

**[INSERT NAME OF MUNICIPAL CORPORATION]**

**[INSERT BYLAW NUMBER]**

## **NOISE BYLAW**

### **A BYLAW OF [INSERT NAME OF MUNICIPAL CORPORATION], IN THE NORTHWEST TERRITORIES FOR THE PURPOSE OF REGULATING NOISE**

**WHEREAS**, pursuant to section 70(1) of the *Cities, Towns and Villages Act*, SNWT 2003, c 22, a council may pass bylaws for municipal purposes respecting the following matters:

- a) the safety, health and welfare of people and the protection of people and property;
- b) people, activities and things in, on or near a public place or a place that is open to the public;
- c) public nuisances; and
- d) the enforcement of bylaws.

**AND WHEREAS**, Council deems it advisable to pass a Bylaw to regulate noise which may disturb the peace;

**NOW THEREFORE**, Council of the **[Insert Municipality]**, duly assembled, enact as follows:

#### **PART 1 – TITLE AND DEFINITIONS**

##### **1. Short Title**

1.1. This Bylaw shall be cited as the “Noise Bylaw”.

##### **2. Purpose**

2.1. This Bylaw is enacted to protect, preserve and promote the safety, health and welfare, peace and quiet of residents of the Municipal Corporation through the reduction, control and prevention of any noise that annoys or disturbs the peace of reasonable persons of ordinary sensitivity.

##### **3. Definitions**

3.1. In this Bylaw, unless the context otherwise requires:

- (a) “Council” means the council of **[Insert name of Municipal Corporation]**;

- (b) “Municipal Corporation” means **[Insert Name Of Municipal Corporation]** and its duly authorized employees, agents, contractors and other representatives or the geographic area contained within the boundaries thereof, as the context requires;
- (c) “Occupant” means a Person occupying a Property, including a lessee or licensee, who has actual use, possession or control of the Property;
- (d) “Owner” means:
  - i. in the case of land, the Person who is registered under *the Land Titles Act* as the owner of the fee simple estate in the parcel of land; or
  - ii. in the case of any property other than land, the Person in lawful possession of it;
- (e) “Peace Officer” includes a Bylaw Enforcement Officer appointed by the Municipal Corporation and a member of the Royal Canadian Mounted Police;
- (f) “Person” means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative to whom the context applies according to law;
- (g) “Property” means:
  - i. in the case of land, a parcel of land including any buildings or structures thereon; or
  - ii. in other cases, personal property;
- (h) “Senior Administrative Officer” means the Senior Administrative Officer of the Municipal Corporation or their delegate;

## **PART 2 – PROHIBITION**

### **4. Noise Control**

4.1.No Person shall cause or permit any noise that, in the opinion of a Peace Officer, having regard for the circumstances, annoys or disturbs the peace of any reasonable Person.

4.2.No Owner or Occupant of a Property shall permit their Property to be used so that noise from the Property, in the opinion of a Peace Officer, having regard for the circumstances, annoys or disturbs the peace of any reasonable Person.

4.3.In determining what constitutes noise likely to annoy or disturb the peace of any reasonable Person, consideration may be given to:

- (a) the nature of the noise;
- (b) the volume of the noise;
- (c) whether the noise is recurrent, intermittent or constant;
- (d) the time of day and day of the week;
- (e) the proximity of the noise to sleeping facilities;
- (f) the land use, nature and zoning of the area from which the noise emanates and the area where it is received or perceived;
- (g) the nature of the event or activity from which the noise emanates;
- (h) any other factor that, in the opinion of the Peace Officer, is relevant to the determination of whether the noise constitutes a disturbance.

4.4.Nothing in this Part prohibits:

- (a) an employee or authorized agent of the Municipal Corporation from producing noise while acting within the scope of their functions, duties or powers;
- (b) the production of noise in accordance with a permit granted pursuant to section 5.1; or
- (c) any activity that is carried out in accordance with the conditions of a development permit validly issued by the Municipal Corporation.

