

MUNICIPALITY OF NORMAN WELLS

BY-LAW NO. 85-6

BEING A BY-LAW TO PROHIBIT AND REGULATE WITHIN THE MUNICIPALITY OF NORMAN WELLS NOISES LIKELY TO DISTURB OR ANNOY THE INHABITANTS OF THE MUNICIPALITY

PURSUANT to subsections 182(d), 183(f) and 184(h) of the Municipal Ordinance, being Chapter M-15 of the Revised Ordinances of the Northwest Territories, 1974, as amended, subsection 203(1)(f) of the Vehicles Ordinance, being Chapter V-2 of the Revised Ordinances of the Northwest Territories, 1974, as amended and subsection 5(1) of the All-terrain Vehicles Ordinance, being Chapter 1(1st), Ordinances of the Northwest Territories, 1979, as amended.

THE COUNCIL OF THE MUNICIPALITY OF NORMAN WELLS, in the regular session duly assembled, enacts as follows:

SHORT TITLE

1. This By-law may be cited as the "Noise Control By-law".

INTREPRETATION

2. In this By-law:

- (a) "All-terrain vehicle" means a motorized vehicle that runs on wheels, tracks, skis, air cushions or any combination thereof and is of a kind predominantly used in the Territories for cross-country travel on land, water, snow, ice, marsh or swampland or on other natural terrain, and, without limiting the generality of the foregoing, includes
 - (i) an amphibious vehicle;
 - (ii) a snow vehicle;
 - (iii) a motorcycle with a motor that has a piston displacement of seventy-five cubic centimeters or less;
 - (iv) a motorized vehicle mounted on wheels;
 - (v) a pedal bicycle with a motor attachmentbut does not include any vehicle that weights more than 900 kilograms;
- (b) "construction" includes erection, alteration, repair, dismantling, demolition, 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;
- (c) "construction equipment" means any equipment or device designed and intended for use in construction, or material handling, including but not limited to, air compressors, diesel and/or gas operated welding machines, pneumatic or hydraulic tools, bulldozers, tractors, excavators, off-highway haulers or trucks, ditchers, compactors, and rollers, pumps, concrete mixers, graders or other material-handling equipment;
- (d) "Council" means the Council of the Municipality;
- (e) "motor vehicle" means every vehicle propelled by any power other than muscular power except an aircraft, implement of husbandry or all-terrain vehicle;
- (f) "noise" means sound or sounds which disturb or annoy or are likely to disturb or annoy the quiet, peace, rest, enjoyment, comfort or convenience of inhabitants of the Municipality;

- (g) "point of reception" means any point on the premises of a person where noise, originating from other than those premises, is received;
- (h) "Residential Area" means those areas within the Municipality which are designated as:
- (i) Residential - R-1
 - (ii) Residential Two Family - R-2
 - (iii) Residential Multi-Family - R-3
 - (iv) Mobile Home Residential - R-MH
- (i) "Municipality" means the Municipal Corporation of Norman Wells.
- (j) "Person" means the owner, renter or lessee of property or a person having care or control of property.

GENERAL PROHIBITIONS

3. No person shall emit or cause or permit to be emitted within the Municipality noise which is clearly audible at a point of reception which results from:
- (a) the operation of any combustion engine or pneumatic device without an effective exhaust or intake muffling device in good working order and in constant operation;
 - (b) the starting, driving, turning or stopping of any motor vehicle or all-terrain vehicle resulting in noise in and from the engine or motor, exhaust system or braking system, or from contact of the wheels with the ground.

PROHIBITIONS BY TIME AND PLACE

4. No person shall emit or cause or permit to be emitted within a Residential Area noise which is clearly audible at a point of reception resulting from any of the acts listed in Table A during the prohibited times listed in Table A.

