

TOWN OF ST. ANDREWS

BY-LAW NO. 06-04

A BY-LAW CONCERNING THE REGULATING OF NOISE IN THE TOWN OF ST. ANDREWS

BE IT ENACTED by the Council of the Town of Saint Andrews and under the authority of section 11.1 (l) of the Municipality Act, R.S.N.B., 1973, c. M-22 and amendments thereto as follows:

1. DEFINITIONS:

In this by-law,

- 1.1 **"Town"** and **"Town of Saint Andrews"** mean The Corporation of the Town of Saint Andrews, as incorporated on August 5th, 1903 and all of its administrative officers;
- 1.2 **"Construction"** includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavation, blasting and detonation of explosive devices other than fireworks, the laying of pipe and conduit whether above or below ground level, street and highway building, concreting, equipment installation and alteration and the structural installation of construction components and materials in any form or for any purpose, and includes any associated or related work;
- 1.3 **"Construction equipment"** means any equipment or device designed and intended for use in construction or material handling, including but not limited to air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off highway haulers, trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders or other material handling equipment;
- 1.4 **"Council"** and **"Town Council"** mean the Council of the Town of Saint Andrews;
- 1.5 **"Emergency"** means a situation or an impending situation, often dangerous, caused by the forces of nature, an accident, an intentional act or otherwise, which arises suddenly and calls for prompt action;
- 1.6 **"Emergency vehicle"** includes a land ambulance, an air ambulance, a fire department vehicle, and a motor vehicle being used to respond to an emergency;
- 1.7 **"Town Administration Officer"** means the Chief Administrative Officer of the Town of Saint Andrews that is responsible for enforcing the general by-laws of the Town, or any designated Bylaw officer, Police agency, Peace Officer or agent appointed or contracted by the Town.
- 1.8 **"Motor vehicle"** includes an automobile, bus, truck, motorcycle, motor assisted bicycle and any other vehicle propelled or driven other than by muscular power, but does not include a motorized snow vehicle, traction engine, farm tractor, other farm vehicle or road-building machine;
- 1.9 **"Municipal service vehicle"** means a vehicle operated by or on behalf of the Town while the vehicle is being used for the construction, repair or maintenance of a highway, including the clearing and removal of snow, the construction, repair or maintenance of a utility, the collection or transportation of waste, or other municipal purpose;
- 1.10 **"Noise"** means sound that is unusual or excessive, or that is unwanted by or disturbing to persons;
- 1.11 **"Other areas"** means the lands designated in Schedule D as "Other Areas"
- 1.12 **"Person"** includes a corporation as well as an individual;

1.13 **"Premises"** means a piece of land and any buildings and structures on it, and includes a place of business, road, and any other location or place;

1.14 **"Residence"** means a room, suite of rooms, or dwelling, including a mobile trailer, operated as a housekeeping unit that is used or intended to be used as a separate domicile by one or more persons, and that normally contains cooking, eating, living, sleeping and sanitary facilities;

1.15 **"Residential areas"** means all lands within the geographic boundaries of the Town except for those lands designated in Schedule D as "Other Areas";

1.16 **"Road"** includes a public highway, private road, lane, pathway and sidewalk;

1.17 **"Utility"** means a system that is used to provide a utility service to the public, including water, sewage, electricity, gas, communications networks and cable services;

1.18 **"Utility service vehicle"** means a vehicle operated by or on behalf of the Town of Saint Andrews and by any other company or agency that supplies or manages a service within the Town while the vehicle is being used for the construction, repair or maintenance of that service;

1.19 **"Vehicle"** includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine and other vehicle propelled or driven other than by muscular power;

1.20 **"Zoning by-law"** means By-law #98-5 a Bylaw of the Town of Saint Andrews which regulates the use of land.

2. APPLICATION:

2.1 The general prohibitions on activities described in Schedule A apply to the lands within the residential areas and other areas of the Town designated in Schedule D at all times.

