

**TOWN OF INUVIK
BY-LAW #2634/PS/19**

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

PURSUANT TO the *Cities, Towns and Villages Act* of the Northwest Territories, S.N.W.T. 2003, c. 22 as amended;

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 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:

1.0 SHORT TITLE

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

2.0 INTERPRETATION

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

- 1) “**Council**” means the Council of the Municipal Corporation of the Town of Inuvik.
- 2) “**Motor Vehicles Act**” means the *Motor Vehicles Act*, R.S.N.W.T. 1988, c. M-16 and all amendments thereto.
- 3) “**Mayor**” means the presiding Council member and the Senior Executive Officer of the Municipal Corporation of the Town of Inuvik.
- 4) “**Noise**” means any unnecessary and excessive sound including any loud outcry, clamour, shouting or movement, or any sound that is loud, harsh or undesirable.
- 5) “**Other Area**” means any area of the Town that is not designated as residential in the Town Zoning By-law.
- 6) “**Peace Officer**” means any By-law Enforcement Officer of the Town of Inuvik, or any RCMP officer.
- 7) “**Person**” has the meaning given to it in the *Interpretation Act*, S.N.W.T. 2017, c. 19 and all amendments thereto.
- 8) “**Senior Administrative Officer**” means the Senior Administrative Officer of the Municipal Corporation of the Town of Inuvik or their designate.
- 9) “**Town**” means the Municipal Corporation of the Town of Inuvik.
- 10) “**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.

2.2 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*, R.S.N.W.T. 1988, c. A-3, and the *Cities, Towns and Villages Act* respectively.

3.0 GENERAL PROHIBITION

- 3.1 No person shall make, continue, or cause to be made or continued, or suffer or permit to be made or continued:

- a) any unreasonably loud or excessive noise;
- b) any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity in the Town; or
- c) any noise which is so harsh, prolonged, unnatural or unusual in time or place as to occasion unreasonable discomfort to any person.

3.2 Factors for determining whether any noise violates subsection 3.1 include, but are not limited to, the following:

- a) the proximity of the noise to sleeping facilities;
- b) the land use and zoning of the area from which the sound emanates and the area where it is received or perceived;
- c) the time of day or night the noise occurs;
- d) the duration of the noise;
- e) the volume of the noise;
- f) the nature of the noise;
- g) whether the noise is recurrent, intermittent or constant; and
- h) the nature of the event or activity from which the noise emanates.

3.3 In the absence of other evidence, or by way of corroboration of other evidence, a justice may infer from the evidence of a peace officer relating to the conduct of a person or persons that a noise violates subsection 3.1.

3.4 Without limiting the generality of subsection 3.1, no person shall carry out any activity listed in Schedule A attached to and forming part of this bylaw in areas designated and during the days and times specified in Schedule A.

4.0 EXEMPTIONS

4.1 This by-law does not apply:

- a) to any person who emits or causes the emission of noise in connection with any life-saving duty or responsibility or any person acting in an emergency:
 - i) for the immediate health, safety or welfare of the inhabitants; or
 - ii) for the preservation or restoration of property, unless such sound is clearly of a longer duration or more disturbing than is reasonably necessary for the accomplishment of such emergency purposes.
- b) Notwithstanding any other provisions of this by-law, section 3 shall not apply to noise in relation to the Town, its employees, contractor or agents, including general public utilities, when they are carrying out operations or operating, maintaining or installing public infrastructure, facilities or the like, except for the detonation of explosives.
- c) Notwithstanding any other provisions of this by-law, section 3 shall not apply to noise necessary for municipal operations, including but not limited to, snow clearing, street cleaning and garbage collection undertaken by or on behalf of the Town.
- d) Notwithstanding any other provisions of this by-law, section 3 shall not apply to noise in relation to parades, street dances, sporting events, concerts or other community activities that have been approved by the Senior Administrative Officer.
- e) Notwithstanding any other provisions of this by-law, section 3 shall not apply to the reasonable sounding of any bell by a place of worship and the reasonable sounding of any bell or similar device by a school or other education institution.

- f) Notwithstanding any other provisions of this by-law, section 3 shall not apply to the Inuvik Mike Zubko Airport.
- g) Notwithstanding any other provisions of this by-law, section 3 shall not apply to fireworks displays authorized by the Senior Administrative Officer.

5.0 REQUESTS FOR EXEMPTION

- 5.1 Any person may apply to the Senior Administrative Officer for an exemption to any provision of this by-law. The Senior Administrative Officer may:
- a) grant such exemption, with or without conditions;
 - b) grant an alternative exemption, with or without conditions; or
 - c) refuse to grant the exemption.
- 5.2 Every person applying for an exemption under subsection 5.1 shall, at least 30 days prior to the event for which the exemption is being requested, provide the Senior Administrative Officer with a completed application for exemption on a form established by the Town.
- 5.3 Where the exemption is granted by the Senior Administrative Officer, breach of any of the terms or conditions of the exemption shall render it null and void.
- 5.4 An applicant may appeal a decision by the Senior Administrative Officer to refuse to issue an exemption under this by-law by submitting written notice to the Senior Administrative Officer within thirty (30) days of receiving the notice of refusal. Council may uphold the decision of the Senior Administrative Officer, overturn the decision and order the exemption to be issued, or request further information prior to making a determination.

