

THE CORPORATION OF THE TOWN OF FORT SMITH

BY-LAW #557

A BY-LAW OF THE CORPORATION OF THE TOWN OF FORT SMITH, IN THE NORTHWEST TERRITORIES TO REDUCE AND CONTROL UNUSUAL, UNNECESSARY OR EXCESSIVE NOISE OR VIBRATION THAT COULD DISTURB THE PUBLIC IN ALL OR ANY PART OF THE MUNICIPALITY, PASSED PURSUANT TO THE CITIES, TOWNS AND VILLAGES ACT, R.S.N.W.T. 1988 CHAPTER C-8, SECTION 119 AS AMENDED

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WHEREAS, the Council of the Corporation of the Town of Fort Smith, in the Northwest Territories deems it necessary to reduce and control unusual, unnecessary or excessive noise or vibration which may disturb or annoy the inhabitants of the Town of Fort Smith.

NOW THEREFORE, the Council of the Corporation of the Town of Fort Smith, in the Northwest Territories, in regular session duly assembled, enacts as follows:

SHORT TITLE

1. This By-law may be cited as the NOISE CONTROL BY-LAW.

INTERPRETATION

2. In this By-law:
  - (a) "Conveyance" includes a vehicle as defined in the Vehicle Ordinance and any other device employed to transport a person or persons or goods from place to place;
  - (b) "Town" means the Municipal Corporation of the Town of Fort Smith;
  - (c) "Council" means the Council of the Corporation of the Town of Fort Smith;
  - (d) "Noise" meaning any unnecessary and excessive sound including any loud outcry, clamour, shouting or movement, or any sound that is loud or harsh or undesirable;
  - (e) "Officer" means the By-law Enforcement Officer of the Town of Fort Smith and Ex-Officio, any member of the R.C.M.P.;
  - (f) "Person" includes any company, corporation, owner, partnership, firm, association, society or party;
  - (g) "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;
  - (h) "Quiet Time" means the time from 23:00 to 07:00 hours (11:00 P.M. to 7:00 A.M.);
  - (i) "Quiet Zone" means that area defined as Lot 936, Plan 1152 on which the Fort Smith Health Centre is located;
  - (j) "Senior Administrative Officer" means the Senior Administrative Officer of the Municipal Corporation of the Town of Fort Smith.

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, the Motor Vehicles Act, and the All-Terrain Vehicles Act respectively.

GENERAL PROHIBITION

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 Town'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 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 Town'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 Town'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 Town's Quiet Zone at any time of the day or night.

PENALTY SECTION

5. (a) Every person who contravenes any of the provisions of this By-Law is guilty of an offence, punishable on summary conviction
1. to a fine not exceeding
    - i) \$1,000.00 for an individual; and
    - ii) \$5,000.00 for a corporation; or
  2. to imprisonment for a term not exceeding six (6) months or both imprisonment and fine.
6. This By-Law shall come into full force and take effect upon final reading thereof.
7. That By-Law No. 137 is hereby repealed.

READ A FIRST TIME THIS 4 DAY OF October, 19 94 A.D.  
READ A SECOND TIME THIS 4 DAY OF October, 19 94 A.D.  
READ A THIRD TIME THIS 4 DAY OF October, 19 94 A.D.

  
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MAYOR

  
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SENIOR ADMINISTRATIVE OFFICER