



THE CORPORATION OF THE VILLAGE OF BURNS LAKE

**CONTROL OF NUISANCE NOISE BYLAW NO. 1068, 2023**

A Bylaw to provide for the control of nuisance noise within the Village of Burns Lake.

The Council of the Village of Burns Lake in open meeting assembled, HEREBY ENACTS AS FOLLOWS:

**1. Citation:**

This Bylaw may be cited for all purposes as "The Corporation of the Village of Burns Lake Control of Nuisance Noise Bylaw No. 1068, 2023".

**2. Purpose:**

- (a) Whereas it is deemed desirable for the control of nuisance noise within the Village of Burns Lake;
- (b) Whereas it is deemed necessary and expedient to exercise the Municipality's powers under Section 8 (3) (h) and Section 64 (b) of the Community Charter to protect and enhance the well-being of the community in relation to controlling nuisance noise;
- (c) Whereas it is deemed necessary and expedient to exercise the Municipality's powers under Section 260 of the Community Charter to enforce this bylaw subject to the Local Government Bylaw Notice Enforcement Act;
- (d) Whereas it is deemed necessary to repeal and replace The Corporation of the Village of Burns Lake Bylaw No. 771 being a bylaw to provide for the control of noise.

**3. The following definitions are hereby applied for the year 2023:**

- (a) "Audio device" includes but is not limited to televisions, stereophonic equipment, radios, sirens, horns, and other similar devices.

- (b) “Chief Administrative Officer” means the Chief Administrative Officer for the Village of Burns Lake.
- (c) “Council” means the Council of the Village of Burns Lake.
- (d) “Emergency vehicle” means a vehicle, such as an ambulance, firetruck, or police car, which is used for the primary purposes of responding to emergencies or a private or commercial vehicle that is involved in responding to an emergency.
- (e) “Excessive use” means, with respect to sound amplification, that which creates nuisance noise.
- (f) “Licensed establishment” means an establishment or business licensed under the Liquor Control and Licensing Act.
- (g) “Nuisance noise” means noises and sounds that substantially and unreasonably interfere with the quiet, peace, rest, enjoyment, comfort, or convenience of persons in the vicinity of the noise.
- (h) “Person” includes any company, corporation, owner, partnership, firm, association, society or individual.
- (i) “Restricted hours” means local time as specified in this Bylaw where noise is unlawful.
- (j) “Temporary exemption” means an exemption from one or more of the provisions of this bylaw.
- (k) “Village” means the Corporation of the Village of Burns Lake and the land encompassed within the boundaries of the Village.

#### 4. General Provisions:

##### (a) Construction

Where the singular or masculine is used in this bylaw, the plural or the feminine also apply, and vice-versa.

##### (b) Severability

If any portion of this bylaw is unenforceable, invalid, or ultra vires, such portion shall be deemed to be severed from this bylaw to the extent of the unenforceable, invalid, or ultra vires portion, and the remainder of this bylaw shall continue in force and effect.

(c) Repeal

Bylaw No. 771, cited as the Corporation of the Village of Burn Lake Anti-Noise Bylaw #771 and all amending bylaws thereto are hereby repealed.

(d) Application

The provisions of this bylaw apply to all land and real property within the boundaries of the Village of Burns Lake.

(e) General Prohibitions

1. It shall be unlawful for any person within the municipal boundaries of the Village of Burns Lake to make or cause any nuisance noise as per the provisions of this bylaw.
2. Upon direction of a Peace Officer or Bylaw Enforcement Officer to cease making or causing nuisance noise, no person shall continue to make or cause any nuisance noise.
3. Without limiting the prohibitions in Section 1 hereof, the following are specifically prohibited within the municipal boundaries of the Village:
  - (a) The playing of any audio device or musical instrument in such a manner as to cause nuisance noise.
  - (b) The keeping of any animal, bird, or fowl which causes frequent or continuous nuisance noise.
  - (c) The running or use of any automobile, motorcycle, bus, truck, tractor, or other vehicle so out of repair, so loaded or operated in such a manner as to cause nuisance noise.
  - (d) (The use of a snowmobile or other off-road vehicle or watercraft so out of repair or operated such that it causes nuisance noise.
  - (e) The discharge in open air of any exhaust of any stationary internal combustion engine, motor vehicle engine, or automobile engine except through a muffler or other device which effectively prevents nuisance noise therefrom.
  - (f) The sounding of a horn or other signaling device upon an automobile, motorcycle, bus, or other vehicle not in motion such that it causes nuisance noise.
  - (g) The sounding of a horn or other signaling device upon an automobile, motorcycle, bus, or other vehicle in motion, except as a danger or warning signal, such that it causes nuisance noise.

