BY-LAW NO. 14

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

WHEREAS: Section 10(1)(c) of the *Local Governance Act, S.N.B., Ch. 18*, authorizes the Municipality to make a By-law for the purposes respecting Noise in the Town of Salisbury;

BE IT ENACTED by the Council of the Municipality of Salisbury under the authority vested in it by the *Local Governance Act, S.N.B. 2017, ch.18*, as follows:

1) **TITLE**

   a) This By-law shall be cited as “Noise By-Law”.

2) **APPLICATION**

   a) This By-law applies to the geographic limits of the Town of Salisbury, as established under Section 33 of Regulation 2022-50 of the *Act* and as shown in Schedule A.

3) **DEFINITIONS**

In this By-Law, the following definitions apply:

a) **“Noise”** means any noise or sound of such volume or nature which causes or is likely to cause annoyance to or disturb 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 but not limited to motorcycles and motor bikes, snowmobiles, all-terrain vehicles, pneumatic hammers, construction equipment, machinery;
b) **“Town”** means Town of Salisbury;
c) **“Act”** means the *Local Governance Act, S.N.B., Ch. 18* and all amendments thereto;
d) **“By-Law Enforcement Officer”** means an Employee or representative of the Town, appointed by Salisbury Town Council under Section 72 of the Act for the purposes of enforcing municipal by-laws;
e) **“Resident”** means a landowner or tenant of property within the boundaries of the Town, shown in Schedule A;
f) **“Contractor”** means any person or persons whose services are engaged by the Town by means of contract in writing to carry out some work or perform some action on behalf of the Town;

g) **“Motor Vehicles”** includes automobiles, motorcycles, snowmobiles, all-terrain vehicles, gas scooters and any other vehicles propelled by a gasoline or diesel engine.

4) **PROHIBITED ACT**

a) No person shall within the Town during the times set forth herein emit, cause, or permit the emission of sound or sounds resulting from an act herein after listed which is likely to cause a nuisance or otherwise disturb the peace and tranquility of the residents of the Town:

i. the unnecessary idling or revving of a motor vehicle engine at anytime;
ii. the blowing of a motor vehicle horns at any time except when required or authorized by law or in accordance with good safety practices;
iii. the operation of any combustion engine or pneumatic device without an effective exhaust or intake muffling device in good work order and in constant operation, at any time;
iv. the operation of any item of construction equipment without an effective muffling device in good working order and in constant operation, at any time;
v. the operation of domestic outdoor power tools, except for domestic snowblowers or snow throwers, between the hours of 11:00 o'clock in the evening and in 7:00 am of the next following day;
vi. the operation of construction equipment between the hours of 9:00 o'clock in the evening and 6:00 am the following day;
vii. the operation of a public address system for the purpose of advertising or for gain or otherwise within six hundred feet of any public hospital at any time or during school hours within three hundred feet of any school;
viii. the operation of any public address system, gramophone, radio, or other device or apparatus for reproducing or amplifying sound at any time, unless authorized in writing by Council or the CAO;
ix. the detonation of any fireworks or explosive devices not used in construction, at any time, unless specifically authorized by Council or the CAO;
x. 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 CAO between the hours of 9:00 o'clock in the evening and 6:00 am the following day;
xi. 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 o'clock in the evening;

xii. Except as otherwise herein provided, no person shall allow property belonging to them or under their control to be used so that between the hours of 11:00 o'clock in the evening and 7:00 am the following day, any loud or unusual sounds of any nature emanating there from are likely to disturb the comfort or the repose of other persons in the vicinity of such property.

5) EXCLUSIONS

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 parks areas, arenas, community centers, carnivals, circus when authorized by Council;
c) noises in relation to traditional, festive, and religious activities;
d) noises in relation to parades, street dances, and other community activities authorized by the Council or the CAO;
e) noises caused by motor vehicles or equipment being used for emergency purposes;
f) agriculture activities carried out for agricultural operations;
g) noises in relation to construction activities between the hours of 7:00 a.m. and 9p.m. for which a Building Permit has been issued by the Town.
h) the emission of noise in connection with emergency measures undertaken for the health, safety or welfare of the inhabitants of the Town
i) Residents using personal generators during a power outage.

6) EXEMPTIONS

a) A person may apply to the Town 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. Applications must be submitted to the Town Clerk no less than 30 business days prior to the exemption being requested. Under the discretion of Town Council, the Town may grant extensions of standard hours as per 4(l) of the By-Law.

b) The Town 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 Town deems appropriate. An exemption shall specify the time, which shall not exceed six (6) months, during which the exemption will be in effect.
c) In deciding whether to grant an exemption, the Town shall consider 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.
d) Any alleged breach of term or condition of any exemption granted by the Town shall be investigated by an Officer. If such investigation determines that a breach has taken place, the Officer may revoke the exemption and prosecute the violation in accordance with Section 7 of the By-law.

7) ENFORCEMENT

a) Any Peace Officer or By-law Enforcement Officer as defined by this By-law is hereby authorized to take such action, issue such penalty notices, and/or lay information, as they may deem to be necessary to enforce any provisions of this By-law.
b) Every person who violates or fails to comply with any portion of this By-law, or any person who knowingly allows a violation of any provision of this By-law to take place on a property owned or leased by them, is guilty of an offence.
c) Any person who violates a provision(s) of this By-law has contravened this By-law and is liable to a penalty outlined in Schedule B, which shall not exceed fifteen hundred dollars ($0.00-$1,500.00), to be paid pursuant to the terms of the Town's By-law on Administrative Penalties and any amendments thereto.
d) Any person who fails to pay the administrative penalty within the time prescribed is guilty of an offence and is liable on summary conviction to an additional fine of, at minimum, $140.00 but that shall not exceed $2,100 ($140.00-$2,100), pursuant to the Town's By-law respecting Administrative Penalties and any amendments thereto.
e) Any person commits an offence under this By-law if they interfere or attempt to interfere with any Officer authorized to enforce the provisions of this By-law.

