

BY-LAW NO. 246
TOWN OF SACKVILLE NOISE BY-LAW

The Council of the Town of Sackville enacts the following by-law under Section 11(1)(l) of the Municipalities Act, R.S.N.B., 1973, c. M-22.

Purpose

1. The purpose of this by-law is to encourage respect for the comfort, privacy and enjoyment of life for residents of the Town by controlling excessive noise.

Definitions

2. In this by-law:

“**Council**” means the Council of the Town of Sackville.

“**Officer**” means a member of the RCMP and/or the Town of Sackville By-Law Enforcement Officer.

“**Person**” includes a corporation.

“**Town**” means the Town of Sackville.

Prohibited Acts

- 3(1) No person shall make or cause, or permit to be made or caused, on property which is owned or leased by him a noise which is likely to cause a public nuisance or otherwise disturb inhabitants of the Town.
- 3(2) Without restricting the generality of subsection 3(1), any noise or sound of such volume or nature as to cause annoyance including shouting, singing, whistling, music, motor vehicles (including motor cycles and motor bikes), snowmobiles, all-terrain vehicles, vehicles of business and trade, construction equipment and machinery and animal noises shall be deemed to be noises likely to cause a public nuisance or otherwise disturb inhabitants of the Town.

Exclusions

4. This by-law shall not apply to the following:
 - (a) The employees, contractors or agents of the Town, the Government of Canada, the Province of New Brunswick, any public railway, NB Power and NB Telephone when acting in the reasonable execution of their duties;

- (b) Noises in relation to athletic, recreational or school activities in arenas, playing fields, courts, school grounds or in the Town park areas between the hours of 7:00 a.m. and 11:00 p.m. or an approved extension of this time, as may be granted under Section 5 of this by-law;
- (c) Noises in relation to parades, outdoor dances, or other community activities between the hours of 7:00 a.m. and 11:00 p.m. or an approved extension of this time, as may be granted under Section 5 of this by-law;
- (d) The emission of noise in connection with emergency measures undertaken for the health, safety or welfare of the inhabitants of the Town;
- (e) The operation of emergency response vehicles and/or emergency response equipment;
- (f) Agriculture activities carried on by a farm operation;
- (g) Noises in relation to religious activities between the hours of 7:00 a.m. and 10:00 p.m.;
- (h) Noises in relation to construction activities between the hours of 7:00 a.m. and 10:00 p.m. for which a Building Permit has been issued by the Town;
- (i) Noises in relation to property maintenance activities between the hours of 7:00 a.m. and 10:00 p.m.; and
- (j) Noises in relation to private contracting for snow and garbage removal.

Exemptions

- 5(1) A person may apply to Council for an exemption from any of the provisions of this by-law with respect to any emission of noise for which that person might otherwise be prosecuted. (How to apply - in writing to the Town Clerk, at least 30 days prior to the date the exemption is being sought).
- 5(2) The Council may refuse to grant an exemption or may grant the exemption applied for or any exemption of lesser effect. An exemption shall be in writing and may include such terms and conditions as the Council deems appropriate. An exemption shall specify the time period, which shall not exceed six months, during which the exemption will be in effect.
- 5(3) In deciding whether or not to grant an exemption, Council shall give consideration to the social or commercial benefit of the proposed activity, and the impact on residents, the proposed hours of the noise making activity and the proposed duration of the activity.

- 5(4) Any alleged breach of term or condition of any exemption granted by Council shall be investigated by an Officer and reported to Council in writing. If Council determines that a breach has taken place, Council may revoke the exemption and prosecute the violation in accordance with section 6(2) of the by-law.

Enforcement

- 6(1) Section 13 of “A By-Law Respecting the Municipality of Sackville Respecting the Enforcement of By-laws” (By-Law No. 169) does not apply to this by-law.
- 6(2) A person who violates any provision of this by-law commits an offence and is liable on summary conviction to a fine of not less than \$100.00 and not more than \$500.00. All such fines shall be recoverable under the Provincial Offences Procedures Act, S.N.B. 1987, c. P-22.1.
- 6(3) Any person who violates any provision of this by-law for a second time within a twelve-month period from the time of the last offence is guilty of a fine of not less than \$500.00 and not more than \$1,000.00. All such fines shall be recoverable under the Provincial Offences Procedures Act, S.N.B. 1987, c. P-22.1.
- 6(4) Any person who violates any provision of this by-law for a third time within a twelve-month period from the time of the last offence is guilty of a fine of not less than \$1,000.00 and not more than \$2,100.00. All such fines shall be recoverable under the Provincial Offences Procedures Act, S.N.B. 1987, c. P-22.1.
7. Upon passing of this By-Law, By-Law No. 230 and all amendments hereto are repealed.

This by-law shall come into force and takes effect on the day of final passing thereof.

Read a first time this 14th day of December, 2015.

Read a second time this 11th day of January, 2016.

Read a third time and passed Council on this 11th day of January, 2016.

Mayor

Clerk