



# NOISE AND NUISANCE BYLAW

## SCHEDULE "H" of consolidation Bylaw 663, 2012

A Bylaw to provide for the regulation and prohibition of certain noises and sounds

**WHEREAS** Section 64 (a) and (b) of the Community Charter provides Council with the authority, by bylaw, to regulate or prohibit the making or causing of certain noises, sounds or nuisances within the Municipality; and

**WHEREAS** THE Council of the Municipality deems it necessary and desirable to regulate or prohibit noises, sounds and nuisances which disturb the quiet, peace, rest, enjoyment, comfort or convenience of neighborhood persons in the vicinity, or the public;

**NOW THEREFORE** the Municipal Council of the Corporation of the Village of Lytton in open meeting assembled, enacts as follows:

### Citation

1. This Bylaw may be cited for all purposes as the "Noise and Nuisance Control Bylaw No. 600, 2008."

### Definition

2. In this Bylaw:
  - (a) "Bylaw Enforcement Officer" means every person designated by Council as a Bylaw Enforcement Officer for the Municipality and every Peace Officer;
  - (b) Municipality means the Corporation of the Village of Lytton;
  - (c) "Council" means the Municipal Council of the Corporation of the Village of Lytton;
  - (d) "Municipality" means the area within the municipal boundaries of the Village;
  - (e) "Owner" means an owner or occupier of a parcel of land, or both

### Prohibited Noises and Sounds

3. No person shall make or cause, or permit to be made or caused, in or on a highway or elsewhere in the Municipality, any noise, sound or nuisance which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of two or more persons from separate residences in the vicinity.

4. No owner, tenant or occupier of real property shall allow the property to be used so that a noise, sound or nuisance which originates from that property disturbs the quiet, peace, rest, enjoyment, comfort or convenience of two or more persons from separate residences in the vicinity.
5. No person shall keep any animal which by its calls, cries, barks, or other noises disturbs the quiet, peace, rest, enjoyment, comfort, or convenience of two or more persons from separate residences in the vicinity.
6. Without limiting section 3 – 5 of this bylaw, the Council believes that the following noises or sounds are objectionable:
  - (a) any calls, cries, **barks** or other noises made by an animal which are audible outside the property where the animal is kept, between 10:00 p.m. and 7:00 a.m.; and
  - (b) any **amplified music** or speech which is audible outside the property where it originates or or is reproduced, between 10:00 p.m. and 7:00 a.m.;
  - (c) any noise caused or emanating from **construction activity**, including alterations, demolitions and excavations between the hours of 8:00 p.m. and 7:00 a.m.;
  - (d) any noise longer than 15 minutes caused or emanating from the operation of **a parked or stopped diesel vehicle or reefer** between 10:00 p.m. and 7:00 a.m.

And no person shall cause or permit such noises or sounds to be made.

#### **Exemption**

7. This Bylaw **does not apply to**:
  - (a) **police, fire or other emergency vehicles** proceeding upon an emergency;
  - (b) the excavation, construction or **infrastructure work or repairing streets, roads sidewalks** or lands by the Municipality or its agents acting on its behalf;
  - (c) the operation of **maintenance equipment** by the Municipality or its agents acting on its behalf;
  - (d) **snow removal or street cleaning** operations;
  - (e) the erection, demolition, construction, reconstruction, alteration or repair of any building or structure **between 7:00 a.m. and 8:00 p.m.**
  - (f) the operation of a **public address system** required under a building or fire code;
  - (g) **a lawnmower, power gardening equipment or chainsaw operated between 7:00 a.m. and 10:00 p.m.;**
  - (h) **a horn** from a motor vehicle, boat or train where it is **necessary to warn of danger** or hazard;
  - (i) an event **approved by resolution of Council**, provided it is within the terms of that approval – i.e. hours of operation.

### **Inspections**

8. A Bylaw Enforcement Officer may enter on any property at any reasonable time for the purpose of ascertaining whether the regulations and requirements of this Bylaw are being observed.
9. No person shall obstruct a Bylaw Enforcement Officer from entering property under section 8.

### **Offences and Penalties**

10. Any person who contravenes this Bylaw is liable upon summary conviction to a fine not exceeding \$2,000.00. Every day that an infraction of this Bylaw continues shall constitute a separate offence.

### **Severability**

11. If any portion of this Bylaw (including without limitation all or part of section 7) is held to be invalid by a Court of competent jurisdiction, such invalidity shall not affect the remaining portions of the Bylaw.

### **Repeal**

12. The Village of Lytton Anti-noise Bylaw No. 54, 1956 is repealed and replaced by this Bylaw.

**READ** a first time this 14<sup>th</sup> day of April, 2008

**READ** a second time this 14<sup>th</sup> day of April, 2008

**READ** a third time this 14<sup>th</sup> day of April, 2008

**RECONSIDERED**, finally passed and adopted this 28<sup>th</sup> day of April, 2008

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**MAYOR**

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**CORPORATE OFFICER**