) Words defined in the current *Motor Vehicle Act* of British Columbia, and in the *Community Charter* shall have the same meaning when used in this by-law unless otherwise defined in this by-law or unless otherwise required by context.
- (b) In this by-law:
  - (i) "**Village**" means the Corporation of the Village of Radium Hot Springs or the area within the boundaries of the Corporation;
  - (ii) "**Council**" means the municipal Council of the Corporation of the Village of Radium Hot Springs;
  - (iii) "**Bylaw Enforcement Officer**" means the person or persons appointed from time to time by the Council to enforce and administer this by-law and shall include any Peace Officer including an R.C.M.P. Officer;
  - (iv) "**Noise**" includes any outcry, clamour, shouting, or any sound that is persistent, objectionable, loud, harsh or undesirable;
  - (v) "**Peace Officer**" shall have the same meaning as in the *Interpretation Act* of British Columbia, plus the person or persons who are appointed by Council to enforce and administer this by-law;
  - (vi) "**Person**" includes any company, corporation, owner, partnership, firm, association, society or party;
  - (vii) "**Property**" means real property and includes land, highways, parks, and every private and public place and the improvements, buildings and structures thereon.

### **2. 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 neighbourhood 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 neighbourhood or vicinity.

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- (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 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.
- (d) No person shall own, keep or harbour any animal or bird which by its cries unduly disturbs the peace, quiet, rest, enjoyment, comfort, convenience or tranquility of the surrounding neighbourhood or of persons in the vicinity.
- (e) No hawker, huckster, pedlar, newsvendor, or other person shall by his intermittent or reiterated cries disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.

**3. CONSTRUCTION HOURS:**

- (a) No person in the Village shall on any day before 0700 hours or after 2200 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 neighbourhood or of persons in the vicinity. This section does not extend to or include any business or operation located in the 'I-2 Heavy Industrial' or 'C-5 Golf Course' zone established by the Village zoning bylaw.
- (c) Where it is impossible or impractical to comply with this Section, the Superintendent of Public Works 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.

**4. OTHER:**

- (a) No person shall operate any outdoor public address system in the Village without first having obtained permission from Council or designated staff.
- (b) 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 an emergency nature.
- (c) The use of motor vehicle retarder brakes is prohibited within the boundaries of the Village.
- (d) No person shall play or use any musical instrument in the downtown core, defined to include Main Street East and Main Street West, without prior approval from Council.

**5. FINES AND PENALTIES SECTION:**

- (a) Every person who violates any of the provisions of this by-law or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this by-law, who neglects to do or refrains from doing anything required to be done by any of the provisions of this by-law or who does any act which violates any of the provisions of this by-law is guilty of an offence against this by-law and liable to the penalties hereby imposed. Each day that a violation continues to exist shall constitute a separate offence under this by-law.

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- (b) A person who is deemed to have committed an offence against this Bylaw is liable, on summary conviction under the Offence Act, to the penalties deemed appropriate by the presiding Provincial Court Judge or Justice of the Peace.
- (c) As an alternative to seeking remedy in Court, the Village may deal with offences against this Bylaw by having the Bylaw Enforcement Officer issue a Municipal Ticket to the person committing the offense. The fine, under the Municipal Ticket Information process, for a single infraction against this bylaw, shall be \$100.00.

**6. Repeals, Effective Date and Citation:**

- (a) This Bylaw is effective, in force, and binding on all persons as from the day following the date of its adoption.
- (b) The “Village of Radium Hot Springs Noise Control Bylaw No. 110, 1994” is hereby repealed in its entirety.
- (c) This Bylaw may be cited as the “Village of Radium Hot Springs Noise Control Bylaw No. 353, 2009”.

Read a first second and third time this 25<sup>th</sup> day of February, 2009.

Reconsidered and adopted this 11th day of March, 2009.

  
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Mayor

  
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Clerk

Hereby certified as a true copy of Bylaw No. 353, 2009.

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Clerk