

**CITY OF THOMPSON
BY-LAW NUMBER 1666-2001**

BEING A BY-LAW TO REGULATE UNNECESSARY NOISE.

WHEREAS Section 232(1) of the Municipal Act, SM 1996, c. 58-M225 provides:

The Council may pass by-laws for municipal purposes respecting the following matters:

- (b) people, activities and things in, or near a public place, or place open to the public, including parks, municipal roads, recreation centres, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from municipal taxation;
- (c) subject to Section 233, activities or things in or on private property.

WHEREAS Section 233(d) of the Municipal Act, SM 1996, c. 58-M225 provides inter alia:

- (a) A by-law under clause 232(1)(c) "activities or things in or on private property, may contain provisions only in respect of (d) activities or things that in the opinion of the council are or could become a nuisance, which may include noise, weeds, odours, unsightly property, fumes, and vibrations."

AND WHEREAS Section 239 of the Municipal Act, SM 1996, c. 58-M225 provides:

- (1.) If this or any other act or by-law authorizes or requires anything to be inspected, remedied, enforced or done by a municipality, a designated officer of the municipality may, after giving reasonable notice to the owner or occupier of land or building or other structure to be entered to carry out inspection, remedy, enforcement or action,
 - (a) enter a land or structure at any reasonable time, carry out an inspection, enforcement or action authorized or required by the act or by-law

- (e) "Emergency Work" means any work performed for the purpose of preventing or alleviating the physical trauma or physical damage threatened or caused by an emergency.
- (f) "Motor Vehicle" means an automobile, motorcycle, truck or any other vehicle propelled or driven other than by muscular power.
- (g) "Motorized Recreational Vehicle" means all recreational motorized vehicles whether or not duly licensed and registered, including, but not limited to, commercial or non-commercial racing vehicles, motorcycles, go-carts, snowmobiles, trail bikes, amphibious craft and motor boats.
- (h) "Noise Nuisance" means any sound in excess of 65 d.b.a. at a point of reception, as measured on a precision sound level meter, which is likely to, or does annoy, injure or disturb the health, peace or safety of any person.
- (i) "Powered Model Vehicle" means any self-propelled airborne, water-borne or land borne airplane, vessel or vehicle, which is not designed to carry a person including, but not limited to, any model airplane, boat, car or rocket.
- (j) "Sound" means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarification of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.
- (k) "Precision Sound Level Meter" means an instrument used to measure sound levels and specified as a type 1 precision sound level meter in CSA specification Z107 1-1973, or the American National Standards Institute specification ANSI S1 4-1971 (R1976) as amended from time to time.

- (f) No person who is the owner or occupier or tenant of property shall use such property or any part thereof or allow or permit such property or any part thereof to be used in such a manner that noise or sound which occurs thereon or emanates therefrom creates a noise nuisance at a point of reception.
- (g) No person shall commit or abet the committing of any noise nuisance.
- (h) No person shall operate or permit the operation of a powered model vehicle so as to create a noise nuisance at a point of reception between the hours of 10:00 p.m and 7:00 a.m. of the following day.
- (i) No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, loudspeakers, public address system, sound amplifier or similar device in a residential district which produces, reproduces or amplifies sound in any manner as to create a noise nuisance at a point of reception at any time.
- (j) No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, loudspeaker, public address system, sound amplifier or similar device in a commercial district which produces, reproduces or amplifies sound in such a manner as to create a noise nuisance at a point of reception, unless used for the purpose of advertising some patriotic or other public object and unless a permit has been issued by the City Clerk.
- (k) No person shall by shouting, or otherwise, whether by amplified sound or otherwise cause a noise nuisance within the City.

- (g) Concerts, Circuses, Fairs, Parades, or any like activity where a permit has been issued by the City Clerk.
 - (h) Any activity, work or undertaking which would otherwise be prohibited by this by-law where a permit has been issued by the City Clerk.
 - (i) Aircraft and railway rolling stock.
 - (j) Any snow clearing activities on public or private property.
6. Enforcement - any designated officer may enter the property of any person committing an offence under this by-law and may take such action as is necessary to enforce this by-law, including the arrest of any such person where the action of that person or persons creates an emergency or constitutes an extraordinary circumstance of noise nuisance.
7. Penalty - every person who violates any provision of this by-law or who suffers or permits any act or things to be in contravention or in violation of any of the provisions of this by-law, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this by-law, is guilty of an offence against this by-law and liable upon summary conviction to a fine of not more than \$1,000.00 in addition the costs or imprisonment for a period of not more than 30 days.
8. Wherever the provisions of any by-law or Town Planning Scheme of the City, or any by-law or Town Planning Scheme administered by the City impose overlapping or contradictory regulations or the control or prohibition of noise, or contain any restrictions covering any of the same subject matter contained herein, the most restrictive shall apply.
9. By-law Number 1392-91 of the City of Thompson is hereby repealed.
10. Severability - if any provision of this by-law is held to be invalid by any court of competent jurisdiction; the remaining provisions of the by-law shall not be invalidated.