

THE CORPORATION OF THE VILLAGE OF HARRISON HOT SPRINGS
BYLAW NO. 474

Being a bylaw to provide for the abatement and control of noise within the Village of Harrison Hot Springs.

WHEREAS it is deemed expedient pursuant to the provisions of Section 932 of the Municipal Act, R.S.B.C. 1979 as amended, to regulate the making or causing of noises or sounds in the Village of Harrison Hot Springs which disturb, tend to disturb or are liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood, or of persons in the vicinity;

NOW THEREFORE the Council of the Corporation of the Village of Harrison Hot Springs in open meeting assembled, hereby ENACTS AS FOLLOWS:

Citation

1. This Bylaw shall be known and cited for all purposes as "Abatement and Control of Noise Bylaw No. 474 - 1987".

Definitions

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

"all-terrain vehicle" includes but is not restricted to snowmobiles, dirt bikes, mini-bikes, track vehicles, and any motorized two-, three-, four-, or six wheeled vehicles designed for recreational operation upon any ground surfaces;

"Commercial Zone" means a commercial zone as defined and expressed pursuant to the operative Village of Harrison Hot Springs Zoning Bylaw;

"Industrial Zone" means an industrial zone as defined and expressed pursuant to the operative Village of Harrison Hot Springs Zoning Bylaw;

"Residential Zone" means a residential zone as defined and expressed pursuant to the operative Village of Harrison Hot Springs Zoning Bylaw;

"Person" includes a company, corporation, partnership, firm, association, society, or party, and the heirs, executors, administrators, or other legal representatives of such person to whom the context can apply according to law;

"Vehicle" includes motor vehicle as defined in the Motor Vehicle Act, but is not restricted to automobiles, trucks, motorcycles, buses, and all-terrain vehicles.

Prohibited Noise

3. It shall be unlawful for any person or persons or the owner or occupier of any premises or of any real property or any person in charge thereof, to make or cause to be made or to allow or suffer to be made any noise or sound which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity or of individuals or of the public.
4. Without limiting the generality of the prohibition contained in Section 3 hereof, the following conduct is specifically prohibited within the boundaries of the Village of Harrison Hot Springs:
 - (a) The playing of any radio, phonograph, television, receiving set, musical instrument, sound device or sound amplification device in such manner or with such a volume as to disturb the quiet, peace, rest, enjoyment or comfort of the neighbourhood or of persons in the vicinity;
 - (b) The owning, keeping or harbouring of any animal, bird, or fowl which by its cries unduly disturbs the peace, quiet, rest, enjoyment or comfort of the surrounding neighbourhood or the public at large;
 - (c) The operation of any power lawn mower or power saw between the hours of 10:00 P.M. and 8:00 A.M.
 - (d) The discharging into the open air of the exhaust of any stationary internal combustion engine, motor vehicle engine including a motorcycle engine, automobile engine or other engine except through a muffler or other device which effectively prevents excessive noise therefrom;
 - (e) The sounding of a horn or other signalling device upon an automobile, motorcycle, bus or other vehicle in motion except as a danger or warning signal;
 - (f) 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;

- (g) The loading or unloading of any truck, wagon, or automobile 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;
- (h) The continuous running of any stationary motor vehicle in any residential zone within the Village so as to disturb the peace, quiet, rest or enjoyment of the neighbourhood;
- (i) The erecting, demolishing, constructing, re-constructing, altering, or repairing of any building in any residential zone or commercial zone within the boundaries of the Village or the excavating of any street, highway or lane in any residential zone or commercial zone during the whole of every Sunday and on weekdays including Saturdays between the hours of ten o'clock in the afternoon and eight o'clock in the forenoon except where a written permit from the Village Clerk has been first obtained, which permit shall be limited as to time during which the work so permitted may be performed.

5. It shall be lawful for the Village Clerk upon application therefor, to give permits to such persons, groups or organizations as he shall determine for the holding of public parades, carnivals, concerts, displays and other events notwithstanding that but for such permit the activities so permitted would be unlawful under this bylaw and such permits shall be limited as to time and place for such permitted conduct. A Variance Permit shall be attached hereto as Schedule "A" and shall form part of this bylaw.

