

**DISTRICT OF CLEARWATER
BYLAW NO. 14, 2008**

Being a bylaw to regulate noise within the District of Clearwater

WHEREAS, under the provision of Sections 8(3) (h) and 64(b) of the *Community Charter*, the Council of a municipality may, by bylaw, regulate, prohibit and impose requirements in relation to the protection and enhancement of the well-being of its community in relation to noise, vibration, odour, dust illumination or any other matter that is liable to disturb the quiet, peace, rest, enjoyment, comfort or conveniences of individuals or the public;

NOW THEREFORE the Council of the District of Clearwater in open meeting assembled enacts as follows:

1. DEFINITIONS

In this Bylaw:

- a) **Council** means the Council of the District of Clearwater
- b) **Duly Authorized** means authorized by the Municipality
- c) **Farm Land** means land classified as a farm pursuant to the provisions of the Assessment Act.
- d) **Municipality** means the District of Clearwater.
- e) **Structure** means any construction, except a building, affixed to or sunk into land; includes fences and walls and excludes paved parking surfaces, on-grade patio.

2. GENERAL PROHIBITION

- a) No person shall make or cause to be made any noise or sound in or on a highway or elsewhere in the Municipality which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity thereof.
- b) No person shall shout, use a megaphone or make other noise in or at or on streets, docks, or other public places which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons residing in the vicinity thereof.

3. PRIVATE PROPERTY

No person, being the owner or occupier or being in possession or control of real property shall suffer or permit any person to make or cause to be made any noise or sound therein which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity thereof.

4. ANIMALS

No person shall harbour or keep any animal or bird which by causing frequent or loud noise disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons at or near the source of such noise or sound.

5. DOGS

The sound made by a dog barking, howling, or creating any kind of sound sporadically, erratically in a persistent manner that may easily be heard by a person(s) not on the same premises and which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.

6. EXEMPTIONS

This Bylaw does not apply to:

- a) Any vehicles or equipment of the Municipality, the RCMP or any other public body engaged in carrying out a public service or carrying out work in or on a highway, park or the Municipal Public Works Yard;
- b) The erection, demolition, construction, reconstruction, alteration, repair, of any building or other structure between the hours of 6:00 a.m. and 9:00 p.m.;
- c) The erection, demolition, construction, reconstruction, altering or repairing by the Municipality or its contractors, of any building or other structure within the Municipality or the excavating of any street, highway, lane or any other land between the hours of 6:00 a.m. and 9:00 p.m. on each day, or in the case of urgent necessity, at any other time during the week if such work is essential to the health, safety or protection of the public;
- d) Persons and their agents, servants, and employees or independent contractors under contract therewith and their agents, servants and employees who are engaged in work of an essential or emergency nature and being done for the primary purpose of ensuring the health, safety or welfare of the residents of the Municipality;
- e) The use of lawn maintenance, lawn mowing or power gardening equipment between the hours of 8:00 a.m. and 9:00 p.m. on any day.
- f) The use of lawn maintenance, lawn mowing or power gardening equipment by the Municipality, the School District or the Ministry of Transportation and Infrastructure or agents acting on their behalf;
- g) The use in a reasonable manner, of any apparatus or mechanism for the amplification of the human voice or of music in a public park in connection with any duly authorized public meeting, public celebration or other public gathering;
- h) The use of bells or chimes for the announcing of public worship services;
- i) The sounding of a horn or other signalling device upon any vehicle, boat or train where such sounding is properly and necessarily used as a danger or warning signal;

- j) Any sound or noise caused by blasting, crushing gravel or the operation of drills, compressors or other equipment used to prepare land for blasting between the hours of 8:00 a.m. and 5:00 p.m. on each day except Sunday or a statutory holiday.
- k) Any sound or noise caused by a farming activity carried out in a reasonable manner on farmland between the hours of 6:00 a.m. and 9:00 p.m.
- l) Any sound or noise caused by a farming activity carried out in a reasonable manner on farmland between the hours of 9:00 p.m. and 6:00 a.m. if:
 - i) in the circumstances it is essential that the activity take place during such hours, or
 - ii) the activity must, in accordance with sound farming practice, take place between such hours.
- m) Commercial or Industrial business operations undertaking their usual operations in Commercial or Industrial Zones during the hours of 6:00 a.m. and 9:00 p.m.

7. ENFORCEMENT

A Peace Officer, Municipal Administrator or designate, and any other person duly authorized by the Municipality may enter onto any property, at any reasonable time, to ascertain whether the provisions of this Bylaw are being followed.

8. OFFENCE

Any person who violates any provision of this Bylaw is guilty of an offence and liable upon summary conviction to an escalating series of fines as follows:
First offence at \$500; second offence at \$1,000; third offence at \$1500; with the Fourth offence proceeding to court. Every day during which there is an infraction of this Bylaw shall constitute a separate offence.

9. SEVERABILITY

If any portion of this Bylaw is held to be invalid by a Court of competent jurisdiction, such invalidity shall not affect the remaining portions of the Bylaw.

10. CITATION

This Bylaw may be cited as "District of Clearwater Noise Control Bylaw No. 14, 2008"

READ A FIRST TIME THIS 18TH DAY OF NOVEMBER, 2008

READ A SECOND TIME THIS 18TH DAY OF NOVEMBER, 2008

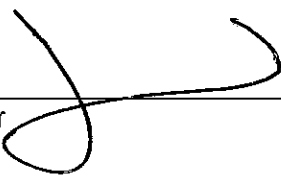
READ A THIRD TIME THIS 18TH DAY OF NOVEMBER, 2008

Public information Meeting held November 25, 2008

RECINDED THIRD READING THIS 16TH DAY OF DECEMBER, 2008

READ A THIRD TIME AS AMENDED THIS 16th DAY OF DECEMBER 2008

RECONSIDERED AND ADOPTED THIS 20th, DAY OF January, 2009



Mayor



Corporate Administrator

Certified a true and correct copy
of Bylaw No. 14, 2008 cited as
"District of Clearwater Noise
Control Bylaw No. 14, 2008" as
adopted by the Council of the
District of Clearwater this 20th
day of January, 2008.



Leslie Groulx
Corporate Administrator