

VILLAGE OF RADIUM HOT SPRINGS

Bylaw No. 437, 2017.

BEING A BYLAW TO REGULATE OR PROHIBIT THE MAKING OR
CAUSING OF NOISES OR SOUND IN THE MUNICIPALITY.

WHEREAS pursuant to the "*Community Charter*" Council may, by bylaw, regulate or prohibit certain noises or sounds that are liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.

AND WHEREAS Council considers that it is desirable to regulate or prohibit the making or causing of certain noises or sounds in the municipality.

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

1. **CITATION:**

This Bylaw may be cited for all purposes as "Noise Control Bylaw" No. 437, 2017.

2. **REPEAL:**

The Village of Radium Hot Springs Noise Control Bylaw No. 353, 2009, and all amendments thereto, are repealed upon the adoption of Bylaw No. 437, 2017.

3. **INTERPRETATION:**

In this Bylaw:

"Construction" includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, the laying of pipe and conduit whether above or below ground level, street and highway building, concreting, equipment installation and alteration, and the structural installation of construction components and materials in any form or for any purpose, and includes any work in connection therewith.

"Construction Equipment" means any equipment or device designed and intended for use in construction or material handling, including, but not limited to, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders or other material handling equipment.

"Council" means the Council of the Village of Radium Hot Springs.

“Highway” includes every highway within the meaning of the *Highway Act*, and every road, street, lane or right- of-way designed or intended for or used by the general public for the passage of vehicles, and every place or passage way to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited; and every place or passage way owned or operated by the Village of Radium Hot Springs for the purpose of providing off-street parking.

“Municipal Bylaw Enforcement Officer” means a person appointed by the Municipal Council as a Bylaw Enforcement Officer and includes a Peace Officer.

“Municipality” means the Corporation of the Village of Radium Hot Springs.

“Peace Officer” means any person employed by the municipality as a Municipal Bylaw Enforcement Officer or any member of the Royal Canadian Mounted Police.

“Point of Reception” means:

- (a) any point on a premises where sound or vibration originating from a separate location or source is received.
- (b) any point on a highway, park or other public place where sound or vibration originating from a separate location or source is received.

“Premises” means the area contained within the boundaries of a legal parcel of land, including individual parcels subdivided under the *Strata Property Act*, and including any building situated on those premises.

“Public Festivities” means a Village hosted, sponsored, or supported public event, festivity, parade or performance or a third party event approved through a special event permit.

“Statutory Holiday” has the same meaning as under the *Employment Standards Act*, as amended or replaced from time to time.

“Truck” means any motor vehicle with a licensed gross vehicle weight over 8,600 kg.

“Motor Vehicle” includes an automobile, motorcycle, and any other vehicle propelled or driven otherwise than solely by muscular power, but does not include locomotives, railway cars, or other motor vehicles running only upon rails, or traction engine, farm tractor, self-propelled implements of agriculture or husbandry, or road building machines.

“Village” means the Corporation of the Village of Radium Hot Springs.

4. GENERAL PROHIBITIONS:

- 4.1** No person shall make, cause or permit to be made any noise or sound in or on a highway, park or other public place which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the public or of persons in the vicinity.

4.2 No person who is the owner or occupier of, or who is present upon, any premises shall make, cause or permit to be made any noise or sound which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the public or of persons in the vicinity.

5. **OBJECTIONABLE NOISE:**

5.1 Council considers that the acts listed below cause noises or sounds which are objectionable and are liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public:

- a. Playing or operating any radio, stereophonic equipment, television or other instrument or any apparatus for the production or amplification of sound, where the noise or sound is clearly audible at a point of reception between the hours of 11:00 p.m. one day and 9:00 a.m. the following day.
- b. Harboursing or keeping any dog, bird or other animal that cries, barks, or howls in a persistent manner, and 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.
- c. Idling or continuously running of a diesel engine, a truck or bus for more than 15 minutes at the same location, except where the truck or bus is located within an industrial zone.
- d. Using a lawnmower, leaf blower, gas powered weed eater, chainsaw or rototiller before 7:00 a.m. or after 9:00 p.m on any day.
- e. Utilising motor vehicle retarder brakes in the operation of a vehicle.
- f. Operating an outdoor public address system without first having obtained permission from Council or designated staff.
- g. Playing a musical instrument in the downtown core, defined to include Main Street East and Main Street West, without first having obtained permission from Council or designated staff.
- h. The noise resulting from a gathering of two or more persons at any time, where one or more human voices is raised beyond the level of ordinary conversation.

5.2 No person shall make, cause or permit to be made a noise or sound described in section 5.1. The list of objectionable noises detailed in section 5.1 is not necessarily a comprehensive list of the noises which may be deemed objectionable.

