

THE CORPORATION OF THE VILLAGE OF ASHCROFT

BYLAW NO. 423

A BYLAW TO REGULATE NOISE WITHIN THE VILLAGE OF ASHCROFT

WHEREAS, under the provisions of Section 932 (c) of the Municipal Act, being Chapter 290 of the Revised Statutes of British Columbia, 1979, the Council of a municipality is empowered to enact a bylaw to regulate or prohibit the making or causing of noises or sounds in the municipality which disturb, or tend to disturb, the quiet, peace, rest, enjoyment, comfort, or convenience of the neighborhood, or of persons in the vicinity, or which the Council believes 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;

NOW THEREFORE, the Council of the Corporation of the Village of Ashcroft, in open meeting assembled, ENACTS AS FOLLOWS:

A. Definitions

1. a. Words defined in the "Motor Vehicle Act" being Chapter 288 of the Revised Statutes of British Columbia, 1979, and the "Municipal Act" Revised Statutes of British Columbia Chapter 290, 1979, shall have the same meaning when used in this bylaw or unless the context otherwise requires.
- b. In this bylaw, unless the context otherwise requires:
 - (1) "Village" means the Village of Ashcroft or the area within the boundaries thereof as the context may require;
 - (2) "Council" means the municipal Council of Ashcroft;
 - (3) "Inspector" means the person or persons appointed from time to time by Council to enforce and administer this bylaw and shall include any Peace Officer;
 - (4) "Noise" includes any loud outcry, clamour, shouting or movement, or any sound that is loud or harsh or undesirable;
 - (5) "Peace Officer" shall have the same meaning as in the Interpretation Act being Chapter 206 of the Revised Statutes of British Columbia, 1979, plus the person or persons who are appointed to enforce and administer this bylaw;
 - (6) "Person" includes any company, corporation, owner, partnership, firm, association, society or party;
 - (7) "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.

B. General Regulations

1. 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.
2. 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.

3. No person shall play or operate any radio, stereophonic equipment or other 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.
4. No person shall own, keep or harbour any animal or bird which by its cries unduly disturbs the peace, quiet, rest or tranquility of the surrounding neighborhood or the public at large.
5. No hawker, peddler, huckster, news vendor, or other person shall by his intermittent or reiterated cries disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.

C. Construction Hours

1. 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.
2. No person in the Village shall for profit or gain on a Sunday construct, erect, reconstruct, alter, repair or demolish any building 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.
3. Where it is impossible or impractical to comply with this section, the 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.

D. Other

1. No person shall operate any outdoor public address system in the Village without first having obtained a permit therefor.
2. No person shall operate a snow vehicle, motorboat, or motorcycle which causes or makes noise, except in those areas as set aside from time to time by Council.
3. 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.

E. Penalty Section

1. 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 offense.
2. Every person who commits an offense against this bylaw is liable to a fine and penalty of not more than \$2,000.00 and not less than \$100.00 for each offense, 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 Offense Act, R.S.B.C. 1979 Chapter 305 and all amendments thereto.

F. Citation

1. This bylaw may be cited as "The Corporation of the Village of Ashcroft Noise Control Bylaw No. 423, 1983."

G. Repeal

1. Bylaw No. 280, cited as "The Corporation of the Village of Ashcroft Anti-Noise Bylaw No. 280, 1977," is hereby repealed.

INTRODUCED AND READ A FIRST TIME THIS 26th DAY OF September , 1983.


READ A SECOND TIME THIS 26th DAY OF September , 1983.

READ A THIRD TIME THIS 26th DAY OF September , 1983.

FINALLY RECONSIDERED AND ADOPTED THIS 12th DAY OF October , 1983.



Mayor Ward L. Bishop



Administrator Robert A. Harper

Certified to be a true and correct copy of Bylaw No. 423 as adopted by Council.



Clerk Robert A. Harper