

KAMLOOPS INDIAN BAND

NOISE CONTROL BY-LAW 1993-1

A BY-LAW TO REGULATE NOISE ON THE KAMLOOPS INDIAN RESERVE

WHEREAS the Council of the Kamloops Indian Band is empowered to enact by-laws, pursuant to Section 81(1) b, c, d, q and r of the Indian Act, and;

WHEREAS there is a need to regulate or prohibit the making or causing of noises or sounds on the Kamloops Indian Reserve #1, 2, 3, 4 AND 5 which disturb, or tend to disturb, the quiet, peace, rest, enjoyment or convenience of persons on the reserves.

NOW THEREFORE the Council of the Kamloops Indian Band hereby makes the following by-law:

SHORT TITLE

1. This by-law may be cited for all purposes as the "Kamloops Indian Band Noise Control By-Law, 1993-1."

DEFINITIONS

2. In this by-law, including these definitions,

"Act" - means the Indian Act;

"Band" - means the Kamloops Indian Band;

"Council" - means the elected Chief & Councillors of the Kamloops Indian Band;

"Person" includes a corporation;

"Reserve" - means the reserves of the Kamloops Indian Band, including the Band's Reserves No. 1, 2, 3, 4, 5, and 6, title to which are vested in Her Majesty the Queen, which have been set aside for the use and benefit of the Kamloops Indian Band and includes designated lands; and

"Vehicle" - means any wagon, cart, motor car, motor truck, trailer, motorcycle, traction engine, tractor or other conveyance that is driven, propelled or drawn by any kind of power.

PROHIBITIONS

3. No person shall make or cause, or permit to be made or caused, any noise or sound in or on a public or private place which disturbs or tends to disturb the quiet, peace, rest, comfort, enjoyment of convenience of any person or persons on the Kamloops Indian Reserve.
4. Without limiting the generality of section 3:
 - a. No person being the owner, tenant or occupier of lands or premises shall allow or permit such lands or premises to be used so that noise or sound which occur thereon, or emanates therefrom, disturbs or tends to disturb the quiet, peace, rest, comfort, enjoyment or convenience of any person or persons on the same piece of property or on the reserve.
 - b. No person shall play or operate any radio, stereophonic equipment, instrument, or any apparatus for the production or amplification of sound either in or on

- private premises or in any public place on the Reserve, in such a manner as to disturb the quiet, peace, rest, comfort, enjoyment or convenience of persons on the reserve.
- c. No person shall operate a motor vehicle which by excessive noise disturbs or tends to disturb the peace, quiet, rest, comfort or tranquility of any area of the reserve; and
 - d. no person shall own, keep or harbour any animal or bird which, by its calls, cries, barks or other noise whatsoever disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons on the Reserve.

Exemptions

5. The provisions of this by-law do not apply to:
- a. police, fire or other emergency vehicles proceeding upon an emergency;
 - b. emergency excavation, construction or repair of bridges, streets, highways or lands;
 - c. snow removal or highway cleaning operations;
 - d. the operation of Band maintenance equipment;
 - e. the use of bells or chimes for the announcing of church services;
 - f. a lawnmower or power gardening equipment operated between 7:30 a.m. and 7:00 p.m. on any day; and
 - g. an organized event for which prior written approval has been obtained from the Council.

OTHER

6. If any article or provision herein is determined to be void or unenforceable, in whole or in part, it shall not be deemed to affect or impair the enforceability or the validity of any other article or provision of this by-law.

PENALTY SECTION

7. a. Every person who violates any of the provisions of this by-law is guilty of an offence under this by-law. Each day during which there is a violation of this by-law shall constitute a separate offence.
- b. Every person who commits an offence under this by-law is liable, upon summary conviction, to a fine not exceeding one thousand (\$1,000.00) dollars or imprisonment for a term not exceeding thirty (30) days, or both. The Band reserves the right for the "community diversion process".

READ A FIRST TIME the 16th day of November, 1993

READ A SECOND TIME the 23rd day of November, 1993

READ A THIRD TIME the 29th day of November, 1993

RECONSIDERED AND ADOPTED the 29th day of November, 1993

THIS BY-LAW IS HEREBY MADE A BY-LAW OF THE BAND at a duly convened meeting of the Council of the Band the 29th day of November, 1993.

Voting in favour of the by-law are the following members of Council:

Chief C. T. (Manny) Jules

Councillor Fred Camille

Evelyn Gottfriedson
Councillor Evelyn Gottfriedson

Shane Gottfriedson
Councillor Shane Gottfriedson

Clarence S. Jules
Councillor Clarence S. Jules

Richard Jules
Councillor Richard Jules

Robert Leonard
Councillor Robert (Bob) Leonard

James Thomas
Councillor James Thomas

being the majority of those members of the Council of the Kamloops Band present at the aforesaid meeting of the Council.

The quorum of the Council is four (4) members. Number of members of the Council present at the meeting: five (5).

I, Evelyn Gottfriedson, Councillor of the Band, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development at the District/Regional/Hull office pursuant to subsection 82(1) of the Indian Act, this 29th day of November, 1993.

Muriel [Signature]
Witness

Evelyn Gottfriedson
Councillor Evelyn Gottfriedson

/mb

[.noice\bylaw\noice.j93]