

**TOWN OF PRINCETON
BYLAW NO. 923, 2016**

A bylaw to regulate noise within the Town of Princeton

WHEREAS under the provisions of Section 8 (3) (h) of the *Community Charter*, Council may by bylaw regulate, prohibit or impose requirements in relation to, among others, the protection and enhancement of the well-being of persons or property in relation to nuisances, disturbances and other objectionable situations;

AND WHEREAS Section 64 of the *Community Charter* provides that the authority under Section 8 (3) (h) may be exercised in relation to, among others, disturbances and noise;

AND WHEREAS the Municipal Council deem it necessary to regulate or prohibit noise that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.

NOW THEREFORE the Council of the Town of Princeton, in open meeting assembled, enacts as follows:

PART 1: TITLE

1. This Bylaw may be cited as "NOISE CONTROL BYLAW NO. 923, 2016".

PART 2: DEFINITIONS

2. In this Bylaw:

Authorized Person means the Chief Administrative Officer or his designate.

Council means the Municipal Council of the Town of Princeton.

Municipality means the Town of Princeton, excluding the Copper Mountain Mine Properties Boundary Extension December 17, 2015.

Noise includes any loud outcry, barking, clamour, shouting or movement, or any sound that is loud or harsh or undesirable.

Peace Officer means the person or persons appointed from time to time by the Municipal Council to enforce and administer this bylaw and shall include the Town's Bylaw Enforcement officers, members of the Royal Canadian Mounted Police and any other person employed for the preservation and maintenance of the public peace.

Person includes any company, corporation, owner, partnership, firm, association, society or party.

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.

3. Words defined in the *Motor Vehicle Act*, *Community Charter* and the *Local Government Act*, and the regulations to those Acts, shall have the same meaning when used in this Bylaw unless defined in this Bylaw.

PART 3: GENERAL REGULATIONS

4. 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 neighbourhood or vicinity.
5. 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 neighbourhood or vicinity.
6. No person shall play or operate any radio, stereophonic equipment or other instrument or any 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 neighbourhood or of persons in the vicinity.
7. 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 neighbourhood or the public at large.
8. No hawker, huckster, peddler, newsvendor, or other person shall by his intermittent or reiterated cries, disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.
9. No person shall load, unload, deliver, collect, pack, unpack or otherwise handle any containers, products, materials, or refuse whatsoever before 7:00 a.m. or after 9:00 p.m. in any residential area.

PART 4: MOTOR VEHICLE OBJECTIONAL NOISES AND SOUNDS

10. Without limiting the generality of Section 3, the following noises or sounds are believed by Council to be objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public:

(a) any noise or sounds produced within or outside a vehicle and created by the following:

- i a vehicle's engine or exhaust system when such noises or sounds are loud, roaring or explosive;
- ii any vehicle warning device except when authorized by bylaw;

- iii a vehicle operated in such a manner that the tires squeal;
- iv a load or tow of a vehicle which causes a banging, clanking, squealing, or other like noise or sound due to improperly secured load or equipment, or inadequate maintenance;
- v a radio, television, tape player or other sound playback device, or amplification equipment, or a musical instrument, which can easily be heard by a person outside the vehicle.

PART 5: CONSTRUCTION NOISE

- 11. No person in the municipality shall on any day from Monday to Friday before 7:00 a.m. or after 8:00 p.m., nor on Saturday before 8:00 a.m. or after 8:00 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.
- 12. No person in the municipality shall, for profit or gain, on a Sunday or Statutory Holiday, 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 neighbourhood or of persons in the vicinity.

PART 6: EXEMPTIONS

- 13. The following are exempt from the contents of this Bylaw:
 - (a) police, fire or other emergency vehicles for emergency purposes;
 - (b) bells or chimes for the announcing of public worship services;
 - (c) security or fire alarms;
 - (d) the reasonable operation of a street sweeper, snow removal, garbage truck or other road and parks maintenance machines and equipment by, or on behalf of, public facilities, or on behalf of commercial, industrial or institutional zoned properties;
 - (e) emergency repairs, provided that the repairs are urgently necessary for the preservation and protection of life, health, property or highways, but the onus shall be on the person performing the work to show cause that the work was of an urgent emergency nature;
 - (f) horn or signaling device upon any vehicle, boat or train where such noise is properly and necessarily used as a danger or warning signal;
 - (g) any public event for recreational or entertainment purposes, provided that written approval has been obtained from an Authorized Person;

- (h) any business or industry or agriculture established in accordance with "Town of Princeton Zoning Bylaw No. 880" as amended or reenacted from time to time, in any area designated as approved for that type of operation provided that all precautions are taken according to the latest and most up to date scientific methods for abating, controlling or limiting noise, arising from the industry conducted and common to such trade or industry so that the same may be as free from neighbourhood offence as possible; and
- (i) any work carried out during restricted hours with permission of an Authorized Person, in writing, specifying the time during such restricted hours when such work may be performed.