2.2 The prohibitions on activities by time and place described in Schedule B apply to the lands within the residential areas and other areas of the Town designated in Schedule D during the days and between the hours specified in Schedule B.

3. ADMINISTRATION:

3.1 The Town administrative officer is responsible for the administration of this by-law.

3.2 All officers with authority to enforce the by-laws of the Town are responsible for enforcing the provisions of this by-law.

3.3 Any person may submit an application to the Town administration officer requesting an exemption from any of the prohibitions described in Schedules A and B.

3.4 If Council approves the application, the exemption will be in effect for the dates specified, and Council may impose any conditions that it considers appropriate.

3.5 An exemption shall be invalid if these conditions are contravened.

4. REGULATIONS:

4.1 No person shall, at any time, make, cause or permit the making of noise within the Town that is the result of any of the activities described in Schedule A and that is audible to:

4.1(1) a person in a premises or a vehicle other than the premises or vehicle from which the noise is originating; or

4.1(2) a person in a residence other than the residence from which the noise is originating.

4.2 No person shall, during the days and between the hours specified in Schedule B, make, cause or permit the making of noise within the residential areas and other areas designated in Schedule D that is the result of any of the activities described in Schedule B and that is audible to:

- 4.2(1) a person in a premises or a vehicle other than the premises or vehicle from which the noise is originating; or
- 4.2(2) a person in a residence other than the residence from which the noise is originating.

5. EXEMPTIONS:

5.1 The prohibitions described in Schedules A and B do not apply if the noise is the result of measures undertaken in an emergency for the:

- 5.1(1) immediate health, safety or welfare of the inhabitants; or
- 5.1(2) preservation or restoration of property; unless the noise is clearly of a longer duration or of a more disturbing nature than is reasonably necessary to deal with the emergency.

5.2 The prohibitions described in Schedules A and B do not apply if the noise is the result of any of the activities described in Schedule C.

5.3 The prohibitions described in Schedules A and B do not apply if the noise is the result of an activity that has been granted an exemption under section 3.4.

6. SCHEDULES:

The following schedules are attached to and form part of this by-law:

- Schedule A - General Noise Prohibitions;
- Schedule B - Noise Prohibitions by Time and Place;
- Schedule C - Exemptions from the Noise Prohibitions; and
- Schedule D - Designated Residential Areas.

7. OFFENCE AND PENALTY PROVISIONS:

7.1 Any person who contravenes the provisions of this by-law is guilty of an offence and, upon conviction, is subject to a fine no less than \$500.00 for the first offence and \$500.00 for any subsequent offences.

7.2 If this by-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

8. VALIDITY:

8.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

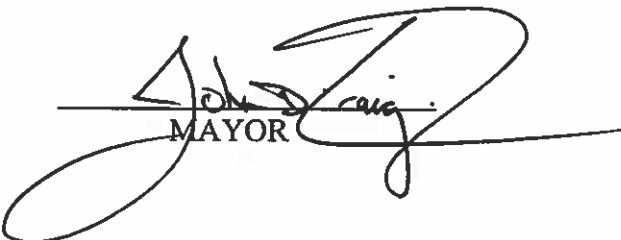
9. COMMENCEMENT:

