

RURAL MUNICIPALITY OF BUCKLAND # 491
BYLAW 5 OF 1992

Being a Bylaw to prohibit certain activities creating noise and to abate the incidence of noise in the Rural Municipality of Buckland # 491.

Whereas Section 215 (f) of the Rural Municipality Act 1989 provides that Council may pass a Bylaw for the prohibiting, eliminating or abating of noise in the Municipality;

Now therefore, the Council of the Rural Municipality of Buckland # 491 in open meeting assembled, enacts as follows:

- 1. This Bylaw shall be known as "The Noise Bylaw";*
- 2. (a) Except to the extent that it is allowed in this Bylaw, no person shall make, or continue to make or cause to be made or allow to be made or allowed to be continued to be made, any loud noise or any unnecessary noise or any unusual noise;*
 - (b) Except to the extent that it is allowed by this Bylaw, no person shall make or continue to make or cause to be made or allow to be continued, any noise whatsoever which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the boundaries of the Municipality;*
 - (c) What is a loud noise, an unnecessary noise, an unusual noise or a noise which annoys, disturbs, injures or endangers the comfort, repose, peace or safety of other persons, is a question of fact for a Court which hears a prosecution of an offence against this Bylaw.*
- 3. Domestic noises:*

No person who owns, keeps, houses, harbours or allows a dog to stay in his premises shall allow such dog to bark excessively or to howl excessively;
- 4. (a) No person being the owner or occupant of any premises shall operate, or permit to be operated, or suffer to be operated, or allow to be operated, play or allow to be played, any radio, phonograph, record player, tape recorder, television set, musical instrument, or any other apparatus, appliance, device or machine used for the production or amplification of sound, either in or on private premises in a residential district in such a manner that the same can be easily heard by an individual or member of the public who is not on the same premises from which such noise or sound emanates;*
 - (b) For the purpose of this Bylaw, "premises" shall mean the area contained within the boundaries of any lot and includes any building situated within such boundaries. Provided, however, that where any building contains more than one dwelling unit, each dwelling unit, or common area of such building and the land surrounding the building within the boundaries of the lot shall be deemed to be separate premises;*
 - (c) For the purpose of this Bylaw, "occupant" shall mean the owner, occupant or licensee of the premises or any person found on the premises at or around the time when the noise or sound issues from the premises.*

5. *Truck motors:*

No person shall allow the motor on a tractor which pulls a trailer or on a semi-trailer truck or any other truck to remain running for longer than 30 minutes while the tractor trailer or tractor alone or truck is stationary in a Country Residential Zone.

6. *Council may, by Resolution, exempt from the provisions of this Bylaw noise made by any person, firm or corporation in the lawful operation of any farming, industrial or commercial or any other business undertaking.*

7. *Penalties:*

Any person who contravenes any provisions of this Bylaw, is guilty of an offence and is liable on summary conviction to a minimum fine of \$ 50.00 and a maximum fine not in excess of \$ 500.00 or in default of payment of the fine and costs, to imprisonment for a period not exceeding 30 days.

8. *This Bylaw shall come into force and take effect on, from and after the final passing thereof.*

Introduced and read a first time this 8th day of June, 1992.

Read a second time this 8th day of June, 1992.

Read a third time and passed by unanimous vote of Council this 8th day of June 1992.

L. E. Visto

Reeve

A. Marshall

Administrator