

BY-LAW NO. 20
A BY-LAW RELATING TO THE PREVENTION OF
EXCESSIVE NOISES IN THE VILLAGE OF SALISBURY

WHEREAS under the authority of the Municipal Act, R.S.N.B. 1973, c-m-22, Section 11(1)(L), the Village of Salisbury is authorized to enact a By-Law for the purpose of "regulating or prohibiting within the municipality or any defined area thereof the making of noise likely to cause a public nuisance or otherwise disturb inhabitants";

AND WHEREAS it is deemed expedient that such a By-Law be now enacted;

BE IT THEREFORE ENACTED by the Council of the Village of Salisbury, as follows:

1. This By-Law shall be known as By-Law No. 20 and may be cited as the "Noise By-Law".
2. In this By-Law:
 - (1) "Village" means the Village of Salisbury;
 - (2) "Public Address System" means any system of loud speakers, 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;
 - (3) "Vehicle" means a vehicle that is drawn, propelled, or driven by any means other than by muscular power, including, without limiting the generality of the foregoing, a motor driven cycle;
 - (4) "Motor driven cycle" means a motor vehicle having a seat or saddle for the use of the rider and designed 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.
 - (5) "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.
 - (6) "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.
3. The following acts, among others, are hereby declared to be noises which disturb or tend to disturb the peace and tranquility of the Village, or any portion thereof:
 - (1) 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, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;

- (2) The operation of any noise-creating blower power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise;
 - (3) 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;
 - (4) The starting, driving, turning or stopping 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.
4.
 - (1) No person shall, in the Village make any noise which disturbs or tends to disturb the peace and tranquillity of the Town or any portion thereof.
 - (2) No person shall, in the Village operate or cause or permit to be operated, any public address system; gramophone, radio or other devise or apparatus for reproducing or amplifying sound, the sounds of which are capable of being heard on any street in the Village or in any adjacent dwelling-house.
 - (3) 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 Village.
5. Every person who contravenes or fails to comply with any of the provisions of this By-Law shall be liable to a penalty not exceeding FIVE Hundred Dollars (\$500.00), and in default of payment thereof, to imprisonment for a period not exceeding 60 days, and each day such person contravenes or fails to comply shall be deemed a fresh offence.

First Reading - September 8, 1988

Second Reading - September 8, 1988

Third Reading and Enactment - October 10, 1988