

By-law #153
A By-law Respecting Nuisances Within the Town of Woodstock

Under authority vested in it by Section 11 (1) (l) of the Municipalities Act, R.S.N.B., Chapter M-22, enacts as follows:

Title

1. This by-law may be cited as a By-law respecting nuisances within the Town of Woodstock.

Definition

1. In this By-law:

(a) "town" means the Town of Woodstock.

(b) "council" means the Mayor and Councillors of the Town of Woodstock.

(c) "dwelling" means:

i) the whole or any part of a building or structure that is kept or occupied as a permanent or temporary residence and includes an apartment, and a motel or hotel room;

ii) a unit that is designed to be mobile and to be used as a permanent or temporary residence and that is being used as such a residence;

(d) "motor vehicle" means every vehicle that is self-propelled and includes a motorcycle, motor-driven cycle and snowmobile.

(e) "public address system" means any system of loud speakers, amplifiers, microphones, or reproducers, or any combination of any 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 persons;

2. No person shall within the town during the times set forth herein emit or cause, or permit, the emission of sound or sounds resulting from an act hereinafter listed which is likely to cause a nuisance or otherwise disturb the peace and tranquility of the inhabitants of the town.

(a) The unnecessary idling or revving of a motor vehicle engine, at any time;

(b) The blowing of a motor vehicle horn at any time except when required or authorized by law or in accordance with good safety practices;

(c) The screeching or squealing of tires with any motor vehicle;

(d) The operation of any combustion engine or pneumatic device without an effective exhaust or intake muffling device in good working order and in constant operation, at any time;

(e) The operation of any item of construction equipment without an effective muffling device in good working order and in constant operation, at any time;

(f) The operation of domestic outdoor power tools, with the exception of domestic snowblowers or snowthrowers, between the hours of 10:00 o'clock in the afternoon and 7:00 o'clock in the forenoon of the next following day;

(g) The operation of construction equipment between the hours of 10: 00 o'clock in the afternoon and 7:00 o'clock in the forenoon of the next following day;

(h) 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 anytime or during school hours within three hundred feet of any school;

(i) 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 the chief of police;

(j) The detonation of any fireworks or explosive devices not used in construction, at any time, unless specifically authorized by council or the chief of police;

(k) The carrying out of any works in connection with the construction, reconstruction, alteration, or repairing of any building or structure or of any excavation; or excavation works with any mechanical device, without permission in writing from the town manager between the hours of 10:00 o'clock in the afternoon and 7:00 o'clock in the forenoon of the next following day;

(l) 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 afternoon;

3. No person shall use or permit a radio, television, phonograph, piano, or other musical instrument or public address system to be used between the hours of 11:00 o'clock in the afternoon and 7:00 o'clock in the forenoon of the next following day with such degree of loudness so as to disturb the peace and comfort of the neighbourhood or of any person in any dwelling, apartment house, or other type of dwelling.

4. Except as otherwise herein provided, no person shall allow property belonging to him/her or under his/her control to be used so that between the hours of 11: 00 0' clock in the afternoon and 7 :00 0' clock in the forenoon of the next following day, any loud or unusual sounds of any nature emanating therefrom are likely to disturb the comfort or the repose of other persons in the vicinity of such property.

5. 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 centres, 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 community activities authorized by the council or the chief of police;
- (e) noises caused by motor vehicles or equipment being used for emergency purposes;

Offence

6. Every person who contravenes any of the provisions of this by-law is guilty of an offense and liable, on summary conviction, to a fine of not less than \$50.00 and not more than \$200.00.

Read a first time this 11th day of July, 1994.

Read a second time this 11th day of July, 1994.

Read a third time and enacted this 11th day of July, 1994.

Clara D. Moffatt, Mayor

K.C. Harding, Town Clerk