

BY-LAW 91-25A

**A BY-LAW TO AMEND BY-LAW 91-25
RELATING TO THE PREVENTION OF EXCESSIVE NOISE**


The Council of the municipality of Shediac **DULY ASSEMBLED
HEREBY ENACTS AS FOLLOWS:**

By-Law 91-25, a by-law of the municipality of Shediac relating to the prevention of excessive noise is hereby amended by deleting Section 6 and replacing it with the following:

"6. Every person who contravenes or fails to comply with any of the provisions of this By-Law shall be deemed to have committed a category C offence and shall be liable to a fine of not less than fifty dollars (\$50.00) and not more than two hundred and fifty dollars (\$250.00) and all such fines shall be recoverable under the provisions of the Provincial Offences Procedures Act, Chap. P-22.1, S.N.B. and the Victim Services Act, Chap. V-2.1, S.N.B., and amendments thereto."

READ A FIRST TIME (by title)..... this 28 day of October 1991
READE A SECOND TIME (by title)
and in its entirety.....this 28 day of October 1991
READ A THIRD TIME (by title)
AND DONE AND PASSED.....this 12 day of November 1991


Clerk


Mayor

BY-LAW 91-25

**A BY-LAW OF THE MUNICIPALITY OF SHEDIAC RELATING
TO THE PREVENTION OF EXCESSIVE NOISE**

The Council of the municipality of Shediac **DULY ASSEMBLED HEREBY ENACTS AS FOLLOWS:**

1. In this By-Law:

(a) "Town" means the Town of Shediac.

(b) "Public Address System" means any system of loud speaker, amplifiers, microphones or reproducers, or any combination of such equipment, used in the reproduction or amplification of music, speech or other sounds, when used for communication to or otherwise addressing or entertaining a person or group of people, whether the same is mounted upon a vehicle or upon a building or other structure or upon the ground.

(c) "Vehicle" means a vehicle that is drawn, propelled, or driven by any means other than muscular power, including, without limiting the generality of the foregoing, a motor driven cycle.

(d) "Motor Driven Cycle" means a motor vehicle having a seat or saddle for the use of the rider and designated to travel on not more than three wheels and propelled by a motor and includes a motorcycle, a motor scooter, a moped, a tricycle or a bicycle with a motor attached.

(e) "Street" includes alley, boulevard, bridge, court, footway, highway, lane, park, public drive, sidewalk, square, and any part of any of them, open to the public use.

(f) "Dwelling-House" means the whole or any part of a building or structure that is kept or occupied as a permanent or temporary residence and includes a building within the curtilage of a dwelling-house that is connected to it by a doorway or by a covered and enclosed passageway.

2. The following acts, among others, are hereby declared to be noises which disturb or tend to disturb the peace and tranquility of the Town or any portion thereof:

(a) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat or motor vehicle, motor driven cycle or any item of construction equipment, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(b) The operation of any noise-creating blower, power fan or any internal combustion engine or any outdoor power tools, the operation of which causes noise due to the explosion of operating gases or fluids, between the hours of 11:00 P.M. and 7:00 A.M., unless the noise from such blower or fan is muffled and such engine or outdoor power tool is equipped with a muffler device sufficient to deaden such noise.

(c) The operation of construction equipment between the hours of 11:00 P.M. and 7:00 A.M..

(d) The sounding of any signalling device, such as the operation of a vehicle horn for a period longer than would be reasonable under the circumstances.

(e) The starting, driving, turning or stopping of any vehicle or accelerating the vehicle engine while the vehicle is stationary, in a manner which causes any loud and unnecessary noise in or from the engine, the exhaust system, or the braking system, or from the contact of the tires with the roadway.

(f) The detonation of any fireworks or explosive devices not used in construction, at any time, unless specifically authorized by the Council or the Chief of Police.

(g) The carrying out of any works in connection with the construction, reconstruction, alteration or repairing of any building or structure; of any evacuation or excavation works with any mechanical device, without permission in writing from the Director of Municipal Services between the hours of 11:00 P.M. and 7:00 A.M..

