

**BY-LAW NO. 182**  
**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 control noise in the Town of Sackville.

**Definitions**

2. In this by-law:

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

“**Person**” includes a corporation.

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

**Prohibited Acts**

- 3(1) No person shall make, or cause, allow or permit to be made any noise likely to cause a public nuisance or otherwise disturb inhabitants of the Town or any part of it.

**Exclusions**

4. This by-law does 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 those employees, contractors or agents are 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 immediate health, safety or welfare of the inhabitants of the Town.
- (e) The operation of emergency response vehicles within the Town.
- (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. to 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) Any person may make application 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. The Council may refuse to grant an exemption or may grant the exemption applied for or any exemption of lesser effect. Any exemption granted must specify the time period, not in excess of six months, during which the exemption will be in effect. The exemption must be in writing and may include such terms and conditions as the Council deems appropriate.
- 5(2) 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(3) Any alleged breach by the applicant of any of the terms or conditions of any exemption granted by Council shall be investigated by Town staff and reported to Council in writing. If Council determines that a breach has taken place, Council may revoke the exemption.

### **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 \$50.00 and not more than \$500.00. All such fines shall be recoverable under the Provincial Offences Procedure Act, S.N.B. 1987, c. P-22.1.
- 6(3) A person who violates any provision of this by-law may, at the discretion of the Chief of Police, pay the minimum fine prescribed and, upon such payment, the person who has committed the violation will not be further prosecuted for the violation.

**Repeal**

Sections 1 and 2 of the By-law for the Preservation of Order (By-Law #170) are repealed.

This by-law comes into effect on the date of its enactment.

Read a first time this 12<sup>th</sup> day of February, 2001.

Read a second time this 12<sup>th</sup> day of March, 2001.

Read a third time and passed Council on this 23<sup>rd</sup> day of April, 2001.

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Mayor

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Clerk