

THE CORPORATION OF THE VILLAGE OF SALMO

BY-LAW NO. 216

A BY-LAW FOR REGULATING OR PROHIBITING THE MAKING OR CAUSING OF NOISES OR SOUNDS IN OR ON HIGHWAYS, PUBLIC OR PRIVATE PLACES AND PROPERTIES SITUATED IN THE VILLAGE OF SALMO.

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WHEREAS it is deemed expedient and necessary to regulate and prohibit the making or causing of noises or sounds in or on highways; public or private places and properties situated in the Village of Salmo, which disturb, or tend to disturb, the quiet, peace, rest, enjoyment, comfort, or convenience of the neighborhood, or of persons in the vicinity, or which in the opinion of the Council of The Village of Salmo are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public.

NOW THEREFORE, THE Council of the Village of Salmo, duly assembled, ENACTS AS FOLLOWS:-

- 1, It shall be unlawful for any person to create, to make or to cause a noise or sound in or on any highway, public or private place or premises situated in the Village of Salmo which disturb, or tend to disturb, the quiet, peace, rest, enjoyment, comfort, or convenience of the neighborhood, or the public in the Village of Salmo.
2. It shall be unlawful for any person to create, to make or to cause any noise or sound which in the opinion of the Council of the Village of Salmo are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public, in the Village of Salmo.
3. No person shall play or operate any musical instrument or use any apparatus for the production or amplification of sound on or in any private or public places or property in the Village of Salmo in such a manner as to unduly disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, or of the public.
4. Nothing contained in Section three (3) hereof shall apply to any motor vehicle or apparatus used by and under the control of the Fire Department, Police Department or licensed ambulance or for which use the Village of Salmo has granted approval in writing.
5. Between the hours of eleven (11) o'clock in the evening and seven (7) o'clock in the morning no person shall:
  - a), carry on any works or activities in connection with the construction, reconstruction, alteration or repair of any building or structure, and
  - b), carry on any excavation, digging, or operation, and
  - c). operate any kind of equipment, machinery or engine, to the disturbance of the quiet, peace, rest, enjoyment, comfort, or convenience of the neighborhood or the public.
6. Notwithstanding Section Five (5) hereof, in cases where it is impossible or impracticable to comply with the provisions of aforesaid section, or, when in the opinion of the Village of Salmo circumstances warrant so, the Village of Salmo may approve in writing such work, activities, or operation between the said hours.
7. The sound level of any motor vehicle with a licensed gross weight in excess of 6,000 lbs. shall not exceed **85 dBA** in a 30 miles per hour zone and 92 dBA in higher speed zones.
8. The sound level of all other licensed vehicles including motor-cycles shall not exceed 80 dBA in 30 miles per hour zones and 85 dBA in higher speed zones.

9. The owner of a motor vehicle shall be held responsible for any violation of Paragraph 7 and 8 of this regulation or by any person entrusted by the owner with the possession of that motor vehicle:but where the motor vehicle is in the possession of a person under contract by which he may become the owner of the motor vehicle upon full compliance with the terms of the contract, and in whose name alone the license if required for the operation of the motor vehicle is issued nothing in this section shall impose any liability on any other person as the owner of the motor vehicle. On every prosecution of the owner of the motor vehicle in respect of any offence within the scope of this section, the burden of proving that the person so in possession of the motor vehicle was not a person entrusted by the owner with the possession of that motor vehicle is on the accused.
10. The sound level of any motor vehicle not specified in Sections 7 and 8 engaged in industrial, commercial or agricultural operations shall not exceed 94 dBA measured at a distance of not less than 50 feet from the vehicle.
11. The use of motor vehicles not licensed or covered in Sections: 7 and 8 this by-law and used for recreational pursuit shall not produce sound levels in excess of 82 dBA measured at a distance of not less than 50 feet from the sound source.
12. The unnecessary use of motor vehicle horns or other legal warning devices is prohibited. Warning devices may only be used to avoid an accident by warning motorists or pedestrians.
13. The screeching of tires perceptible above the normal background noise is prohibited.
14. Any emergency vehicles, snow-plowing equipment engaged in snow-plowing of Municipal streets, any municipal equipment or vehicles used for the repair of any municipal service or utility or any other vehicles or equipment for which the Village has granted a written approval are exempt from the provisions of Section Five (5) hereof.
15. Any person or persons guilty of an infraction of any of the provisions of the By-law shall upon summary conviction be liable to a penalty not exceeding the sum of five hundred dollars (\$500.00) and costs for each offence.
16. This by-law shall be known and cited for all purposes as the "Village of Salmo Anti-Noise By-law No, 216, 1979".
17. This by-law shall come into force and take effect upon the date of registration

READ a first time this 10 day of July , 1979.

READ a second "time this 10 day of July 1979.

READ a third time this 10 day of July ' 1979.

RECONSIDERED and ADOPTED this 12 day of July , 1979.

I hereby certify that this is a true copy of By-law No. 216 of the Villa e of Salmo, cited as the "Village of Salmo Anti-Noise By-law No. 216, 1979".

*M. O. Hanson*  
Mayor  
*W. Russell*  
Clerk

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Clerk

A true copy of By-Law No, 216  
registered in the office of the Inspector  
of Municipalities this 23rd day of

July 1979  
*W. D. Moore*

Assistant Deputy Inspector of Municipalities