(h) The operation or permitting the operation of racing competitions between motorcycles or motor vehicles anywhere within the Town, whether or not an admission fee is charged, unless all motorcycles and motor vehicles are properly equipped with effective mufflers of the type used by car manufacturers as original equipment on all new motor vehicles and without restricting the generality of the foregoing such competitions shall not be carried on or permitted after the hour of 11:00 P.M..

3. (a) No person shall, in the Town, make any noise which disturbs or tends to disturb the peace and tranquility of the Town or any portion thereof.

(b) No person shall, in the Town, operate or permit to operate any public address system for the purpose of advertising or for gain or otherwise within six hundred feet of any public hospital or medical clinic at any time or during school hours within three hundred feet of any school.

(c) No person shall, in the Town, operate or cause or permit to be operated any radio, television, gramophone, piano or other musical instrument or public address system or other device or apparatus for reproducing or amplifying sound, the sounds of which are capable of being heard on any street in the Town or in any adjacent dwelling-house, to be used between the hours of 11:00 P.M. and 7:00 A.M. without having first received written permission from the Chief of Police or from the Council, as hereinafter provided;

(i) Such permission may be granted by the Chief of Police for the operation of such apparatus or device between the hours of 7:00 A.M. and 11:00 P.M., and may be refused if the Chief of Police shall be of the opinion that the operation of such apparatus or device disturbs or tends to disturb the peace and tranquility of the Town or any portion thereof.

(ii) Such permission may be granted upon such other terms and conditions as may be determined by the Chief of Police, including the volume of sound to be reproduced by such apparatus or device, and shall be for such period as stated in such permission.

(iii) Any permission so granted may be cancelled by the Chief of Police at any time if he shall be of the opinion that the operation of such apparatus or device for which such permission was granted violates any of the terms and conditions attached to such permission or disturbs or tends to disturb the peace and tranquility of the Town or any portion thereof.

(iv) Any person who has been refused permission under the provisions of this section, or whose permit has been revoked by the Chief of Police, may appeal to the Council from such refusal or cancellation, and the Council may grant or restore such permission or may confirm such refusal or cancellation.

(v) If the Council decides to grant or restore any such permission, it may impose such terms and conditions in respect thereof as it may determine.

(d) No person shall by

- (i) fighting
- (ii) screaming
- (iii) shouting
- (iv) swearing
- (v) singing, or
- (vi) using insulting or obscene language; while being in a dwelling-house cause any loud and unnecessary noise, the sounds of which are capable of being heard on any street in the Town or in any adjacent dwelling-house.

4. Except as otherwise herein provided, no person shall allow property belonging to him/her or under his/her control to be used so that between the hours of 11:00 P.M. and 7:00 A.M. any loud or unusual sounds of any nature emanating therefrom are likely to disturb the comfort or the repose of other persons in the vicinity of such property.

5. The provisions of this By-Law shall not apply to:

(a) agents, servants or employees of the Town, who are engaged in the reasonable execution of their duties in doing work which may be described as being of an essential or emergency nature and carried out at the request of the Town;

(b) noises in connection with athletic and recreational activities in municipal park areas, arenas, community centres, carnivals, circus when authorized by Council;

(c) noises in relation to traditional, festive, and religious activities when authorized by Council;

(d) noises in relation to parades, street dances, and other community activities authorized by the Council or the Chief of Police;

(e) noises caused by motor vehicles or equipment being used for emergency purposes.

6. Every person who contravenes or fails to comply with any of the provisions of this By-Law shall liable to a fine of not less than fifty-seven dollars and fifty cents (\$57.50) and not more than two hundred dollars (\$200.00) and all such fines shall be recoverable under the provisions of the Provincial Offences Procedure Act, Chap. P-22.1, S.N.B., and amendments thereto.

READ A FIRST TIME (by title).....this 8 day of July 1991

READ A SECOND TIME (by title)
and in its entiretythis 30 day of September 1991

READ A THIRD TIME (by title)
AND DONE AND PASSEDthis 30 day of September 1991


Clerk


Mayor