



GITWINKSIHLKW VILLAGE GOVERNMENT

NOISE ACT

Gitwinksihlkw Village Government enacted this law on _____

Signed by _____

Chief Ron Nyce
Chief Councillor of the Gitwinksihlkw Village Government

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Interpretation

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1. In this Act:

“Enforcement Officer” means a person appointed as an enforcement officer under section 3 for the purposes of enforcing this Act and carrying out the obligations of the Enforcement Officer under this Act, a member of the Nisga’a Police Service, or a member of the Royal Canadian Mounted Police;

“Nisga’a Village” means the Village of Gitwinksihlkw;

“Nisga’a Village Government” means the governing council of the Nisga’a Village;

“emergency” means all situations where, in the Enforcement Officer’s opinion, works are being carried out to preserve life or property or to serve the public interest and which cannot reasonably be carried out without creating noise;

“noise” means a sound including any loud outcry, amplified voice or music, noise created by an animal, clamour, shouting, or created by construction activity or motors or equipment, which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood in which the sound is received or of persons in the vicinity of the source of such sound who receive such sound; and

“special event” means a special event of short duration including, but not limited to a sporting event, festival, street party or similar public gathering that is expected to create noise.

Application

2. This Act applies to all lands and persons within the jurisdiction of the Nisga’a Village.

Enforcement Officer

3. The Nisga’a Village Government may appoint one or more Enforcement Officers to enforce this Act.

Prohibited noise

4. Except as provided by section 6, no person shall create, make or cause noise or allow an animal to create, make or cause noise in or on a highway or elsewhere within the jurisdiction of the Nisga’a Village.

Vehicle sound

5. Without limiting the generality of section 4, no person shall use a horn or other warning device on a vehicle except for the purpose of giving an audible warning where necessary for the safe operation of such vehicle, or the safety of others on the highway.

Exemptions

6. (1) This Act does not apply to:
- (a) fire, police, ambulance or other emergency vehicles;
 - (b) vehicles or equipment engaged in the repair of a utility;

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- (c) activities normally associated with places of religious worship, including bell ringing, drumming and singing;
 - (d) excavation, construction, repair or maintenance of any bridge, street, highway, lands, or premises between the hours of 7:00 a.m. and 8:00 p.m., Monday to Saturday;
 - (e) vehicles or equipment engaged in the plowing or removal of snow from a highway;
 - (f) vehicles or equipment engaged in the plowing or removal of snow from industrial, commercial or institutional property, where the area being cleared does not abut a residential zone, on any day;
 - (g) vehicles or equipment engaged in the plowing or removal of snow from industrial, commercial or institutional property that abuts a residential zone, between the hours of 5:00 a.m. and 12:00 a.m. on any day;
 - (h) vehicles or equipment engaged in the plowing or removal of snow on or from residential properties between the hours of 6:00 a.m. and 12:00 a.m. on any day;
 - (i) blasting, air-hammering or other equipment used for pounding or excavating bedrock in a residential area for construction purposes between 8:00 a.m. and 5:00 p.m., Monday to Saturday;
 - (j) chainsaws used for tree felling, limbing, bucking, and pruning or harvesting firewood, between 8:00 a.m. and 5:00 p.m., Monday to Saturday;
 - (k) generators used to create electricity where the noise of the generator is adequately controlled to a level of below 65 decibels at a range of 5 meters, on any day;
 - (l) operation of a public address system required under a building or fire code;
 - (m) lawnmower or power gardening equipment operated between 9:00 a.m. and 9:00 p.m. on any day;
 - (n) works carried out during an emergency situation to preserve the life or health of people, to protect property, or to further the public interest; and
 - (o) all terrain vehicles and snowmobiles operated in accordance with the Gitwinksihlkw Village Government *All Terrain Vehicles Act*, between the hours of 8:00 a.m. and 9:00 p.m., on any day.

Construction hours

7. No person in a residential zone, or on lands that abut a residential zone, shall on any day before 7:00 a.m. or after 8:00 p.m., construct, erect, alter, repair, or demolish any building, structure or thing or excavate or fill in land in any manner which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of persons in the vicinity.

Noise permits

8. A person wishing to hold a special event may apply in writing to the Enforcement Officer for a permit to create, make or cause noise.

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Offence, Penalties and Enforcement

9. (1) An Enforcement Officer may inspect any lands during reasonable business hours to determine whether the provisions of this Act are being observed. The right of the Enforcement Officer to enter the lands does not include the right to enter a private dwelling except with consent of the occupier or upon reasonable notice.
- (2) Every person who contravenes or violates any of the provisions of this Act, who suffers or permits any act to be done in violation of this Act, or who fails or neglects to do anything required to be done by this Act commits an offence and shall, upon conviction thereof, be subject to a penalty of not less than \$100.00 or more than \$2,000.00 for a first offence, and not less than \$300.00 or more than \$2,000.00 for a second and subsequent offences.
- (3) Each day that an offence continues shall constitute a separate offence.
- (4) This Act may be enforced:
- (a) under the *Nisga'a Offence Act*;
 - (b) by issuing a ticket for contravention in accordance with any Nisga'a Village Government ticketing law as may be adopted or amended from time to time; or
 - (c) by issuing a ticket under any applicable enactment by the Nisga'a Lisims Government authorizing the Nisga'a Village Government to issue tickets, fines or penalties in respect of a contravention of this Act.

Commencement

10. This Act comes into force on the date of adoption.

Noise Act Read a first time the ____ day of _____, 2014.

Noise Act Read a second time the ____ day of _____, 2014.

Noise Act Read a third time the ____ day of _____, 2014.

Noise Act Adopted the ____ day of _____, 2014.

Chief Councillor

Chief Executive Officer