PART 7: SPECIAL EXEMPTIONS

- 14. A person may submit an application for exemption from the provisions of this Bylaw to an Authorized Person regarding construction issues if it is impossible or impractical to comply. Where an Authorized Person considers that it is impossible or impractical to comply with Section 5, the Authorized Person may, on approval of an application;
 - (a) exempt construction work from provisions of section 5, and
 - (b) determine the terms on an exemption under this subsection for the specific period of time.
- 15. Application for an exemption required under this section shall be made in writing in a form provided by the Town of Princeton and will contain all the information required by the form as per Schedule B, which is attached and forms part of this Bylaw:
 - (a) the name, address and telephone number of the applicant;
 - (b) the civic address of the location of the works or events;
 - (c) the building permit number;
 - (d) the reasons for the requested exemption;
 - (e) a description of the source of noise in respect of which the exemption is sought;
 - (f) the exact period of time for which the exemption is requested;
 - (g) a statement of the measures planned or presently being taken to minimize the noise or sound created.
- 16. If an exemption is granted by an Authorized Person the applicant must, at least forty-eight (48) hours before the start of the exemption period, distribute a notice, in a form and with the content satisfactory to the Authorized Person, to all the residences within a one hundred (100) metre radius. Such a notice is to include, but will not be limited to, all times and dates, the specific location and general description of the activity.

17. An application for exemption must be submitted to the Town of Princeton within at least 10 business days before construction work.

PART 8: INSPECTIONS

18. Peace Officers are hereby authorized to enter at all reasonable times upon any property within the Town for the purpose of ascertaining whether the regulations under this Bylaw are being observed, or whether a requirement of the Town is being met.

PART 9: OFFENCES, ENFORCEMENT AND PENALTIES

19. Any person who contravenes any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, commits an offence punishable on summary conviction and is subject to a fine not less than \$250 and not more than \$10,000.

20. Each day that a violation exists or is permitted to exist is deemed to be a separate offence against this Bylaw.

21. This Bylaw may be enforced by means of a ticket in the form prescribed for the purpose of section 264 of the *Community Charter*.

22. Pursuant to section 264(1)(b) of the *Community Charter*, the Town Administrator, the Town's Bylaw Enforcement Officers, and members of the Royal Canadian Mounted Police are designated to enforce this Bylaw.

23. Pursuant to section 264(1)(c) of the *Community Charter*, the words or expression in Column 1 of Schedule "A" to this Bylaw designate the offence committed under the Bylaw section number appearing in Column 2 opposite the respective words or expression.

24. Pursuant to section 265(1)(a) of the *Community Charter*, the fine amount in Column 3 of Schedule "A" to this Bylaw is the fine amount that corresponds to the section number and words or expression set out in Columns 1 and 2 opposite the fine amount.

25. Council hereby delegates to the Town's Chief Administrative Officer the authority to refer any disputed tickets to the Provincial Court.

PART 10: SEVERABILITY AND REPEAL

26. If any portion of this Bylaw is held to be invalid by a Court of competent jurisdiction, such invalidity does not affect the remaining portions of the Bylaw.
27. Town of Princeton Noise Control Bylaw No. 384, 1981 and all amendments thereto are hereby repealed in their entirety.

Read A First Time This 18th Day of July 18th, 2016

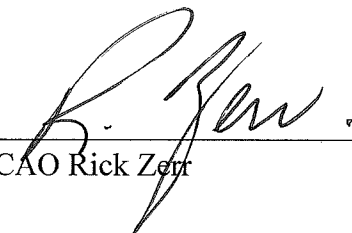
Read A Second Time This 18th Day of July 18th, 2016

Read A Third Time This 18th Day of July, 2016

Adopted This 15th Day of August , 2016



Mayor Frank Armitage



CAO Rick Zett

Schedule "A"

Fine Schedule

Description of Offence	Section #	Amount of Fine
noise which disturbs	Part 3: 4	\$100.00
allow or permit noise which distrubs	Part 3: 5	\$100.00
person playing amplified sound	Part 3: 6	\$100.00
person keeping any animal or bird that disturbs the neighborhood	Part 3: 7	\$100.00
loading or unloading or handling goods in a residential area	Part 3: 9	\$100.00
objectional noise produced within or outside a vehicle	Part 4: 10(a)	\$100.00
construction noise between 8:00pm and 7:00am	Part 5: 11	\$300.00
construction noise on a Sunday or Statutory Holiday	Part 5: 12	\$300.00

Schedule "B"



NOISE BYLAW No. 923 EXEMPTION APPLICATION

New application OR Extension of existing Exemption

Name of Applicant: _____

Address of Applicant: _____ Business Licence # : _____

Site of Work or Event: _____ Building Permit # : _____

Date Exemption Required: From: _____ (YY/MM/DD) To: _____ (YY/MM/DD)

Time Exemption Required: From: _____ (AM/PM) To: _____ (AM/PM)

Describe the type of Work being completed: _____

Describe reasons why this exemption should be issued: _____

Describe the noise created and state measures planned or presently being taken to minimize the sound or noise:

Signature of Applicant: _____ Date: _____

Contact Name: _____ Phone: _____

E-mail Address: _____

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