**[OPTIONAL PROVISION:**

**4.5**No Owner or Occupant of a Property shall cause or permit any construction activity on the Property:

- (a) before 7:00 a.m. or after 11:00 p.m. Monday through Saturday; or
- (b) before 9:00 a.m. or after 11:00 p.m. on a Sunday or holiday.]

**[OPTIONAL PROVISION:**

**4.6**No Person shall advertise events or merchandise by ringing bells or by use of mechanical, electrical or sound amplification devices between the hours of 11:00 p.m. and 7:00 a.m.]

**5. Permit**

5.1.The Senior Administrative Officer may issue a permit, on whatever conditions the Senior Administrative Officer considers appropriate, authorizing the production of noise in a manner, or of a type, that would otherwise contravene section 4.

## **PART 3 – ENFORCEMENT**

### **6. Offence**

6.1.A Person who contravenes any provision of this Bylaw is guilty of an offence.

### **7. Continuing Offence**

7.1.In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a Person guilty of such an offence is liable to a fine in an amount not less than that established in Schedule “A” for each such day.

### **8. Vicarious Liability**

8.1.For the purposes of this Bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the Person if the act or omission occurred in the course of the employee's employment with the Person, or in the course of the agent exercising the powers or performing the duties on behalf of the Person under their agency relationship.

### **9. Corporations**

9.1.When a corporation commits an offence under this Bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.

9.2.If a partner in a partnership is guilty of an offence under this Bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

### **10. Fines and Penalties**

10.1.A Person who is guilty of an offence is liable, on summary conviction, to a fine in an amount:

- (a) not less than the specified penalty established in Schedule “A”;
- (b) not exceeding:
  - (i) \$10,000 in the case of a corporation; and
  - (ii) \$2,000 in the case of an individual.

10.2.A Peace Officer may issue a ticket, in the form prescribed by the *Summary Conviction Procedures Act* and the regulations thereunder, to any Person who violates any provision of this Bylaw and may indicate, on the ticket, the specified

penalty, established in Schedule "A", that may be paid to the Municipal Corporation prior to the date specified on the ticket in place of appearing in answer to the summons.

## 11. Obstruction

11.1.No Person shall obstruct, hinder or impede any authorized representative of the Municipal Corporation in the exercise of any of their powers or duties pursuant to this Bylaw.

## PART 4 – GENERAL

## 12. Severability

12.1.Each provision of this Bylaw is independent of all other provisions. If a Court of competent jurisdiction declares any provision invalid for any reason, all other provisions of this Bylaw shall remain valid and enforceable, and the Bylaw shall be interpreted as such.

## 13. Repeal

13.1.This Bylaw repeals: **[insert previous bylaw, if applicable]**.

Read a first time this \_\_\_ day of \_\_\_\_\_, 20\_\_.

Read a second time this \_\_\_ day of \_\_\_\_\_, 20\_\_.

Read a third time this \_\_\_ day of \_\_\_\_\_, 20\_\_.

Signed, certified by the Senior Administrative Officer and sealed this \_\_\_ day of \_\_\_\_\_, 20\_\_.

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Mayor

I hereby certify that this Bylaw has been made in accordance with the requirements of the **[insert: "Hamlets Act", "Cities, Towns and Villages Act", "Charter Communities Act" or "Tłı̨chǫ Community Government Act", as applicable]** and the bylaws of the Municipal Corporation.

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Senior Administrative Officer

## SCHEDULE "A"

Section	Description	Penalty	
		First Offence	Second or Subsequent Offence
4.1 – 4.2	Cause Noise as to Disturb the Peace	[Municipality to Insert]	[Municipality to Insert]
4.5	Prohibited Construction Activity	[Municipality to Insert]	[Municipality to Insert]
4.6	Prohibited Advertising Noise	[Municipality to Insert]	[Municipality to Insert]
11.1	Obstruction	[Municipality to Insert]	[Municipality to Insert]