

**NOISE BY-LAW
N-050-03**

Effective Date:
March 4, 2003

This by-law, know as the “Noise By-Law” N-050-03 is enacted by the Municipality of the District of Yarmouth under authority vested in the Municipal Government Act, and is intended to establish acceptable standards for noise so as to encourage respect for others’ privacy and their right for enjoyment of property and life.

1. No person shall produce, amplify, emit or transmit a sound or noise, or cause a sound or noise to be reproduced, amplified, emitted or transmitted in the following instances:
 - (a) If, between the hours of seven o’clock in the afternoon and seven o’clock in the forenoon of the following day, the equivalent sound level reproduced, amplified, emitted or transmitted, when measured at a distance of not less than 100 feet from the source sound or noise is greater than sixty-five decibels (65dBA);
 - (b) If, between the hours of seven o’clock in the forenoon and seven o’clock of the same afternoon, the equivalent sound level reproduced, amplified, emitted or transmitted, when measured at a distance of not less than 100 feet from the source of the sound or noise, is greater than seventy five decibels (75dBA).
2. No person shall operate, or cause to be operated a public address system, phonographs, gramophones, radios, or other device or apparatus, whether operated electrically, mechanically or in any other way whatsoever, whether moveable or stationary, which reproduces, amplifies, emits, or transmits sounds which are capable of being heard in any street or public place or in any building used wholly or in part as a dwelling, other than the place in which phonograph, gramophone, radio, or other device or apparatus in question is located.
3.
 - (a) Notwithstanding Section One and Two of this by-law, upon application to the CAO, the CAO may grant a temporary license to a person for the operation of a public address system, phonograph, gramophone, radio, and other devices or apparatus whether operated electrically, mechanically or in any other way whatsoever, whether moveable or stationary which reproduces, amplifies, emits, or transmits sounds which are capable of being heard on any street or public place or in any buildings used wholly or in part as a dwelling, other than the dwelling in which they are located.
 - (b) Such temporary license may be granted subject to such terms and conditions relating to the volume of sound or noise to be reproduced by such apparatus or device, and further subject to such periods of time as are set forth in the license, as defined in Section 1 (a) and (b)
 - (c) No license shall authorize, or be deemed to authorize the reproducing, amplifying, emitting, or transmitting of sounds or noises contrary to sections one and two of this by-law between the hours of seven o’clock in the afternoon and seven o’clock of the next succeeding forenoon.

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4. Notwithstanding Section Two of this by-law, it shall not be an offense to reproduce, amplify, emit or transmit a sound or noise in the following instances:
- (a) If the sound or noise is created by a parade, procession, demonstration or event for which a permit has been issued by the Municipality of Yarmouth;
 - (b) If the sound or noise is created by a person to whom a license has been issued under this by-law, so long as the sound or noise is reproduced, amplified, emitted or transmitted in accordance with the terms and conditions contained in the license.;
 - (c) If the sound or noise is created by a police vehicle, fire department vehicle, ambulance, or any public service or emergency vehicle, while the said vehicle is answering an emergency call.
5. Every person who reproduces, amplifies, emits, or transmits a sound or noise, contrary to the provisions of this by-law, or who causes a noise or sound to be reproduced, amplified, emitted or transmitted contrary to the provisions of this bylaw, is guilty of an offense and, upon conviction, subject to a penalty of not less than one hundred dollars (\$100.00), and not exceeding one thousand dollars (\$1,000.00), and in default of payment of penalty to imprisonment for not more than thirty (30) days. Each event that constitutes a violation of this by-law is a separate offence; and if a violation is a continuing one, each day during which it continues constitutes a separate offence.
6. Penalties

Any person who has contravened this by-law and where notice so provides may pay a penalty in the amount of \$50.00 dollars (first offence, \$100.00 dollars for a second offence, and \$150.00 dollars for subsequent offences) to the office of the Municipality of Yarmouth provided that said payment is made within a period of fourteen (14) days from the date of the notice and where the said notice so provides for a voluntary payment, said payment shall be in full satisfaction, releasing and discharging all penalties incurred by the person for said violation in accordance with the Payment In Lieu of Prosecution Policy, P-082-02.

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CAO's Annotation For Official By-Law Book

Date of first reading: August 13, 2009

Date of advertisement of Notice of Intent to Consider: September 8, 2009

Date of second reading: September 23, 2009

*Date of advertisement of Passage of By-Law: Date of mailing to Minister a certified copy of By-Law:

I certify that this POLICY was adopted by Council and published as indicated above.

CAO

Date