

**THE CORPORATION OF THE VILLAGE OF WARFIELD**

**BY-LAW NO.866**

A BYLAW TO REGULATE AND PROHIBIT THE MAKING OR CAUSING OF NOISES IN THE CORPORATION OF THE VILLAGE OF WARFIELD

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WHEREAS Council of the Corporation of the Village of Warfield believes that it is desirable to regulate or prohibit the making or causing of noises that are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public in the Village of Warfield.

NOW THEREFORE the Council of The Corporation of the Village of Warfield in open meeting assembled enacts as follows:

1. THAT this bylaw may be cited as the "Noise Control Bylaw No. 866, 2019

2. **DEFINITIONS**

In this Bylaw:

"Village" means the Village of Warfield

"Council" means the Council of the Village of Warfield

"Highway" includes all public streets, roads, ways, trails, lanes and sidewalks.

"Person" includes any company, corporation, owner, partnership, firm, association, society or party.

"Property" means real property and includes lands, other than a highway, together with all improvements that have been so affixed to the land as to make them in fact and in law a part thereof.

**GENERAL REGULATIONS**

3. THAT no person shall make, cause or suffer or permit noise or sounds, in or on a highway or in or on any public or private property in the Village which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity-

4. No person shall play or operate any radio, television set, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound either in or on any private premises or in any public place in the Village in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity of those premises or place.

5. No person being the owner, occupier or tenant of real property shall allow or permit his real property to be used by a person or persons for playing or operating any radio or stereophonic equipment or other instrument or other apparatus for the production or amplification of sound in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity of said real property.

6. No person shall own, keep, harbor or permit any animal including a dog which by repeated barking or permit any bird which by its cries-disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the surrounding neighbourhood or vicinity.

7. No person shall operate any motorized vehicle on a highway in the Municipality which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity of that highway.

### **SPECIFIC PROHIBITIONS**

Between the hours of 11:00 pm to 7:00 am, no person shall:

8. Carry on work or suffer or permit work in connection with the construction, reconstruction, alteration or repair of any building or structure or carry on any excavation or other operation or operate any kind of machine or engine in the Village which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity.

9. Operate any kind of equipment, machinery or engine which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity.

PROVIDED that where in cases it is impossible or impracticable to comply with this section the Council may give its consent in writing to carry on any such work between the said hours.

### **EXEMPTIONS**

10. Notwithstanding anything contained herein, no person shall be guilty of an infraction of this Bylaw while:

(1) operating or in charge of Fire Department, Police or Ambulance vehicles while in the execution of their duties;

(2) operating Village, other government or public utility company vehicles when engaged upon a service of the public or while engaged upon a service of public convenience or necessity.

(3) creating a noise or sound in connection with emergency measures undertaken for the immediate health, safety or welfare of individuals or for the preservation or restoration of property.

(4) lawfully carrying on a trade or industry at a commercial, industrial or light industrial zoned area, provided that the sound or noise therefrom does not exceed the sound or noise common to such trade or industry.

### **INSPECTION**

Officers, employees, and agents of the Village may enter any building or premise at any reasonable time, in order to ascertain whether the provisions of this Bylaw are being complied with, and no person shall obstruct the entrance of such persons into the building or premise.

11. Every person who violates any of the provisions of this by-law, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this by-law, or neglects to do or refrains from doing anything required to be done by any of the provisions of this by-law, or who does any act which constitutes a violation of any of the provisions of this by-law shall be deemed to be guilty of an infraction thereof, and shall be liable to the penalties hereby imposed.

12. The Village of Warfield Anti-Noise By-law, 1986 and numbered 467 is hereby repealed.

13. This By-law shall be known and cited for all purposes as “The Corporation of the Village of Warfield Regulation of Sounds and Noises By-law, 2019” and numbered 866.

#### **PENALTY SECTION**

Any person who commits a breach of any provision of this by-law shall be liable on summary conviction to a fine or penalty not less than One Hundred (\$100.00) Dollars and not more than Two Thousand (\$2,000.00). In accordance with the procedure set out in the Offence Act, a fine will be stipulated in Schedule “A” of this Bylaw.

**THE CORPORATION OF THE VILLAGE OF WARFIELD**

**BY-LAW NO. 866**

**SCHEDULE "A"  
FINE SCHEDULE**

Fines for tickets issued pursuant to this Bylaw shall be as follows:

Description of Offence	Section	Amount of fine Noise
Causing disturbance	3, 4, 5, 6, 7	\$100
Construction noise	8	\$100
Operating noisy equipment or machinery	9	\$100

Each occurrence of the violation shall constitute a separate offence.

First Offense	\$100.00
Second Offense	\$250.00
Third Offense	\$500.00

Read the first time this	24 <sup>th</sup> day of January, 2019.
Read the second time this	24 <sup>th</sup> day of January, 2019.
Read the third time of this	24 <sup>th</sup> day of January, 2019.

Reconsidered and finally adopted with the consent of Council on the 6th day of February, 2019.

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Mayor

\_\_\_\_\_  
Corporate Officer

I hereby certify this to be a true and correct copy of By-law No. 866 of The Corporation of the Village of Warfield as passed and adopted this 6th day of February, 2019.

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Corporate Officer