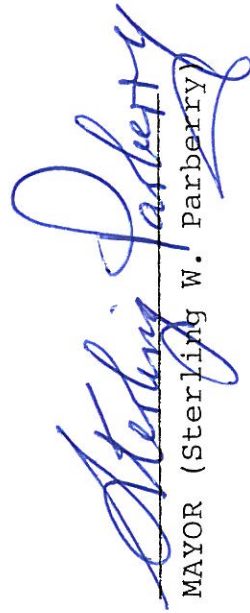
Exceptions

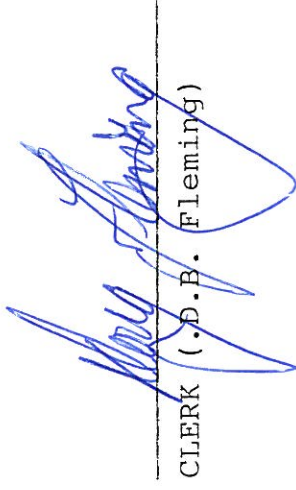
6. The provisions of this bylaw shall not apply to or be enforced against:
- (a) any vehicle or workman of the Village of Harrison Hot Springs while engaged upon necessary public business;
 - (b) any motor vehicle under the control of the Fire Department while responding to a fire alarm or to any police officer or constable in the discharge of his duty or to any licensed ambulance or to the use of any siren or other warning instrument by the Fire or Police Department or in connection with the operation of an ambulance;
 - (c) any necessary noise associated with the normal business of an operation located in an Industrial Zone within the Village;

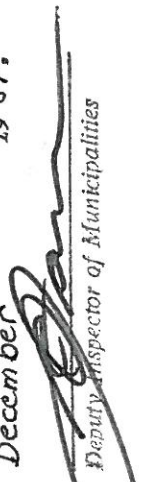
- (d) the playing of dance music in any regularly licensed dance hall between the hours of eight o'clock in the afternoon and two o'clock in the forenoon of the following day;
- (e) any activity covered by any permit given therefor by the Clerk of the Village of Harrison Hot Springs.

Penalties

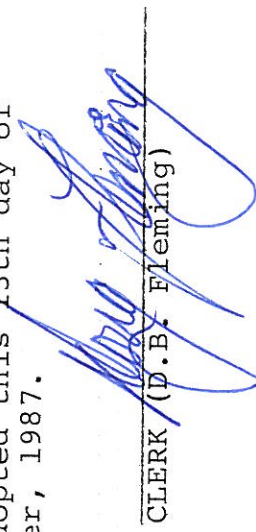
- 7. Every person who violates any of the provisions of this by-law or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, or who neglect to do or refrains from doing anything required to be done by any of the provisions of this bylaw shall be deemed to be guilty of an infraction thereof and shall be liable upon summary conviction to a fine not exceeding five hundred dollars (\$500.00).
- 8. Where regulations contained in this bylaw are at variance with regulations contained in other bylaws of the Village of Harrison Hot Springs, the regulations of this bylaw shall govern.
- 9. Bylaw No. 311, 220, 199, 181, and 23 are hereby repealed in their entirety.
 READ A FIRST TIME THIS 10TH DAY OF MARCH, 1987.
 READ A SECOND TIME THIS 10TH DAY OF MARCH, 1987.
 READ A THIRD TIME THIS 30TH DAY OF SEPTEMBER, 1987,
 RECONSIDERED AND ADOPTED THIS 13TH DAY OF OCTOBER, 1987.


 MAYOR (Sterling W. Parberry)


 CLERK (D.B. Fleming)

A true copy of By-Law No. 474
 registered in the office of the Inspector
 of Municipalities this 10th day of
December 19 87.

 Deputy Inspector of Municipalities

Certified a true and correct copy
 of Bylaw No. 474 as reconsidered
 and adopted this 13th day of
 October, 1987.


 CLERK (D.B. Fleming)

SCHEDULE "A"

Permit No. _____

THE CORPORATION OF THE VILLAGE OF HARRISON HOT SPRINGS
Abatement and Control of Noise

By-law No. 474, 1987

Variance Permit

Subject to Section 4(i) and 5 of By-law No. 474, exemption

is hereby granted to _____
(Name)

from the provisions of By-law No. 474 from _____ a.m.

to _____ p.m. on _____ at _____
(Dates)

_____ for the purpose of
(General Location)

(Purpose)

Dated at _____ this _____ day of _____, 19 _____

CLERK