9.1 This by-law comes into effect after the day that it receives third reading and is passed.

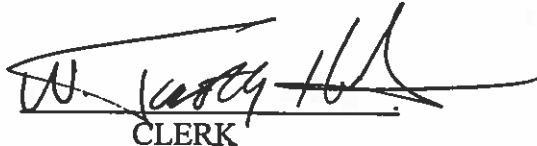
Read the first time: November 6, 2006

Read the second time: February 5, 2007

Read the third time: February 5, 2007



 MAYOR



 CLERK

SCHEDULE A

GENERAL NOISE PROHIBITIONS

- 1.. Operation of a motor vehicle in such a way that the tires squeal.
2. Operation of a combustion engine or pneumatic device without an effective exhaust muffling device that is in good working order and in constant operation.
3. Operation of any item of construction equipment without an effective exhaust muffling device that is in good working order and in constant operation.
4. Operation of a vehicle in a manner that results in banging, clanking, squealing or similar sounds because of inadequate maintenance or an improperly secured load.
5. Operation of the horn of a vehicle or other warning device except where required or authorized, or in accordance with good safety practice.
6. Operation of any outdoor auditory signaling device, including but not limited to outdoor paging systems, the ringing of bells or gongs, the use of sirens, whistles or chimes, or the production, reproduction or amplification of any similar sounds by electronic means except where required or authorized by law or in accordance with good safety practice.
7. Persistent barking, calling or whining or other similar persistent noise-making by animals and birds kept as household pets.
8. No person shall advertise any event or merchandise by ringing bell, blowing whistles, calling loudly, playing music or sound recordings, playing any type of musical instrument, or by the use of loud speakers or other devices for the amplification of sound, in any place or in any building or premises with the intention or result that the sound there from shall be or is audible to persons using or frequenting any street or other public place.
9. Unauthorized setting off of fireworks.
10. Operation of an engine or motor in, or on, any vehicle or item of attached auxiliary equipment for a continuous period of more than five minutes, while such vehicle is stationary in a residential area, unless:
 - 10.(1) The vehicle is in an enclosed structure constructed so as to effectively prevent the emission of excessive noise;
 - 10.1(2) Continuous operation of the engine or motor is essential to a basic function of the vehicle or equipment, including but not limited to the operation of ready-mixed concrete trucks, lift platforms, refuse compactors and heat exchange systems during normal operation;
 - 10.1(3) Weather conditions justify the use of heating or refrigeration systems powered by the motor or engine for the safety and welfare of the operator, passengers or animals, or the preservation of perishable cargo;

SCHEDULE B

NOISE PROHIBITIONS BY TIME AND PLACE

Activity	Prohibited Times	Prohibited Times
	Other Areas	Residential Areas
1. Operation of construction equipment in connection with construction	C	C
2. Operation of equipment for removing snow	D	D
3. Erection, alteration, repair, dismantling or any activity related to construction	C	C
4. Outdoor operation of any powered or non powered tool for domestic purposes other than snow removal	D	D
5. Operation of any device or group of connected devices intended for the production, reproduction or amplification of voices or sound	E	D
6. Loading or unloading, delivering, packing, unpacking or otherwise handling any containers, products, other materials or refuse, unless necessary for the maintenance of essential services or the moving of private household effects	E	C
7. Yelling, shouting, hooting, whistling, singing or the playing of musical instruments, including percussion instruments	E	D

Prohibited Times

- A. Anytime
- B. 1700 hours of one day to 0700 hours of the next day (0900 Sundays)
- C. 1900 hours of one day to 0700 hours of the next day (0900 Sundays)
- D. 2100 hours of one day to 0700 hours of the next day (0900 Sundays)
- E. 2300 hours of one day to 0700 hours of the next day (0900 Sundays)

SCHEDULE C

EXEMPTIONS FROM THE NOISE PROHIBITIONS

1. Operation of emergency vehicles.
2. Operation of municipal service vehicles and related equipment.
3. Operation of utility service vehicles and related equipment.
4. Authorized displays of fireworks.
5. Midways that have been authorized by the Town.
6. Races, parades, processions, and events for ceremonial, religious or traditional purposes that have been authorized by the Town.
7. Operation of bells, chimes, carillons and clocks in churches and public buildings.
8. Cultural, recreational, educational and political events in parks and other public places that have been authorized by the Town.
9. Neighborhood events on municipal highways and other municipal property that have been authorized by the Town.
10. Normal seasonal commercial activity at the St. Andrews Market Wharf.
11. Events which have applied and been approved by the Town for a Special Events Permit.

SCHEDULE D

