

**LOUIS BULL TRIBE NO. 439
BY-LAW FOR THE PROHIBITION,
ELIMINATION OR ABATEMENT
OF NOISE WITH RESPECT
TO VEHICLES AND PERSONS**

BY-LAW NO. 1998-05
of the LOUIS BULL INDIAN TRIBE
A By-Law to Prohibit, Eliminate or Abate Noise
With Respect To Vehicles And Persons On
The Louis Bull Indian Tribe Reserve

WHEREAS the Council of the Louis Bull Indian Tribe desires to make a by-law governing the prohibition, elimination or abatement of noise with respect to vehicles and persons on the Louis Bull Indian Tribe Reserve and with respect to any matter arising out of or ancillary to the exercise of powers under Section 81 of the Indian Act and for the imposition of a penalty for violation thereof;

The Council of the Louis Bull Indian Tribe is empowered to make such by-law pursuant to paragraphs 81(1)(c), (d) and (r) of the Indian Act;

It is considered to be expedient and necessary for the benefit, comfort and safety of the inhabitants of the Louis Bull Indian Tribe to provide for the prohibition, elimination or abatement of noise on the Louis Bull Indian Tribe Reserve;

NOW, THEREFORE, the Council of the Louis Bull Indian Tribe hereby declares the following to be the Tribe's Law governing the prohibition, elimination or abatement of Noise with respect to vehicles and persons on the Louis Bull Indian Tribe Reserve:

1. **Short Title**

This by-law may be cited as "**The Louis Bull Indian Tribe Noise Abatement By-Law**".

Interpretation

In this by-law:

- (a) "**approved device**" means a noise level meter used to measure sound pressure levels which approved device meets the International Electro-Technical Commission Standard No. 123 or the British Standard No. 3539 Part 1, or the U.S.A. Standard S1.4-1961.

- (b) "**authorized officer**" means a By-Law Enforcement Officer, Police Officer, or other Louis Bull Tribal Employee authorized by the Council of the Louis Bull Indian Tribe to measure noise or sound levels.
- (c) "**calendar day**" means that period of time commencing at 0001 hours and ending at 2400 hours.
- (d) "**commercial district**" means an area or district classified as commercial by the Land Use By-Law.
- (e) "**commercial vehicle**" means any motor vehicle from which sales are made of goods, wares, merchandise or commodities or a vehicle used in connection with any commercial enterprise.
- (f) "**Council**" means the Chief and Council of the Tribe.
- (g) "**day**" shall mean the period commencing at 0701 hours ending at 2200 hours of the same day.
- (h) "**dBA**" means the intensity of a noise as measured in decibels on the "A" Scale of a Noise Level Meter when the said meter is set on the "A" weighted network and on the fast response.
- (i) "**industrial district**" means an area or district classified as industrial by the Land Use By-Law.

- (j) "**Land Use By-Law**" means By-Law No. _____ as amended from time to time, and includes any by-law passed in substitution for or in addition to By-Law No. _____.
- (k) "**motor vehicle**" means a vehicle the operation of which on a public road requires a license or permit under provincial law;
- (l) "**motorcycle**" means a vehicle mounted on two or three wheels and without restricting the generality of the foregoing, shall include those motor vehicles commonly known as motorcycles, scooters, and power bicycles.
- (m) "**night**" shall mean the period commencing at 2201 hours and ending at 0700 hours of the following calendar day.
- (n) "**Noise**" means any sound which annoys or disturbs humans or which endangers or injures the safety or health of humans, and which exceeds the levels hereinafter specified.
- (o) "**person**" includes an individual, corporation, partnership, association or society.
- (p) "**public property**" means any highway, parkland, public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not; and includes any open space to which the public have or are permitted to have access, whether on pavement or otherwise, that is owned by the Louis Bull Tribe.
- (q) "**recreational vehicle**" means any recreational, commercial or non-commercial vehicle such as a dragster, Formula A racing car, stock car, go cart, snowmobile, or dunebuggy.
- (r) "**Reserve**" means the Louis Bull Reserve #138B;

- (s) "**reserve road**" means a road or other way over which vehicles are accustomed to pass, other than public property or an access road, and includes an area designated as a reserve road under paragraph 4(2)(d) of the Louis Bull Indian Tribe By-Law for the Regulation of Traffic
- (t) "**residential district**" means an area or district classified as residential by the Land Use By-Law.
- (u) "**signalling device**" means a horn, gong, bell, klaxon or other device producing an audible sound for the purpose of drawing people's attention to an approaching vehicle.
- (v) "**Tribe**" means the Louis Bull Indian Tribe No. 439.

