

BY-LAW NO. 22

A BY-LAW RELATING TO THE PREVENTION OF EXCESSIVE NOISES  
IN THE VILLAGE OF HILLSBOROUGH.

WHEREAS under the authority of the Municipality Act, R.S.N.B. 1973, c-M-22, Section 11 (1) (l), the Village of Hillsborough is authorized to enact a By-Law for the purpose of "regulating or prohibiting within the municipality or any defined area thereof the making of noise likely to cause a public nuisance or otherwise disturb inhabitants";

AND WHEREAS it is deemed expedient that such a By-Law be now enacted;

BE IT THEREFORE ENACTED by the Council of the Village of Hillsborough, as follows:

1. This By-Law shall be known as By-Law No. 22 and may be cited as the "Noise By-Law".
2. In this By-Law:
  - (a) "Village" means the Village of Hillsborough;
  - (b) "Public Address System" means any system of loud speakers, amplifiers, microphones or reproducers, or any combination of such equipment, used in the reproduction or amplification of music, speech or other sounds, when used for communication to or otherwise addressing or entertaining a person or group of people, whether the same is mounted upon a vehicle or upon a building or other structure or upon the ground;
  - (c) "Vehicle" means a vehicle that is drawn, propelled, or driven by any means other than by muscular power including, without limiting the generality of the foregoing, a motor driven cycle;
  - (d) "Motor driven cycle" means a motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels and propelled by a motor and includes a motorcycle, a motor scooter, a moped, a tricycle or a bicycle with a motor attached.
  - (e) "Street" includes alley, boulevard, bridge, court, footway, highway, lane, park, public drive, sidewalk, square, and any part of any of them, open

3. The following acts, among others, are hereby declared to be noises which disturb or tend to disturb the peace and tranquility of the Village or any portion thereof:

- (1) The discharge into the open air of the exhaust of any stationary internal combustion engine, motor boat or motor vehicle, motor driven cycle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;
- (2) The operation of any noise-creating blower power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise;
- (3) The sounding of any signalling device, such as the operation of a vehicle horn for a period longer than would be reasonable under the circumstances;
- (4) The starting, driving, turning or stopping any vehicle or accelerating the vehicle engine while the vehicle is stationary, in a manner which causes any loud and unnecessary noise in or from the engine, the exhaust system, or the braking system, or from the contact of the tires with the roadway;

4. (1) No person shall, in the Village, make any noise which disturbs or tends to disturb the peace and tranquility of the Village or any portion thereof.

(2) No person shall, in the Village operate or cause, or permit to be operated, any public address system, gramophone, radio or other device or apparatus for reproducing or amplifying sound, the sounds of which are capable of being heard on any street in the Village or in any adjacent dwelling-house.

(3) No person shall by

- (i) fighting,
- (ii) screaming,
- (iii) shouting,
- (iv) swearing,
- (v) singing or
- (vi) using insulting or obscene language;

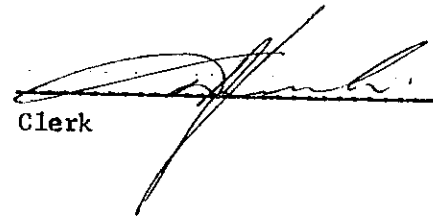
while being in a dwelling-house, cause any loud and unnecessary noise, the sounds of which are capable of being heard on any street in the Village or in any adjacent dwelling-house.

5. Every person who contravenes or fails to comply with any of the provisions of this By-Law shall be liable to a penalty not exceeding FIVE Hundred Dollars (\$ <sup>200.00</sup>~~300.00~~), and in default of payment thereof, to imprisonment for a period not exceeding 60 days, and each day such person contraven or fails to comply shall be deemed a fresh offence.

ORDAINED AND PASSED this 5<sup>th</sup> day of July, 1983.

Read first time: July 4, 1983  
Read second time: July 4, 1983  
Read third time: July 5, 1983

  
Mayor

  
Clerk

By-Law # 22-1

A By-Law in amendment of a By-Law #22, a by-law relating to the Prevention of Excessive Noises in the Municipality of the Village of Hillsborough.

Be it enacted by the council of the Municipality of the Village of Hillsborough as follows:

Section 5 of By-Law #22, be hereby repealed and substitute therefore the following:


Section 5-1. Every person who contravenes or fails to comply with any of the provisions of this By-Law shall be liable to a penalty not exceeding Two hundred Dollars (\$200.00), and in default of payment thereof, to imprisonment for a period not exceeding 60 days, and each day such person contravenes or fails to comply shall be deemed a fresh offence.

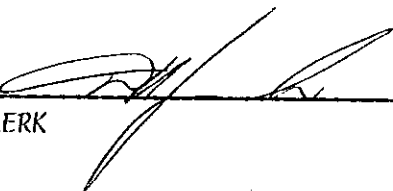
Ordained and passed this 1<sup>ST</sup> day of October, 1984

Read First Time: September 10, 1984

Read Second Time: September 10, 1984

Read Third Time: October 1, 1984

  
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MAYOR

  
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CLERK