Corporation of the Village of Burns Lake Anti-Noise Bylaw #771 (2019, 2021)

- (h) The creation of excessive noise on any street, highway, or land adjacent to any school, institution of learning, church, or courts, while the same are in session or in near proximity to any hospital, medical or dental clinic or senior care home.
- (i) The loading or unloading of any truck, truck and trailer combination or motor vehicle in or upon any public or private place or premises that causes nuisance noise.
- (j) Yelling, shouting, whistling, singing such that it creates nuisance noise for people within any hospital, dwelling, hotel, motel, or residence except during any event, celebration or parade approved by the Chief Administrative Officer.
- (k) The excessive use of any sound amplification or noise making device between ten o'clock in the afternoon and eight o'clock in the forenoon either in or upon the exterior grounds of private premises or in any public place without first having obtained the permission of Council.
- (l) The construction, demolition, excavating or erection, or repairing of any building or street, highway or lane in any residential zone between the hours of six o'clock in the afternoon and seven o'clock in the forenoon except in the case of urgent necessity and in the interest of public health and safety and then only after a permit from the Chief Administrative Officer has been obtained according to the provisions of Section 4.

## 5. Exemptions:

The provisions of this bylaw shall not be enforced against the following:

- (a) Any Village of Burns Lake vehicle while engaged in necessary public business.
- (b) The use of bells or chimes for the announcement of church services of all kinds.
- (c) The playing of music in any regularly licensed establishment between the hours of eight o'clock in the afternoon and two o'clock in the forenoon of the following day.
- (d) Any work carried out during the restricted hours with permission of the Chief Administrative Officer in writing, specifying the time during such restricted hours when such work may be performed.
- (e) Any snowplow, skid steer tractor, tractor, loader, snowblower or similar vehicle in the normal course of plowing snow or sanding of any street, highway, lane, or parking lot in any zone.
- (f) Any emergency vehicle, while responding to an emergency.

## 6. Temporary Exemptions

- (a) The Chief Administrative Officer may issue temporary exemptions to persons or businesses from one or more of the provisions of this bylaw.
- (b) Persons or businesses seeking temporary exemption from one or more provisions under this bylaw may:
  - I. Apply to the Chief Administrative Officer for a temporary exemption as per Schedule 'A' (attached) to conduct a specific activity or activities.
  - II. An application made under Section 9 (a) must be delivered to the municipality in the form so designated and shall include:
    - a. The nature of the request and the reason for it.
    - b. A schedule outlining when the activity or activities for which the exemption is being sought will take place.
    - c. The estimated length of time required to complete the activity or activities.
    - d. The name of, and the contact information of, the applicant.
- (c) Upon receipt of an application under Section 9 (a), the Chief Administrative Officer or their designate shall review it and may grant the applicant a temporary exemption. Consideration shall include the public interest in granting such an exemption.
- (d) An exemption granted under this section may limit the time during which a specific activity or activities may be conducted. It may also limit the type, frequency, volume, or duration of the nuisance noise.

## 7. Enforcement

### Violations, Enforcement and Penalties

- a. Any person who violates any provision of this bylaw may be found guilty of an offence punishable in accordance with the Offence Act.
- b. Any person who violates any provision of this bylaw may be subject to a fine issued as per the Corporation of the Village of Burns Lake Bylaw Notice Enforcement Bylaw No. 1030, 2022 (or as amended from time to time).

**8. Full Force and Effect**

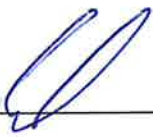
This Bylaw has full force and effect from the date of adoption until amended, repealed, or replaced.

READ A FIRST TIME THIS 9TH DAY OF January, 2024

READ A SECOND TIME THIS 9TH DAY OF January, 2024

READ A THIRD TIME THIS 9TH DAY OF January, 2024

ADOPTED THIS 23 DAY OF January, 2024

  
\_\_\_\_\_  
MAYOR  
\_\_\_\_\_  
CORPORATE OFFICER

Certified to be a true copy of "The Corporation of the Village of Burns Lake Control of Nuisance Noise Bylaw No. 1068, 2023".

# Schedule A

Village of Burns Lake

Application and Authorization for Temporary Exemption

As per

Control of Nuisance Noise Bylaw No. 1068

Date of Application: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Applicant Address: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Phone number: \_\_\_\_\_

Exemption from which provision(s) as per Bylaw and reason:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date, Commencement Time, and Conclusion Time of Exemption:

Date	Commencement Time	Conclusion Time

Exemption Granted \_\_\_\_\_ Date: \_\_\_\_\_  
Yes No

CAO Signature: \_\_\_\_\_