

TOWN OF SWAN RIVER

BY LAW NO. 10 /2012

Being a By-Law for regulating noise within the
Town of Swan River.

WHEREAS Section 232(1) of The Municipal Act, L.M. 1996, c.58 – Chap. M225, states a council may pass by-laws for municipal purposes respecting the following matters:

- a) the safety, health, protection and well being of people, and the safety and protection of property;
- c) subject to section 233, activities or things in or on private property;

AND WHEREAS Section 233 of the Municipal Act states: A by-law under clause 232(1)(c) (activities or things in or on private property) may contain provisions only in respect of

(d) activities or things that in the opinion of the council are or could become a nuisance, which may include noise, weeds, odours, unsightly property, fumes and vibrations.

AND WHEREAS it is deemed advisable to exercise the powers set out in the said Sections of the Municipal Act as excessive sound is a serious hazard to the public health and welfare, safety, and quality of life, and the public has a right to and should be ensured of an environment free from excessive sound that may be prejudicial to the health or welfare or safety of the public or diminish the quality of life in the Town of Swan River.

NOW THEREFORE the Council of the Town of Swan River, in Council assembled, enacts as follows:

1. That this By-Law may be referred to as “The Town of Swan River Noise Control By-law”.
2. That in this by-law “noise nuisance” includes any unreasonably loud or unusual sound or any sounds which are likely to, or do, annoy, injure, or disturb the health, peace or safety of any person.
3. No person shall create a noise nuisance in the Town of Swan River.
4. Paragraphs 2 and 3 shall not apply to the making of announcements of a public or emergent nature by the Town of Swan River or by any department thereof, nor to any activity undertaken under the authority of a permit issued by the Council of the Town of Swan River.

5. a) No person shall operate or allow to be operated between 10:00 p.m. and 7:00 a.m. Monday to Saturday or 10:00 p.m. and 9:00 a.m. Sundays and holidays, any device including any tool or item of machinery or equipment which is powered by any electric motor or an internal combustion engine within 50 meters of any residential zone of the Town of Swan River.
- b) Except in an emergency, no person shall excavate or fill land, or construct, demolish or carry on construction of any type which involves hammering, sawing, drilling or the use of any machine, tool or equipment capable of creating a sound which may be heard beyond the boundaries of the site on which the activity is being carried out between 10:00 p.m. and 7:00 a.m. Monday to Saturday, or 10:00 p.m. to 9:00 a.m. Sunday and holidays in any zoning district of the Town of Swan River.
- c) Where it is impossible or impractical to comply with this section, the Town of Swan River Council may give written approval to carry on the work that is found to be necessary at designated hours. Responsibility for obtaining written approval lies with the person carrying on the work.
6. No person shall, at any time, shout, ring bells, except church and school bells, blow horns, operate mechanical devices or vehicles, operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, loudspeaker, public address system, sound amplifier or similar device which produces or reproduces or amplifies sound within the Town of Swan River in such a manner as to create a noise nuisance.
7. That the Council of the Town of Swan River may, by resolution, grant a permit for announcing or advertising public meetings or the holding of concerts, dances, entertainments, musical events, plays, theatrical events, athletic games and contests and carnivals when such are sponsored and operated by a service club or by a charitable, religious, community, fraternal, athletic, youth or municipal organization or by an agricultural or horticultural society having its head office or branch office located within The Town of Swan River.
8. Any person who contravenes or violates, refuses, omits, neglects or fails to observe, obey or comply with any of the provisions of this by-law is guilty of an offence and liable, on summary conviction, to a fine not exceeding \$1,000.00 and costs for such an offence and in the case of non-

payment of such find and costs, to imprisonment for a period not exceeding 30 days.

9. That By-law No. 29/87 be hereby repealed.

10. That this By-law shall come into force and effect on the day of passing thereof.

DONE AND PASSED as a By-Law of the Town of Swan River by the Mayor and Council in open session assembled this 17th day of July A.D. 2012

Mayor

Chief Administrative Officer

Read a first time this 19th day of June, A.D. 2012

Read a second time 17th day of July, A.D. 2012

Read a third time 17th day of July, A.D. 2012