

BYLAW NO. 10-81

A BYLAW OF THE VILLAGE OF LINDEN
TO PROHIBIT, ELIMINATE OR ABATE NOISE
WITHIN THE VILLAGE OF LINDEN

WHEREAS Section 157 (1)(g) of the Municipal Government Act authorizes council to pass bylaws for the purpose of prohibiting, eliminating or abating noise and;

WHEREAS Section 14 (1)(7) of the Highway Traffic Act authorizes Council to pass bylaws defining what constitutes objectionable noise, devising a system or method of determining or measuring such noise, and prohibiting the operation of motor vehicles which in any manner make objectionable noise;

WHEREAS the Council of the Village of Linden deems it expedient that regulations be made restricting mitigating and abating certain noises within the limits of the Village:

NOW THEREFORE the Council of the Village of Linden herein assembled enacts as follows:

1. This bylaw may be cited as "The Noise Abatement Bylaw."
2. In this bylaw, including this section,
 - a. "VILLAGE" means the corporation of the Village of Linden or the area contained within the boundaries of the Village as the context requires.
 - b. "RESIDENTIAL DISTRICT" shall mean any or all zones classified as such by Bylaw Number 150 of the Village of Linden amendments of said bylaw of and for the Village of Linden.
3.
 - a. Except to the extent it is allowed by this Bylaw, no person shall make, continue or cause or allow to be made or continued any loud, unnecessary or unusual noise or any noise whatsoever which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the limits of the Village.
 - b. What is a loud noise, unnecessary noise, an unusual noise or a noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others is a question of fact for a court which hears a prosecution of an offence against this Bylaw.
 - c. The Village of Linden, its agents, servants and employees, shall not be deemed to be in contravention of this Bylaw in performing any duties or work required to be done by the Village in emergency situations requiring the Village to do work within Town limits during hours of the night which might otherwise contravene this Bylaw.
4.
 1. The failure of a person to comply within the Village with the following provisions of The Highway Traffic Act:
 - a. The prohibition against the use of signaling devices on motor vehicles, motorcycles or bicycles so as to make more noise than is reasonably necessary for the purpose of giving notice or warning to other persons on the highway as set out in subsection (2) of section 35;

- b The restrictions on the type or use of mufflers an similar equipment on motor vehicles and other internal combustion engines as set out in section 36; and
- c The prohibition against equipping a vehicle other than those specified with a siren as set out in section 45;
- d shall constitute a violation of this Bylaw in to and not in substitution for the offence created by The Highway Traffic Act.

2. If a person operates a vehicle of any type on a street in a residential district at any time of the day or night in such a way as to unduly disturb the residents of the street in the residential district in which he is operating the vehicle he shall be guilty of an offence of which he may be guilty against the provisions of section 114 of The Highway Traffic Act.

5. Where any peace officer believes that a person has commitee a breach of the provisions of this Bylaw a tag or notice may be served upon the person committing such a breach.

6. Service of any such notice or tag as provided in section 5 of the bylaw shall be deemed to be sufficient if it is:

- a. Personally served, or
- b. Served by double registered mail

7. Any person served with a tag or notice for breach of any part of this Bylaw shall pay to the Treasurer of the Village of Linden a penalty in the amount specified in Schedule A attached to and forming part of this Bylaw within fourteen (14) days of the date of service of the tag or notice. Such payment shall be accepted in lieu of prosecution under the provisions of section 8 of this Bylaw.

8. Any person who contravenes this Bylaw is guilty of an offence and is liable on summary conviction to a fine not exceeding \$500.00 and in default thereof to imprisonment not exceeding 30 days unless such fine is sooner paid.

1/ Schedule A shall be deemed to be part of this Bylaw

2/ This Bylaw shall take effect upon final passing thereof.

Given first reading this _____ day of _____, 19____

Given second reading this _____ day of _____, 19____

Given third reading and finally passed this _____ day of _____, 19____

Mayor

Municipal Administrator