TABLE A	
In this Table prohibited time means: A - 11:00 p.m. to 8:00 a.m. (10:00 a.m. Sundays) B - 7:00 p.m. to 8:00 a.m. (10:00 a.m. Sundays) C - All day Sundays and Statutory Holidays D - 7:00 p.m. to 6:00 a.m. E - All times	
ACT	PROHIBITED TIME
(a) the operation of an engine or motor in, or on, any motor vehicle or all-terrain vehicle or item of attached auxiliary equipment for a continuous period exceeding five minutes, while such vehicle is stationary, unless: (i) the original equipment manufacturer specifically recommends a longer idling period for normal and efficient operation of the motor vehicle or all-terrain vehicle in which case such recommended period shall not be exceeded; or,	E

ACT	PROHIBITED TIME
<p>(ii) operation of such engine or motor is essential to a basic function of the motor vehicle, all-terrain vehicle, or auxiliary equipment, including but not limited to, operation of ready-mix concrete trucks, lift platforms and refuse compactors; or,</p> <p>(iii) weather conditions justify the use of heating or refrigerating systems powered by the engine or motor for the safety and welfare of the operator, passengers or animals, or the preservation of perishable cargo, and the motor vehicle or all-terrain vehicle is stationary for purposes of delivery or loading; or,</p> <p>(iv) prevailing low temperatures make longer idling period necessary; or,</p> <p>(v) the idling is for the purpose of cleaning and flushing the radiator and associated circulation system for seasonal change of antifreeze, cleaning of the fuel system, carburetor and the like, when such work is performed other than for profit.</p>	
(b) the operation of any item of construction equipment without effective muffling devices in good working order and in constant operation.	E
(c) the operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electromechanical transducers, and intended for the production, reproduction or amplification of sound.	A
(d) persistent barking, calling or whining or other similar persistent noise-making by any domestic animal.	A
(e) persistent yelling, shouting, hooting, whistling, or singing or playing a musical instrument.	A
(f) all selling or advertising by shouting or outcry or amplified sound.	C & D
(g) the operation of any construction equipment in connection with construction.	B
(h) the operation or use of any tool for domestic purposes other than snow removal.	A

EXEMPTIONS

5. Notwithstanding any other provision of this By-law, it shall be lawful to emit or cause or permit to be emitted noise in connection with emergency measures undertaken:

- (a) for the immediate health, safety or welfare of the inhabitants;
or,
- (b) for the preservation or restoration of property;

unless such noise continues for a longer period of time or is louder than is reasonably necessary to accomplish such emergency measures.

6. (1) Notwithstanding anything contained in this By-law, any person may make application to Council to be granted an exemption from any of the provisions of this By-law with respect to the emission or causing or permitting of emission of noise for which he might be prosecuted and Council, by resolution, may refuse to grant an exemption or may grant the exemption applied for in whole or in part and any exemption granted shall specify the time period, not to be in excess of six months, during which it is in effect and may contain such terms and conditions as Council sees fit.
- (2) In deciding whether to grant an exemption, Council shall give the applicant and any person opposed to the application an opportunity to be heard and may consider such other matters as it sees fit.
- (3) Breach by the applicant of any of the terms or conditions of any exemption granted by Council shall render the exemption null and void.

PENALTIES

7. (1) Every person who contravenes subsection 3(b) or 4(a) of this By-law is guilty of an offence and is liable upon summary conviction:
 - (a) for a first offence, to a fine not exceeding TWO HUNDRED (\$200.00) DOLLARS;
 - (b) for a second offence, to a fine not exceeding THREE HUNDRED (\$300.00) DOLLARS;
 - (c) for each subsequent offence, to a fine not exceeding FIVE HUNDRED (\$500.00) DOLLARS or to imprisonment for a term not exceeding THREE (3) months or both;and the provisions of the Summary Convictions Procedures Ordinance, being Chapter 3(1st), of the Ordinances of the Northwest Territories, 1978, as amended, and the Regulations passed pursuant thereto shall apply to such offences.
- (2) Every person who contravenes any other provision of this By-law is guilty of an offence and is liable upon summary conviction to a fine not exceeding FIVE HUNDRED (\$500.00) DOLLARS or to imprisonment for a term not exceeding SIX (6) months or both.

SEVERABILITY

8. If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the By-law and it is hereby declared that the remainder of the By-law shall be valid and shall remain in force.

READ A FIRST TIME THIS 5th DAY OF December, 1985

William J. Byrne

R. J. Stt

READ A SECOND TIME THIS 5th DAY OF December, 1985

William J. Byrne

R. L. H.

READ A THIRD TIME AND FINALLY PASSED THIS 19th DAY OF MARCH, 1986

William Joseph Byrne

Roy Latt.