

VILLAGE OF NEW DENVER

BY-LAW NO. 338

A By-Law to regulate the making or causing of sounds in or on a highway or elsewhere in the Municipality of the Village of New Denver which disturb, or tend to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood, or of persons in the vicinity.

WHEREAS, it is deemed expedient to regulate the making or causing of noises or sounds in the Municipality which disturb, or tend to disturb, the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, or of persons in the vicinity, the Municipal Council of the Corporation of the Village of New Denver in open meeting assembled enacts as follows:

1. It shall be unlawful for any person or persons within the Municipal limits of the Village of New Denver to make or cause any noises or sounds in or on a highway or elsewhere within the Municipal limits which disturb or tend to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.
2. Without in any way limiting the prohibition contained in Section one (1) hereof, the following are specifically prohibited within the Municipal limits of the Village of New Denver.
 - a) The playing or operation of any musical instrument or amplification of sound in such a manner, or with such volume as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.
 - b) The keeping of any animal, bird or fowl which by causing frequent or loud continued noise shall disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.
 - c) The use of any automobile, motor-cycle, bus or other vehicle so out of repair or so loaded or operated as to create loud or unnecessary noise or noises.
 - d) The discharging into the open air of the exhaust of any stationary internal combustion engine, motor vehicle engine or automobile engine except through a muffler or other device which effectively prevents unnecessary noise therefrom.
 - e) The sounding of a horn or other signalling device upon an automobile, motor-cycle, bus or other vehicle not in motion.
 - f) The sounding of a horn or other signalling device upon an automobile, motor-cycle, bus or other vehicle in motion except as a danger or warning signal.
 - g) The creation of any excessive noise on any street, highway or lane, adjacent to any school, institution of learning, Church, or Court, while the same are in session or adjacent to any hospital at any time.
 - h) The loading or unloading of any truck, wagon, automobile or motor vehicle in or upon any public or private place or premises in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.

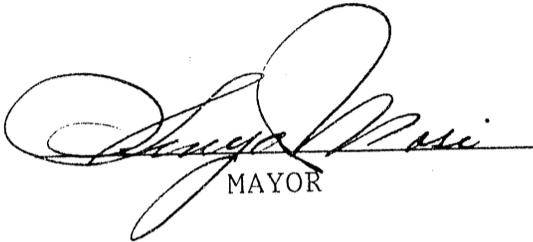
- i) Yelling, shouting, whistling or singing on the highways at any time or place so as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person in any hospital, dwelling, hotel, motel or other type of residence.
 - j) The erecting (including excavating), demolishing, constructing, reconstructing, altering or repairing of any building, or the excavating of any street, highway or lane other than between the hours of seven (7) o'clock in the forenoon and nine (9) o'clock in the afternoon except in the case of urgent necessity and in the interest of public health and safety and then only after a written permit from the Mayor or Clerk of the Village of New Denver been first obtained, which permit shall be limited as to the time during which the work so permitted may be performed.
3. The provisions of this By-Law shall not apply to or be enforced against:
 - a) Any vehicle of the Village of New Denver while engaged upon necessary public business.
 - b) The use of bells or chimes for the announcing of Church services of all kinds.
 - c) The playing of dance music in any regularly licenced dance hall between the hours of eight (8) o'clock in the afternoon and two (2) o'clock in the forenoon of the following day, when such following day is a week day, and one (1) o'clock in the forenoon of the following day when such day is a Sunday.
 - d) Any work carried out during restricted hours with the permission of the Mayor or the Village Clerk in writing, specifying the time during such restricted hours when such work be performed.
 4. Any person or persons guilty of an infraction of any of the provisions of this By-Law shall, upon Summary Conviction, be liable to a penalty not exceeding the sum of Two Thousand Dollars (\$2,000.00) for each offence.
 5. Village of New Denver Anti-Noise By-Law No. 281 is herein repealed.
 6. Village of New Denver Anti-Noise amendment By-Law No. 298, 1982 is herein repealed.
 7. If any Section, Subsection, Sentence, Clause or Phrase of this By-Law is for any reason held to be invalid by the decision of any Court of Competent Jurisdiction such a decision shall not affect the validity of the remaining portions of this By-Law.
 8. This By-Law shall come into force and effect upon Registration in the Office of the Inspector of Municipalities.
 9. This By-Law may be cited for all purposes as the "Village of New Denver Anti-Noise By-Law No. 338, 1986."

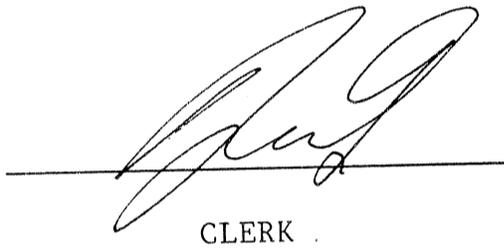
READ A FIRST TIME THIS 24th DAY OF June 1986

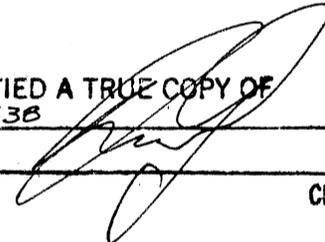
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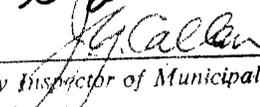
READ A THIRD TIME THIS 24th DAY OF June 1986

RECONSIDERED, FINALLY PASSED AND ADOPTED THIS 8th DAY OF
July 1986.


MAYOR


CLERK

CERTIFIED A TRUE COPY OF
BYLAW No. 338

CLERK

A true copy of By-Law No. 338
registered in the office of the Inspector
of Municipalities this 15 day of
Sept. 1986.

Deputy Inspector of Municipalities