

BY-LAW 24-15-01
A BY-LAW RESPECTING DISTURBANCE BY NOISE

The Council of Valley Waters, under the authority vested in it by the *Local Governance Act*, SNB 2017, c-18 as amended, enacts as follows:

Short Title

1. This by-law shall be known as the Valley Waters Noise By-Law.
2. The enactment of this by-law repeals By-law #2003-16-00 Noise By-Law for the Village of Norton.

Purpose

3. This by-law is enacted to protect, preserve and promote the safety, health, welfare, peace and quiet of the citizens of Valley Waters through the reduction, control and prevention of loud and excessive noise, or any noise which unreasonably disturbs, injures, or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensitivity.

Definitions

4. In this by-law:
 - (a) “noise” means any noise or sound of a volume or nature which causes annoyance or disturbance to any resident or residents, or which causes or is likely to cause a public disturbance, including but not limited to noise caused by shouting, singing, music, motor vehicles including motorcycles, motor bikes, off-road vehicles, air horns, engine brakes, pneumatic hammers, construction equipment and machinery and continuous barking or howling of dogs;
 - (b) “off-road vehicle” means any motor vehicle designed or adapted for off- road use and includes an all-terrain vehicle, a dirt bike, a dune buggy, a motorized snow vehicle or an amphibious vehicle, but does not include any vehicle exempted from the application of the *Off Road Vehicle Act* by regulation;
 - (c) “Village” means the municipality of Valley Waters.

Qualification

5.
 - (a) No person shall make or permit to be made any noise within the Village between the hours of 11:00 p.m. and 7:00 a.m. daily.
 - (b) For greater certainty, “noise” in paragraph (a) means noise as defined in paragraph 4(c).

- (c) No person shall make or permit to be made, at any time:
 - i) the production of loud or unreasonably disturbing noises when ordered by any Peace Officer or By-Law Enforcement Officer not to do so;
 - ii) Make or cause to be made any unnecessary noise by means of a vehicle, including off-road vehicle within the limits of Valley Waters;
 - iii) or allow their dog to bark or howl continuously.
- 6. In addition to section 5, this by-law shall also apply to noise caused by pneumatic hammers, construction equipment and machinery, and vehicles of business or trade between the hours of seven o'clock in the morning (7:00 a.m.) and nine o'clock in the evening (9:00 p.m.) on a Sunday.

Special Case Exceptions

- 7. This by-law shall not apply to:
 - (a) contractors and/or employees of the Village while in the reasonable course of their duties;
 - (b) snow removal equipment, authorized emergency vehicles and emergency equipment;
 - (c) utility repair vehicles and equipment during the course servicing an outage;
 - (d) noises in connection with organized athletic and recreational activities when taking place on recognized sports fields and recreational facilities between the hours of nine o'clock in the evening (9:00 p.m.) and midnight (12:00 a.m.);
 - (e) noises in connection with organized and scheduled outdoor activities and parades, street dances and other community celebrations, when so authorized by Council.
 - (f) noise in connection with agricultural use and being the activities that are part of a normal farm practice and carried out as part of an agricultural operation, including the operation of agriculture equipment on public roadways.

Application for Exemption

- 8. Any person may apply to Council to be granted an exemption from any provision of this by-law. An application for exemption under this by-law shall be in Form "A" attached to this by-law.

9. An exemption of this by-law may be considered by Council upon receiving an application for said exemption at least thirty (30) days prior to the start of the contemplated activity.
10. In deciding whether or not to grant an exemption, Council shall give consideration to the social or commercial benefit of the proposed activity to the Village, the views of any resident of the Village which may be expressed to Council, the proposed hours of operation of the proposed activity, the proposed duration of the activity and the level of noise anticipated to be generated by the activity.
11. An exemption granted by Council shall be in writing, shall include such terms and conditions as Council shall deem appropriate and shall specify the time period during which the exemption shall be effective.
12. In those cases where an exemption is granted, Council may revoke the exemption if it believes that a breach of the terms and conditions of the exemption has occurred.

Offences

13. Any person who violates a provision of this by-law commits an offence punishable under Part II of the *Provincial Offences Procedure Act* as a category D offence.
14. If a person continues to carry on any of the activities set out in sections 4 or 5 after directed by a Peace Officer or By-Law Enforcement Officer to cease and desist, that person is guilty of a separate offence and a separate charge or charges may be laid until such time as the activity is stopped.
15. The owner of a property where an offence is committed under this by-law is liable for the offence, unless the property owner establishes that the offence was committed by a person or persons unknown to them and without their knowledge or consent.

Penalty

16. A person held liable for an offence under this by-law is liable to a fine in the amount specified in the Valley Waters Schedule of Fees and Fines.
17. A fine may be paid:
 - (a) in person, during regular office hours, to the Village Clerk or other person(s) so designated by Council, at Village Hall;
 - (b) by mail addressed to the Office of the Village Clerk, 10 Municipal St., Norton, NB E5T 0C8
 - (c) by e-transfer, in accordance with arrangements made through the office of the Village Clerk.

Read First Time:

Read Second Time:

Read Third Time and Enacted:

Randy McKnight, Mayor

Jackie Clement, Village Clerk

DRAFT

APPLICATION FOR EXEMPTION UNDER THE NOISE BY-LAW

CONTACT INFORMATION

Name of Applicant: _____
Address: _____

Telephone: _____

Name of group/organization/
club/society (if applicable): _____

ACTIVITY INFORMATION

Purpose of _____
Activity: Date(s) _____ from:
of Activity: _____ to:
Time(s) of _____
Activity: _____

Location of _____
Activity: _____

Is there _____
somewhere else Y (list) _____ / N
the activity could
be held?

Type of sound _____
system to be used
(if applicable): _____

Will efforts be _____
made to curb the Y(describe) _____ / N
noise level:

Have/will surrounding property owners be contacted to apprise them of this activity and to solicit their approval?

FOR INTERNAL USE

Police Comments:

Council decision:

NOTE: This application must be submitted to the Village Office a minimum of thirty (30) days prior to the proposed activity