

**TOWN OF INUVIK
BY-LAW #2496/PS/11**

**A BY-LAW OF THE MUNICIPAL CORPORATION OF THE TOWN OF INUVIK IN THE
NORTHWEST TERRITORIES TO PROHIBIT CERTAIN ACTIVITIES CREATING NOISE**

PURSUANT to Section 70 of the Cities, Towns and Villages Act S.N.W.T. 2003 c.22 of the Northwest Territories and any subsequent amendments thereto;

WHEREAS it is deemed desirable to provide rules for prohibiting and regulating noise;

WHEREAS the intent of this by-law is that all noise shall be reduced as far as possible compatible with the normal activities and that unnecessary noise be eliminated;

AND WHEREAS it is the Council of the Municipal Corporation of the Town of Inuvik in the Northwest Territories deems it proper to introduce a by-law restricting and regulating activities which give rise to disturbing noises;

NOW THEREFORE BE IT RESOLVED that the Council of the Municipal Corporation of the Town of Inuvik in Council duly assembled enacts as follows:

1. SHORT TITLE

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

2. INTERPRETATION

2.1 These terms and words shall have the following meanings for the purposes of this by-law.

- a) **"By-law Enforcement Officer"** means a person who is appointed as a By-law Enforcement Officer in accordance with the Cities, Towns and Villages Act to enforce the by-laws of the Town of Inuvik, and any Peace Officer who is entitled by law to enforce the by-laws of the Town of Inuvik;
- b) **"Council"** means the duly elected Council of the Municipal Corporation of the Town of Inuvik.
- c) **"Commercial District"** means an area or district classified as commercial by the Town of Inuvik Zoning By-law;
- d) **"CTV Act"** means the Cities, Towns and Villages Act S.N.W.T. 2003, C.22 and all amendments thereto.
- e) **"Motor Vehicles Act"** means the Motor Vehicles Act, R.S.N.W.T. 1988, c. M-16 and all amendments thereto;
- f) **"Mayor"** means the presiding Council member and the Senior Executive Officer of the Municipal Corporation of the Town of Inuvik.
- g) **"Noise"** means any unnecessary and excessive sound including any loud outcry, clamour, shouting or movement, or any sound that is loud, harsh or undesirable;
- h) **"Quiet Time"** means the time from 11:00 p.m. to 7:00 a.m. on any day;
- i) **"Residential District"** means an area or district classified as Residential by the Town of Inuvik Zoning By-law;

- j) **"Senior Administrative Officer"** means the Senior Administrative Officer of the Municipal Corporation of the Town of Inuvik appointed under subsection 41 (1) of the Cities, Towns and Villages Act of the Northwest Territories S.N.W.T. 2003 c.22 and subsequent amendments thereto;
- k) **"Town"** means the Municipal Corporation of the Town of Inuvik;
- l) **"Town Manager"** means the Senior Administrative Officer;
- m) **"Vehicle" or "Motor Vehicle"** includes any vehicle designed to travel on land that is drawn, propelled or driven by any kind of power, including muscular power and includes an all-terrain vehicle.

Save as herein otherwise provided, the terms and expressions in this by-law have the same meaning as in the Interpretation Act, the Motor Vehicles Act, the All-Terrain Vehicles Act and the Cities, Towns and Villages Act respectively.

3. GENERAL

- 3.1 This by-law will be in effect only between the hours of 11:00 p.m. and 7:00 a.m. on any day.
- 3.2 No person shall make, cause or permit to be made or caused any noise in or on a public or private place which annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of any person or persons within the limits of the Town of Inuvik during the Town's quiet time.
- 3.3 No person shall play or operate any radio, stereophonic equipment or apparatus for the production or amplification of sound either in or on premises or in any public place in such manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons during the Town's quiet time.
- 3.4 No person shall operate a motor vehicle, motorcycle, snowmobile, all-terrain vehicle or other conveyance which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons in the vicinity during the Town's quiet time.
- 3.5 Except to the extent that is allowed by this by-law, no person shall allow property belonging to him or her or under this control to be used so that there originates from the property any loud unnecessary noise or any noise whatsoever which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the limits of the Town of Inuvik.
- 3.6 No person shall permit a vehicle located on a premises to emit noise which emanates from that premises and disturbs or annoys a person, including noise from excessive engine revving and stereo and amplification equipment in the vehicle.
- 3.7 What is a loud noise, an unnecessary noise, an unusual noise or noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others is a question of fact for a court which hears a prosecution of an offence against this by-law.
- 3.8 This by-law does not apply:
 - a) to a person operating emergency or enforcement vehicles engaged in the lawful execution of their duty or to any person operating equipment on behalf of the Town of Inuvik whilst engaged in conducting emergency utility repairs, or routine snow removal and street cleaning, and work that is being conducted for the primary purpose of ensuring the health, safety, welfare or benefit of Town of Inuvik residents, or to a person authorized in writing by the Town of Inuvik.

