

THE MUNICIPAL CORPORATION OF THE CITY OF IQALUIT, NUNAVUT
BY-LAW #879

A By-law of the Municipal Corporation of the City of Iqaluit to amend Noise By-law 599, as previously amended by By-law 739 (the "Noise By-law");

WHEREAS Council wishes to further amend the Noise By-law;

NOW THEREFORE, the Council of the Municipal Corporation of the City of Iqaluit, in a regular session, duly assembled, enacts as follows:

1. The definitions of "conveyance" and "Residential Area" in the Noise By-law are deleted and the following definitions are added in alphabetical order and all subsections are renumbered accordingly:

"motor vehicle" means a motor 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, other than by muscular power, including a Recreational Vehicle.

"Residential Area" includes any area of the City in which residential uses are permitted or conditionally permitted uses under the *Zoning Bylaw*.

2. Section 3 of the Noise By-law is repealed in its entirety and the following is substituted:

"GENERAL PROHIBITIONS:

3.1 No person shall make, 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 individuals located in the Quiet Zone at any time of day or night.

3.2 No person shall make, cause, or permit to be made or caused, any noise in or on a public or private place, which disturbs unreasonably or tends to disturb unreasonably the quiet, peace, rest, enjoyment, comfort or convenience of other individuals at any time of day or night.

3.3 Without limiting the generality of sections 3.1 or 3.2, no person shall, at any time, anywhere in the City:

- (a) operate a combustion engine or pneumatic device without an effective exhaust or intake muffling device that is in good working order and in constant operation;

- (b) operate a motor vehicle or motor vehicle with a trailer, resulting in banging, clanging, squealing, or other like sounds, due to inadequate maintenance of the motor vehicle or trailer, or due to an improperly secured load;
- (c) operate a motor vehicle horn or other warning device, except where required or authorized by law or in accordance with good safety.

3.4 During the Quiet Time, no person shall commit any of the following in a manner so as to disturb the quiet repose of any person or neighbourhood.

- (a) operate or permit to be operated any public address system, television set, disc player, tape deck, phonograph, electronic music player, radio, or loudspeaker in a manner such that the sound from the equipment being operated is audible outside of the premises from which the sound is emitted;
- (b) operate 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) operate or allow the operation of a Recreational Vehicle within 30 meters of a residence in an unreasonable manner, except for the purpose of parking or storing the vehicle on the operator's own property;
- (d) cause or permit persistent barking, calling, whining, or the making or other persistent noise by any animal;
- (e) operate any power tool in the outdoors for domestic purposes other than snow removal;
- (f) yell, shout, hoot, whistle, sing or fight in a manner that disturbs other people;
- (g) detonate any fireworks or explosive device;
- (h) use or operate construction equipment, except where such equipment is used or operated on any roadway;
- (i) engage in construction or operate any equipment in connection with construction; or
- (j) operate an engine or motor in or on any motor vehicle or item of attached auxiliary equipment for a continuous period exceeding ten minutes, while such vehicle is stationary."

3. Section 5 is repealed in its entirety and the following, including Schedule "A", is substituted:

SECTION 5 – OFFENCE AND PENALTY

5.1 A person who breaches the bylaw is guilty of an offence and is liable on summary conviction to:

- a) a fine not exceeding \$2,000.00 in the case of an individual;
- b) a fine not exceeding \$10,000.00 in the case of a corporation; or
- c) imprisonment for up to six months in default of payment of a fine.

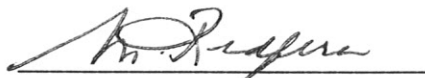
5.2 An officer may issue a ticket pursuant to the *Summary Conviction Procedures Act* for a breach of this By-law for an offence with a specified penalty in Schedule "A" hereto and the person so charged may pay the penalty before the deadline stated in the ticket instead of appearing in court.

5.3 Payment of a voluntary penalty shall be considered the same as a conviction for the purpose of determining the number of convictions a person has had under this bylaw during the 12 months preceding an alleged offence.

EFFECTIVE DATE

4. This By-law shall come into force upon receiving third reading.

THIS BY-LAW READ a First Time this 8 day of July, 2019, A.D.



Madeleine Redfern
Mayor



Amy Elgersma
Chief Administrative Officer

THIS BY-LAW READ a Second Time this 8 day of July, 2019, A.D.



Madeleine Redfern

Mayor



Amy Elgersma

Chief Administrative Officer

THIS BY-LAW READ a Third and Final Time this 23 day of July, 2019 A.D.



Madeleine Redfern

Mayor



Amy Elgersma

Chief Administrative Officer

SCHEDULE "A"
VOLUNTARY PENALTIES

Section	Description of Offence	Voluntary Penalty (first Offence)	Voluntary Penalty (second offence in 12 month period)	Voluntary Penalty (third Offence in 12 month period)
3.1	Making, causing, or permitting 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 individuals located in the Quiet Zone at any time of day or night.	\$200.00	\$450.00	\$700.00
3.2	Making, causing or permitting to be made or caused, any noise in or on a public or private place, which disturbs unreasonably or tends to disturb unreasonably the quiet, peace, rest, enjoyment, comfort or convenience of other individuals at any time of day or night.	\$200.00	\$450.00	\$700.00
3.3 (a)	Operating a combustion engine or pneumatic device without an effective exhaust or intake muffling device that is in good working order and in constant operation;	\$200.00	\$450.00	\$700.00
3.3 (b)	Operating a motor vehicle or motor vehicle with a trailer, resulting in banging, clanging, squealing, or other like sounds, due to inadequate maintenance of the motor vehicle or trailer, or due to an improperly secured load;	\$200.00	\$450.00	\$700.00
3.3 (c)	Operating a motor vehicle horn or other warning device, except where required or authorized by law or in accordance with good safety;	\$200.00	\$450.00	\$700.00
3.4 (a)	Operating or permitting to be operated any public address system, television set, disc player, tape deck, phonograph, electronic music player, radio, or loudspeaker in a manner such that the sound from the equipment being operated is audible outside of the premises from which the sound is emitted during Quiet Time;	\$250.00	\$500.00	\$750.00
3.4 (b)	During Quiet Time, operating 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;	\$150.00	400.00	650.00

3.4 (c)	During Quiet Time, operating a Recreational Vehicle within 30 meters of a residence except for the purpose of parking or storing the vehicle on the operator's own property;	\$250.00	\$500.00	\$750.00
3.4 (d)	During Quiet Time, causing or permitting persistent barking, calling, whining, or the making or other persistent noise by any animal;	\$200.00	\$450.00	\$700.00
3.4 (e)	During Quiet Time, operating any power tool in the outdoors for domestic purposes other than snow removal;	\$200.00	\$450.00	\$700.00
3.4 (f)	During Quiet Time, yelling, shouting, hooting, whistling, singing or fighting in a manner that disturbs other people;	\$200.00	\$450.00	\$700.00
3.4 (g)	During Quiet Time, detonating any fireworks or explosive device;	\$500.00	750.00	1000.00
3.4 (h)	During Quiet Time, using or operating construction equipment, except where such equipment is used or operated on any roadway;	\$500.00	750.00	1000.00
3.4 (i)	During Quiet Time, engaging in construction or operating any equipment in connection with construction;	\$500.00	750.00	1000.00
3.4 (j)	During Quiet Time, operating an engine or motor in or on any motor vehicle or item of attached auxiliary equipment for a continuous period exceeding ten minutes, while such vehicle is stationary.	\$250.00	\$500.00	\$750.00