2. **General Abatement Provisions**

The Council may direct any person to abate or eliminate any noise or contravention of this By-law by service of a Notice of Abatement upon the person. Any person served with a Notice of Abatement shall comply with the same.

3. **Vehicle Noise Abatement**

- 3(1) No person shall operate, cause or permit to be operated a motor vehicle having a gross vehicle weight of less than 3,600 kilograms so as to create noise of a level greater than 82 dBA in a eighty (80) kilometres per hour zone or less.
- 3(2) No person shall operate, cause or permit to be operated a motor vehicle having a gross weight of 3,601 kilograms or more so as to create noise of a level greater than 89 dBA in a eighty (80) kilometres per hour zone or less.

- 3(3) No person shall operate, cause or permit to be operated a motorcycle so as to create noise of a level greater than 84 dBA, in a sixty (60) kilometres per hour zone or less.
- 3(4) No person shall operate, cause or permit to be operated any recreational vehicle on any public property so as to create noise of a level greater than 84 dBA.
- 3(5) Any motor vehicles, motorcycles, recreational vehicle or commercial vehicle which has been the subject matter of three (3) convictions under part (3) of this By-Law shall be prohibited from operating within the Reserve until alterations are made thereto such as are necessary to render the vehicle capable of operating within the noise levels, permitted for that class of vehicle.
- 3(6) Part 3 of this By-Law does not apply to the operation of signalling devices used in the normal operation of a vehicle.
- 3(7) No person shall collect refuse with a refuse collection vehicle at night within or abutting a residential district.
- 3(8) No person shall operate, cause or permit to be operated a motor vehicle or commercial vehicle or recreational vehicle on any reserve property so as to create noise of a level greater than 65 dBA, subject to 3(1), 3(2), 3(3) and 3(4) above.

4. **Noise Level in Residential Districts**

- 4(1) Subject to subparagraph 4(2), no person shall cause, or permit to be caused, noise of a level greater than 65 dBA in a residential district during the day unless the noise is of a temporary or intermittent nature and does not exceed the following limits:

dBA	70	75	80	85
Hours/Day	2	1	30 Minutes	15 Minutes

The time indicated herein is the total elapsed time during any one calendar day.

4(2) No person shall cause, or permit to be caused, noise of a level exceeding 50 dBA in a residential district at night.

5. **Noise in Commercial or Industrial Districts**

5(1) No person shall cause, or permit to be caused, noise of a level greater than 75 dBA, in a commercial or industrial district during the day unless the noise is a temporary and intermittent nature and does not exceed the following limits:

dBA	80	85
Time	2 Hours	1 Hour or Less

The time elapsed in the table is the total elapsed time during daytime hours during any one calendar day.

4(2) No person shall cause, or permit to be caused, noise of a level greater than 60 dBA in a commercial or industrial district at night.

6. **Abutting Districts**

6(1) Where two (2) districts with differing noise levels abut each other, all noise level measurements shall be taken on the abutting boundary closest to the source of the noise.

6(2) Where two (2) districts with differing noise levels abut each other, the noise level standard to be met shall be that of the district with the lower permitted noise level.

7. **Noise Reading**

7(1) The Council may:

- (a) appoint one or more persons as testers for the purpose of certifying the accuracy of an approved device, and
- (b) may prescribe forms required for the recording and reporting of the tests.

7(2) In any prosecuting under this By-Law, a certificate signed by a tester:

- (a) stating the result of a test of approved device.
- (b) bearing a date of not more than Ninety (90) days before or after the violation alleged, and
- (c) purporting to be signed by a tester appointed under this By-Law to test approved devices,

shall be admitted into evidence as prima facie proof of the statements contained in the certificate without proof of the signature or the appointment of the tester.

7(3) Where a noise level reading has been taken by an authorized officer on an approved device, evidence of the noise level so taken shall be proof of the noise level at the time of the offence.

7(4) Where a noise level reading has been taken a signed certificate from an authorized officer stating:

- (a) that the noise level test was conducted on an approved device operated by an authorized person identified in the certificate,
- (b) the results of the tests so conducted, and

(c) the time and place where the tests were conducted,

is proof of the statements contained in the certificate without proof of the signature or the appointment of the authorized officer.