6.0 OFFENCES

- 6.1 Any corporation who contravenes any provisions of this by-law is guilty of an offence and liable on summary conviction to a fine not less than five hundred dollars (\$500.00) and not more than ten thousand dollars (\$10,000.00).
- 6.2 Where any corporation who contravenes the same provision of this by-law twice in one year, that corporation is guilty of an offence and liable on summary conviction to a fine not less than one thousand dollars (\$1,000.00) and not more than ten thousand dollars (\$10,000.00).
- 6.3 Any person who contravenes any provisions of this by-law is guilty of an offence and liable on summary conviction to a fine not less than one hundred dollars (\$100.00) and not more than two thousand dollars (\$2,000.00).
- 6.4 Where any person who contravenes the same provision of this by-law twice in one year, that person is guilty of an offence and liable, on summary conviction, for a fine of not less than two hundred and fifty dollars (\$250.00) and not more than two thousand dollars (\$2,000.00).
- 6.5 Each day of violation of any provision of this by-law shall constitute a separate offence.
- 6.6 A Peace Officer may issue a Summary Offence Ticket Information in the form prescribed by the *Summary Conviction Procedures Act* and regulations, to any person who violates any provision of this by-law and such person may, in lieu of prosecution, pay the Town the applicable voluntary penalty prior to the court date specified on the ticket.

7.0 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.

8.0 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.

9.0 REPEALS

9.1 By-law 2496/PS/11 and any previous Noise Control By-laws in effect are hereby repealed.

10.0 EFFECT

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

READ A FIRST TIME THIS 26TH DAY OF JUNE, 2019 A.D.

READ A SECOND TIME THIS 26TH DAY OF JUNE, 2019 A.D.

READ A THIRD TIME AND FINALLY PASSED THIS 10TH DAY OF JULY, 2019 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

SCHEDULE A

Pursuant to Section 3.4 of the Town of Inuvik Noise Bylaw #2634/PS/19, the following activities are prohibited in the areas and during the times indicated:

PROHIBITED ACTIVITY	PROHIBITED TIME(S)	PROHIBITED AREA(S)
The detonation of fireworks or explosive devices without a permit	at all times	residential and other
The operation of any vehicle, equipment or machinery without an effective muffling device	at all times	residential and other
The operation of a horn or other warning device except where required or authorized, or in accordance with good safety practice	at all times	residential and other
The operation of any outdoor auditory signaling device, including but not limited to outdoor paging systems, the ringing of bells or gongs, the use of sirens, whistles or chimes, or the production, reproduction or amplification of any similar sounds by electronic means except where required or authorized by law or in accordance with good safety practice	at all times	residential
The persistent barking, calling or whining or other similar persistent noisemaking by animals kept as household pets or for commercial purposes	at all times	residential and other
Selling or advertising by shouting, yelling or amplified sound	between 9:00 p.m. and 7:00 a.m.	residential and other
The use or operation of any radio, television, stereo, music player, musical instrument, public address system or similar device so that the sound may be heard on another property or in another apartment unit	between 11:00 p.m. and 7:00 a.m.	residential
Except as noted, the operation of equipment or machinery used in lawn and garden care or property maintenance including lawn mowers, leaf blowers, compressor, engine or similar equipment. Note that snow blowing equipment and emergency generators are not prohibited	between 9:00 p.m. and 7:00 a.m.	residential
The construction, repair or demolition of any building or structure so that the sound may be heard on another property or in another apartment unit except in the case of emergencies	between 9:00 p.m. and 7:00a.m.	residential and other
The operation of construction equipment	between 9:00 p.m. and 7:00a.m.	residential and other
The operation of toy or hobby devices which have engines or propulsion systems that make noise	between 9:00 p.m. and 7:00a.m.	residential and other
The operation of commercial or pressurized wash systems	between 9:00 p.m. and 7:00a.m.	residential
The venting, release or pressure relief of air, steam, or other gaseous material, product or compound from any autoclave, boiler, pressure vessel, pipe, valve, machine or device	between 9:00 p.m. and 7:00a.m.	residential
Yelling, shouting, hooting, whistling or singing	between 11:00p.m. and 7:00 a.m.	residential
The operation of any air conditioner, pump, heat pump or similar device that is not in proper working order	at all times	residential and other
The use of engine brakes on any motor vehicle except in the case of emergency	at all times	residential and other