- b) to the performance of work by any person on land zoned as Light Industrial (M1) or Heavy Industrial (M2) pursuant to the Town of Inuvik Zoning By-law 2225/P+D/04 as amended if:
 - i) the noise is generated pursuant to work done in the normal matter to that end; and,
 - ii) the work is authorized pursuant to the Town of Inuvik Zoning By-law 2225/P+D/04 as amended and does not otherwise contravene any federal, territorial or municipal laws or regulations.
- c) to persons using domestic equipment, including lawnmowers, snowblowers, garden tillers and built-in vacuum cleaners which are vented to the outside, and persons owning or controlling property on which such equipment is used if:
 - i) the noise is of a temporary or intermittent nature; and,
 - ii) the equipment is properly maintained and operated in a normal manner for that type of equipment.

4. CONSTRUCTION NOISE

- 4.1 No person shall on any day before 7:00 a.m. or after 11:00 p.m. 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.
- 4.2 Where it is impossible or impractical to comply with this section, the Town may give written approval to carry on the work that is found to be necessary at designated hours.
- 4.3 Responsibility for obtaining written approval lies with the person or persons carrying on the work.

5. COMMERCIAL AND INDUSTRIAL NOISE

- 5.1 No person shall load or unload motor vehicles in any area designated as a Residential District between the hours of 11:00 p.m. and 7:00 a.m. on any day.

6. OFFENSES

- 6.1 Every person who contravenes any provision of this by-law is guilty of an offense and is liable upon summary conviction to a fine as follows:
 - (a) For a first offence – a warning ticket;
 - (b) For second offence - a fine of \$100.00;
 - (c) For third offence - a fine of \$500.00;
 - (d) For each subsequent offence – to a fine not exceeding:
 - i) \$1,000.00 for an individual; and,
 - ii) \$5,000.00 for a corporation; or,
 - iii) to imprisonment for a term not exceeding six (6) months or both imprisonment and fine
- 6.2 A By-law Enforcement Officer may issue a summons by ticket in the form prescribed by the Summary Conviction Procedures Act, R.S.N.W.T. 1988, c. S-15, to any person who contravenes the provisions of this by-law, and such person may, in lieu of appearing in answer to the summons by ticket, pay the Town such penalty as set out in clause 4.1 above.

6.3 Any person who has received a ticket under section 4 (b) may, within fourteen days of receipt of that ticket pay the amount specified on that ticket, in lieu of prosecution, to the Town of Inuvik.

7. SEVERABILITY

7.1 If any provision or part of a provision of this by-law is declared by court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the by-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

8. CONFLICT WITH ANY OTHER BY-LAW

8.1 In the event of any conflict between any provisions of this by-law and any other by-law heretofore passed, the provisions of this by-law shall prevail.

9. REPEALS

By-law 84-799 and any previous Noise Control By-laws are hereby repealed.

10. EFFECT

10.1 This by-law shall come into effect upon the day of its final passage.

READ A FIRST TIME THIS 12TH DAY OF JANUARY, 2011 A.D.

READ A SECOND TIME THIS 12TH DAY OF JANUARY, 2011 A.D.

READ A THIRD TIME AND FINALLY PASSED THIS 26TH DAY OF JANUARY, 2011 A.D.



MAYOR



SENIOR ADMINISTRATIVE OFFICER

I hereby certify that this by-law has been made in accordance with the requirements of the Cities, Towns and Villages Act and the by-laws of the Town of Inuvik.




SENIOR ADMINISTRATIVE OFFICER