7(5) In readings for offenses listed in Part 3 of this By-law, an approved device shall be operated no less than 7.5 metres from the source of the noise.

7(6) For readings for offenses listed in Part 4 of this By-law, an approved device shall be operated from outside the property from where a noise is emanating.

7(7) For readings for offenses listed in Part 5 of this By-Law, an approved device shall be operated not less than 1/2 kilometre from where the noise is emanating.

8. **Permits and Non-Application of By-law**

8(1) The Council or such other person delegated by Council of the Louis Bull Indian Tribe may, upon written application, issue a special permit suspending the provisions of this By-Law.

8(2) All special permits issued shall be produced to an authorized officer upon demand.

8(3) This By-Law applies to any of the agents, servants or employees of the Council when conducting work on behalf of the Council, except for work of an emergency nature.

9. **Penalty**

9(1) Except as provided herein, every person who contravenes or permits the contravention of the provisions of this By-Law shall, upon conviction thereof, forfeit and pay a fine of not less than Fifty (\$50.00) Dollars and not more than Two

Thousand, Five Hundred (\$2,500.00) Dollars for each offense, or such fines as may be determined by the Council from time to time.

9(2) Every person who fails to comply with a Notice of Abatement issued under Section 2 of this By-Law is liable to a fine of not less than Five Hundred (\$500.00) Dollars and not more than Two Thousand, Five Hundred (\$2,500.00) Dollars for each offense or such other amount as may be determined by Council from time to time.

9(3) Any person who contravenes or permits a contravention of Section 3(1), 3(2), 3(3) or 3(4) shall forfeit and pay the fine as follows:

(a) where the level of noise has been exceeded by not more than 4 dBA - Fifty (\$50.00) Dollars

(b) where the level of noise has been exceeded by more than 4 dBA but not more than 8 dBA - Seventy-Five (\$75.00) Dollars.

(c) where the level of noise has been exceeded by more than 8 dBA - One Hundred (\$100.00) Dollars

or such other amounts as may be determined by Council from time to time.

9(4) Any person who contravenes or permits a contravention of Section 3(5) shall forfeit and pay a fine of not less than Two Hundred (\$200.00) Dollars but not more than Two Thousand, Five Hundred (\$2,500.00) Dollars for each offense or such other amount as may be determined by Council from time to time.

9(5) Every person who contravenes or permits contraventions of Sections 3(7) and 3(8) shall upon conviction thereof, forfeit and pay a fine of One Hundred (\$100.00)

Dollars, or such amount as may be determined by Council from time to time, for each offense.

9(6) Each calendar day a violation of any provision of this By-Law occurs shall constitute a separate offense.

10. **Extended Meanings**

Words importing the singular number include the plural and vice-versa; words importing the masculine gender include the feminine and neuter genders.

11. **Jurisdiction**

In the event of any conflict between Louis Bull Tribal law, Government of Canada, Provincial or other laws, Louis Bull Tribal law shall prevail.

~~12. **Repeal**~~

~~Upon this by-law coming into force, By-Law Number _____ of the Louis Bull Tribe is hereby repealed.~~

BE IT KNOWN THAT THE DECLARATION OF THIS BY-LAW TO PROHIBIT, ELIMINATE OR ABATE NOISE WITH RESPECT TO VEHICLES AND PERSONS ON THE LOUIS BULL RESERVE IS HEREBY ENACTED AS BY-LAW NO. 1998-05, BY THE COUNCIL OF THE LOUIS BULL TRIBE AT A DULY CONVENED MEETING OF THE SAID COUNCIL HELD ON THE 8th DAY OF June 1998. THIS BY-LAW IS CONSENTED TO BY THE FOLLOWING MEMBERS OF COUNCIL.


HELEN BULL


NORMAN DESCHAMPS


TERENCE RAIN

ELAINE ROASTING


THERESA BULL


JOSEPH C. DESCHAMPS


HENRY RAINE


SIMON THREEFINGERS

Being the majority (or more) of those members of the Council of the Louis Bull Tribe present at the aforesaid meeting of the Louis Bull Tribe. **A QUORUM OF THE LOUIS BULL COUNCIL IS FIVE MEMBERS.**