

# THE CORPORATION OF THE CITY OF IQALUIT, NUNAVUT

## BY-LAW #599

### NOISE BYLAW

A By-law of the Municipal Corporation of the City of Iqaluit in Nunavut to prohibit or regulate the creation of noise that could disturb the public in all or in any part of the City of Iqaluit pursuant to the Cities Towns and Villages Act, S.Nu. 2003.

**WHEREAS** the Council of the Corporation of the City of Iqaluit has the authority to pass by-laws regulating the creation of noise in the City pursuant to section 119 of the Cities, Towns and Villages Act, S.Nu. 2003.

**AND WHEREAS** Council deems it appropriate for the safety, health and welfare of people and the protection of persons from a public nuisance.

**NOW THEREFORE PURSUANT** to the provisions of the Cities, Towns and Villages Act, S.Nu. 2003 the Council of the City of Iqaluit, Nunavut, in regular session duly assembled, enacts as follows:

#### SEVERABILITY

If any provision of this by-law is declared invalid because of any word, phrase, clause, sentence, paragraph or section of this by-law or any documents which form part of this by-law or an application thereof to any person or circumstance is declared invalid, the remaining provisions shall not be affected thereby, but shall remain in force.

#### SECTION 1 – SHORT TITLE

This By-Law may be cited as the "Noise By-Law".

#### SECTION 2 – INTERPRETATION

In this By-Law the following terms (unless the context specifically requires otherwise) shall have the following meanings:

- 2.1 "City of Iqaluit" means the Municipal Corporation of the City of Iqaluit;
- 2.2 "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.

- 2.3 "Council" means the Council of the City of Iqaluit;
- 2.4 "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 Iqaluit and any Peace Officer who is entitled by law to enforce the By-laws of the City of Iqaluit;
- 2.5 "Property line" is an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but does not include intra-building real property divisions;
- 2.6 "Public Address System" means any system comprised of one or more of the following and in any combination: loudspeaker, amplifier, microphone, turntable, reproducer, receiver or tuner, where such equipment is part of a system used to reproduce or amplify sound;
- 2.7 "Quiet Time" means the time from 23:00 hours to 07:00 hours (11:00 p.m. to 7:00 a.m.);
- 2.8 "Quiet Zone" means that area defined as Lot 1, Plan 674 and Lot 541, Plan 1146 on which Baffin Regional Hospital is located and Lot 2, Block 57, Plan 2757 on which the Elders' Residence is located;
- 2.9 "Recreational Vehicles" means any motor vehicle which is designed to be, or intended to be, used other than on a public highway or on the surface of the water and includes, without limiting the generality of the foregoing, all-terrain vehicles, trail bikes and snowmobiles for the purposes of this By-law;
- 2.10 "Residential Area" means an area of the Municipality zoned only for residential uses in accordance with the Land Use By-law;

### **SECTION 3 - GENERAL REGULATIONS**

- 3.1 No person shall engage in any activity that unreasonably disturbs or tends to disturb the peace and tranquility of a neighbourhood.
- 3.2 Without limiting the generality of subsection (1) the following activities are identified as unreasonable during the prohibited times and places as set out therein are deemed to disturb the peace and tranquility of a neighbourhood.

3.2.1 Activities that unreasonably disturb the peace and tranquility of a neighbourhood throughout the whole City, and at all times, where the sound resulting is audible at a point of reception.

- a) The operation of any combustion engine or pneumatic device without an effective exhaust or intake muffling device in good working order and in constant operation;
- b) The operation of a vehicle or a vehicle with a trailer resulting in banging, clanging, squealing or other like sounds due to an improperly secured load or equipment or inadequate maintenance;
- c) The operation of a motor vehicle horn or other warning device except where required or authorized by law or in accordance with good safety practices.

3.2.2 Activities that unreasonably disturb the peace and tranquility of a residential area, at the specified times, where the sound resulting is audible at a point of reception.

- a) The detonation of fireworks or explosive devices not used in construction;
- b) The operation of a combustion engine which is intended for use in a toy or a model or replica of any device, which model or replica has no function other than amusement.
- c) The operation of a recreational vehicle within 100' of a residence except for reason of operation for the purpose of parking or storage on one's own property;
- d) Persistent barking, calling, whining or the making of any similar persistent noise-making by any animal;
- e) The operation in the outdoors of any power tool for domestic purposes other than snow removal;
- f) Yelling, shouting, hooting, whistling, singing or fighting;
- g) The operation of any public address system, television set, disc player, tape deck, phonograph, or radio in a manner such that the sound from the equipment being operated is audible beyond the bounds of the property from which the noise is emitted;

- h) The use or operation of construction equipment, except where such equipment is used or operated on any roadways;
- i) Construction and the operation of any equipment in connection with construction;
- j) The operation of an engine or motor in, or on, any motor vehicle or item of attached auxiliary equipment for a continuous period exceeding ten (10) minutes, while such vehicle is stationary in a residential area.

#### **SECTION 4 - EXEMPTIONS**

4.1 The provisions 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 while engaged in conducting emergency utility repairs or routine snow removal and street maintenance, or
- b) a person authorized in writing by the Chief Administrative Officer of the City.

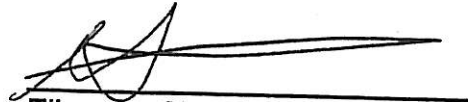
#### **SECTION 5 – OFFENSE AND PENALTY**


- 5.1 Any person who violates any section of this By-law is guilty of an offence and shall, on summary conviction be liable to a fine;
- a) not less than one hundred and twenty-five dollars (\$125.00) and;
  - b) not more than two thousand dollars (\$2,000.00) for an individual;
  - c) not more than ten thousand dollars (\$10,000.00) for a corporation;
  - d) or imprisonment for a period of not more the six months or both, including the imposition of a minimum fine.
- 5.2 If a person violates the same provision of this By-law twice within one two month period, the minimum penalty for the second such violation is two hundred dollars (\$200.00).

**SECTION 6 – EFFECTIVE DATE**


This By-law shall come into effect the date upon third and final reading.


THIS BY-LAW READ a First Time this 14<sup>TH</sup> day of SEPTEMBER, 2004 A.D.

  
Elisapee Sheutiapik  
Mayor

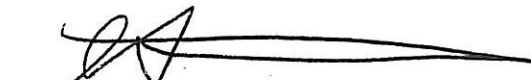
  
Ian Fremantle  
Chief Administrative Officer

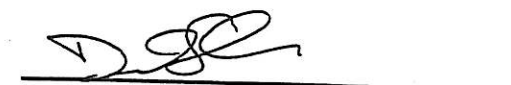
THIS BY-LAW READ a Second Time this 14<sup>TH</sup> day of SEPTEMBER, 2004 A.D.

  
Elisapee Sheutiapik  
Mayor

  
Ian Fremantle  
Chief Administrative Officer

THIS BY-LAW READ a Third and Final Time this 28<sup>TH</sup> day of SEPTEMBER  
2004 A.D.

  
Elisapee Sheutiapik  
Mayor

  
Dave St. Louis  
Acting Chief Administrative Officer