8) **EFFECTIVE DATE**

This By-Law comes into effect on the date of the final passing thereof.

Read a first time this ___ day of _____, 2025.

Read a second time this ___ day of _____, 2025.

Read a third time and passed by Council on this ___ day of _____, 2025.

_____

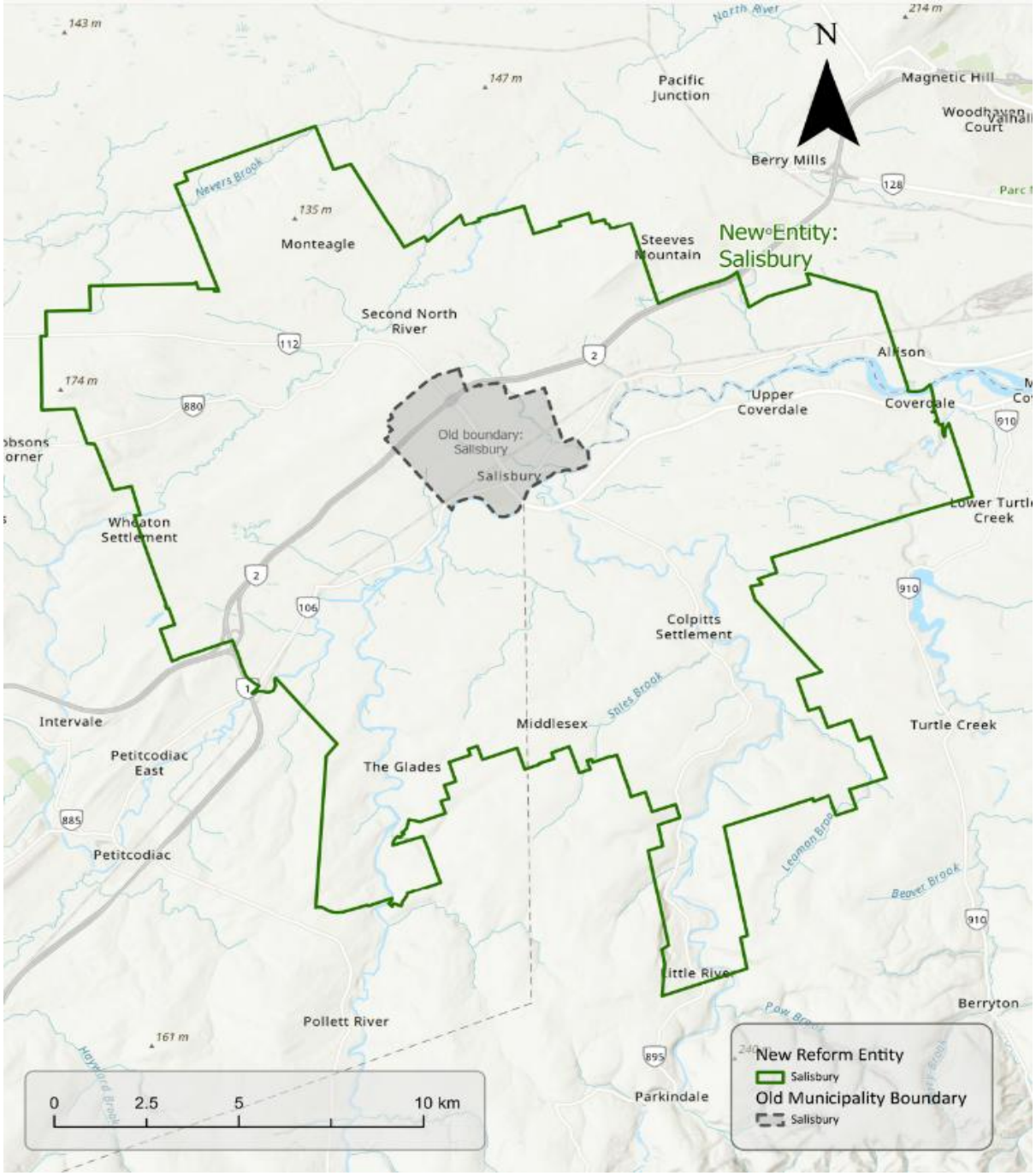
Mayor

_____

Clerk

SCHEDULE A

Town of Salisbury Municipal Limits



SCHEDULE B

Administrative Penalties

Pursuant to Section 7 of this By-law, any person who contravenes a Section of this By-law is deemed to have committed an offence and may be subject to an Administrative Penalty. This Administrative Penalty shall be in addition to any fee(s) required to be paid by those who commit an offence.

Contraventions of the following Sections of the By-law are subject to an Administrative Penalty that shall escalate in the event of re-occurrences:

Section(s) of By-law Contravened	Administrative Penalty
Any provision of this By-law Contravened	• First Offence: $100.00 • Second Offence: $250.00 • Third Offence and each subsequent offence in a calendar year: $500.00