

BY-LAW NO. 3537

A BY-LAW of the Municipal Corporation of the City of Yellowknife in the Northwest Territories to control noise within the City of Yellowknife.

PURSUANT TO Section 120 of the Cities, Towns and Villages Act, S.N.W.T., 1987(1), c.14 and to Section 348(p) of the Motor Vehicles Act, S.N.W.T. 1987(1), C-24.

WHEREAS the Council of the Municipal Corporation of the City of Yellowknife, having due regard for the peace and quiet of the public, deems it desirable to reduce and control unusual, unnecessary or excessive noise or vibration which may disturb or annoy the inhabitants of the City of Yellowknife.

NOW THEREFORE THE COUNCIL OF THE MUNICIPAL CORPORATION OF THE CITY OF YELLOWKNIFE, in regular session, duly assembled, hereby enacts as follows:

SHORT TITLE

1. THAT this by-law may be cited as the "Noise By-law".

INTERPRETATION

2. In this By-law:

"Conveyance"	includes a vehicle as defined in the Motor Vehicles Act and any other device employed to transport a person or persons or goods from place to place.
"City"	means the Municipal Corporation of the City of Yellowknife.
"Council"	means the Council of the City of Yellowknife.
"Emergency Vehicle"	means: <ol style="list-style-type: none"> (a) a motor vehicle that is used for emergency purposes, carries rescue or first aid equipment and has markings on the outside of the vehicle indicating that it is used for emergency purposes, or (b) a motor vehicle that is operated by a member of a fire department in the performance of his duties and has markings on the outside of the vehicle indicating that it is used by a fire department.
"Enforcement Vehicle"	means a motor vehicle operated by a person authorized to enforce a Territorial or a Federal Act or the By-laws of the City.
"Noise"	meaning any unnecessary and excessive sound including any loud outcry, clamor, shouting or movement, or any sound that is loud or harsh or undesirable.

- "Officer"** means a person who is appointed in accordance with the Cities, Towns and Villages Act as a By-law Officer to enforce the By-laws of the City of Yellowknife and any Peace Officer who is entitled by law to enforce the By-laws of the City of Yellowknife.
- "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.
- "Quiet Time"** means the time from 23:00 hours to 07:00 hours (11:00 p.m. to 7 a.m.)
- "Quiet Zone"** means that area defined as Lot 1 Block 162 on which Stanton Yellowknife Hospital is located.
- "Senior Administrative Officer"** means the Senior Administrative Officer of the City appointed pursuant to Section 44 of the Cities, Towns and Villages Act.

3. Save as herein otherwise provided, the terms and expressions used in this By-law shall have the same meaning as in the Interpretation Act, the Cities, Towns and Villages Act and the Motor Vehicles Act respectively.

GENERAL PROHIBITIONS

4. (a) 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 during the City's Quiet Time.
- (b) 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 any person or persons during the City's Quiet Time.
- (c) No Person shall operate a motor vehicle, motorcycle, or other conveyance which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the person or persons in the vicinity during the City's Quiet Time.
- (d) No Person shall emit, cause, or permit the emission of any Noise as described in this By-law which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of individuals located in the City's Quiet Zone at any time of the day or night.



5. Section 4 of this By-law does not apply to:
- (a) a person operating emergency or enforcement vehicles engaged in the lawful execution of their duty or to any person operating equipment on behalf of the City whilst engaged in conducting emergency utility repairs or routine snow removal and street cleaning, or to
 - (b) a person authorized in writing by the Senior Administrative Officer of the City.

PENALTIES

6. Any person violating any provision of this By-law is guilty of an offence and is liable upon Summary Conviction to a fine not exceeding:
- (a) Two thousand (\$2,000.00) dollars for an individual;
 - (b) Ten thousand (\$10,000.00) dollars for a corporation; or
 - (c) imprisonment for a period not exceeding six months, in default of payment of a fine.
7. Pursuant to Section 6 of this By-law, an 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 City a voluntary penalty of:
- (a) Seventy five (\$75.00) dollars for an individual; and
 - (b) One hundred and fifty (\$150.00) dollars for a corporation; prior to the court date specified on the ticket.

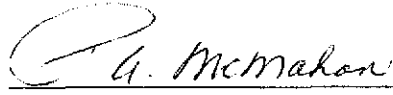
REPEAL

8. By-law No. 2813, as amended, is hereby repealed.


EFFECT

9. This By-law shall come into effect upon receiving Third Reading and otherwise meets the requirements of Section 58 of the Cities, Towns and Villages Act.

READ a First Time this 29 day of May, A.D., 1991.



Mayor



Senior Administrative Officer

READ a Second Time this 29th day of May, A.D., 1991.

P. G. McMahon
Mayor

Douglas S. Hays
Senior Administrative Officer

READ a Third Time and Finally Passed this 24th day of June A.D., 1990.

P. G. McMahon
Mayor

Douglas S. Hays
Senior Administrative Officer