6. CONSTRUCTION / COMMERCIAL / INDUSTRIAL NOISE

- 6.1** Council considers that the acts listed below cause noises or sounds which are objectionable and are liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public:
- a. Construction on any premises or on a highway, park or other public place before 7:00 a.m. or after 7:00 p.m., Monday to Saturday, and at all times on Sundays and Statutory Holidays.
 - b. Loading, unloading, delivering, collection, packing, unpacking, or otherwise handling any containers, construction equipment, products, material, or refuse whatsoever before 7:00 a.m. or after 7 p.m. on any day in any residential area.
- 6.2** No person shall make, cause or permit to be made a noise or sound described in section 6.1.
- 6.3** Section 6.1(a) does not apply to home repairs or home maintenance, or to the construction of accessory buildings and structures on residential property, when carried out by the owner or occupier of the property on a Sunday or Statutory Holiday between the hours of 10:00 a.m. and 5:00 p.m.
- 6.4** Section 6.1 does not apply to noise generated by the normal operations of the lumber mill located within the industrial zone or of the golf course located within the golf course zone. Issues relating to noise originating from lumber mill operations will be addressed by the Community Advisory Committee. Issues relating to noise originating from golf course operations will be addressed by Council.

7. EXEMPTIONS

- 7.1** The emissions of noise or sound in connection with the following are excluded from the prohibitions, regulations and penalties contained in this Bylaw:
- a. Police, Fire Department or Emergency vehicles when engaged upon a service of public convenience or necessity.
 - b. Horn or signalling device on a boat, train or vehicle when used as a danger or warning signal.
 - c. The activities of a local government, other government or utility company when providing a service to the public, including but not limited to the construction or repair of a highway or other public work, or while engaged upon a service of public convenience or necessity.
 - d. Bells or chimes from churches or public institutions.

- e. The unloading, loading, pick up or delivering of containers, products, materials, or any other item or thing that is necessary for the maintenance of essential services or the moving of household effects.
- f. Noise or sound created in connection with emergency measures undertaken for the immediate health, safety or welfare of individuals or for the preservation or restoration of property.
- g. Noise or sound created from parades or public festivities authorized by the Village.

8. INSPECTION

A Municipal Bylaw Enforcement Officer or Peace Officer is hereby authorized to enter, at all reasonable times, on any premises to ascertain whether the requirements of this Bylaw are being met or the regulations contained in this Bylaw are being observed.

9. OFFENCE AND FINE

9.1 The provisions of this Bylaw may be enforced by any Village of Radium Hot Springs Bylaw Enforcement Officer, and/or by a Peace Officer.

9.2 Any person who:

- .1 contravenes, violates or fails to comply with any provision of this Bylaw or of any order issued under this Bylaw;
- .2 suffers or permits any act or thing to be done in contravention or violation of any provision of this Bylaw or any order issued under this Bylaw, or;
- .3 fails or neglects to do anything required to be done under this Bylaw or any order issued under this Bylaw,

commits an offence and, upon conviction, shall be liable to a fine or penalty not exceeding \$10,000.00, and where the offence is a continuing one, each day the offence continues shall constitute a separate offence.

9.3 This Bylaw is designated pursuant to Part 8, Division 3 of the Community Charter, as a bylaw that may be enforced by means of a ticket in the form prescribed by regulation, as amended from time to time.

9.4 The fine amount for any single violation of a section of this bylaw is set out in Schedule A of this Bylaw. The fine amount is per violation or incident and is cumulative in instances where more than one violation of any section of this Bylaw has occurred. In addition, where the violation is a continuing one, each day the violation continues shall constitute a separate violation.

10. SEVERABILITY

If any section or subsection of this Bylaw is found to be invalid by a Court of competent jurisdiction, the section or subsection may be severed from the Bylaw without affecting the validity of the remainder of the Bylaw.

READ A FIRST, SECOND, AND THIRD TIME THIS 13TH DAY OF SEPTEMBER, 2017.

RECONSIDERED AND ADOPTED THIS 11TH DAY OF OCTOBER, 2017.



Mayor Clara Reinhardt



Clerk Mark Read

SCHEDULE 'A'

FINE SCHEDULE

Fines for a Municipal Ticket Information issued for an offence under this Bylaw, shall be as follows:

| Description of Offence | Section | Fine Amount |
|--|----------------|--------------------|
| Noise in public place which disturbs | 4.1 | 200.00 |
| Noise from private premises which disturbs | 4.2 | 200.00 |
| Objectionable noise | 5.2 | 450.00 |
| Construction / Commercial / Industrial Noise | 6.2 | 700.00 |

HEREBY CERTIFIED AS A TRUE COPY OF THE VILLAGE OF RADIUM HOT SPRINGS NOISE BYLAW NO. 437, 2017.
