



THE CORPORATION OF THE VILLAGE OF FRUITVALE

BY-LAW NO. 382

Being a By-law to restrain the making of noises and sounds which disturb, or tend to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighborhood within the Village of Fruitvale

WHEREAS it is deemed expedient pursuant to the provisions of Section 932 of the Municipal Act, to regulate the making or causing of noises or sounds in the Village of Fruitvale enjoyment, comfort or convenience of the neighborhood, or of persons in the vicinity.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE VILLAGE OF FRUITVALE, in open meeting assembled, enacts as follows:

1. In this bylaw:

“Emergency Vehicle” means

- a) an ambulance or rescue vehicle carrying rescue or first aid equipment where there is an urgent emergency justifying a rate of speed in excess of any maximum rate of speed provided for in the Traffic By-law then in effect;
- b) a fire truck or fire car driven by a member of a fire department in the discharge of his/her duties;
- c) a police cruiser driven by a peace officer, constable or member of the police branch of her Majesty’s Armed Forces in the discharge of his/her duty;

“Corporation means the Council of The Corporation of the Village of Fruitvale

“Motor Vehicle” means a vehicle not run on rails, that is designed to be self-propelled;

“Peace” means quiet, peace, rest, enjoyment, comfort or convenience;

“Village” means those areas within the boundaries of the Village of Fruitvale.

2. It shall be unlawful for any person or persons within the Village to make or cause any sound which disturbs or tends to disturb the peace of any person, resident or non-resident in the Village.

3. Without limiting the generality of the prohibition contained in Section Two hereof, the following conduct is specifically prohibited within the Village:

- a. The playing of any radio, phonograph, television, receiving set, musical instrument, sound device or sound amplification device in such a manner or with such a volume as to disturb the peace of any person in the vicinity of such activity.
- b. The keeping of any animal, bird or fowl which by causing frequent or a loud continued noise shall disturb the peace of any person in the vicinity;
- c. The use of any motor vehicle so out of repair, or so loaded or so operated as to create loud or unnecessary noise or noises, including excessive noise made from the contact of tires with the road surface;
- d. The discharging into the open air of the exhaust of any stationary internal combustion engine, motor vehicle engine or other engine except through a muffler or other device which effectively prevents excessive noise therefrom;
- e. The sounding of a horn or other signaling device upon any motor vehicle or other vehicle not in motion.
- f. The sounding of a horn or other signaling device upon a motor vehicle or other vehicle in motion except as a danger or warning signal;
- g. The creation of any excessive noise on any street, highway or lane adjacent to any school, institution of learning, church or court while the same are in session, or adjacent to any hospital at any time;
- h. The loading or unloading of any motor vehicle, trailer, or wagon in or upon any public or private place or premises in such a manner as to disturb the peace of the neighborhood, or of persons in the vicinity;
- i. Yelling, shouting, whistling or singing on the streets or other public places within the Village at any time so as to disturb the peace of any person in the Village;
- j. The use of any drum, loud speaker or other instrument or any noise making device between ten o' clock in the afternoon and eight o' clock in the forenoon of the next day or any device for the production or amplification of sound, either in or upon private premises or in any public place without first having obtained the written permission of the Council provided that nothing contained in the By-law shall be deemed to apply to any emergency vehicle;
- k. The erection, repair or demolition of any building in any residential zone within the Village or the excavation of any street, highway, lane or property in any residential zone other than on weekdays, including Saturdays, between the hours of seven o'clock in the forenoon and six o' clock in the afternoon, except in the case of urgent necessity in the interest of public health and safety

4. It shall be lawful for Council upon application therefore to give permits to such persons, groups or organizations as they shall determine for the holding of public parades, concerts, displays and other events notwithstanding that, but for such permit, the activities so permitted would be unlawful under this By-law, and such permits shall be limited as to time and place for such permitted conduct.
5. It shall be lawful for Council as they shall determine, upon application therefore, to give to any person or persons, firms or corporations a permit to do and perform the acts referred to in sub-section (k) of Section 3 hereof:
6. The provisions of this By-law shall not apply to or be enforced against:
 - a) Any vehicle, employee or agent of The Corporation while engaged upon necessary municipal business;
 - b) The use of bells or chimes for the announcing of church services of all kinds;
 - c) The playing of dance music in any regularly licensed dance hall between the hours of eight o' clock in the afternoon and two o' clock in the forenoon of the following day:
 - d) Notwithstanding the provisions of sub section (c) , the playing of music in a dance hall on Sunday is prohibited after two o' clock in the forenoon.
 - e) Any work carried out during the restricted hours with the permission of Council in writing specifying the time during such restricted hours when such work may be performed;
 - f) To any activity covered by any permit given therefore by Council;
 - g) Any sports activities authorized by Council.
7. Any person who violates any of the provisions of the By-law, shall be deemed to be guilty of any infraction thereof, and shall be liable upon summary conviction to a fine not exceeding Five Hundred Dollars (\$500.00) and costs for each offence.
8. "Anti-Noise" By-law, No 276. 1977" is hereby repealed
9. This By-law may be cited as the "Anti-Noise By-law, No. 382, 1985".
10. This By-law shall come into force and effect upon registration in the office of the Inspector of Municipalities.

READ a first time this 4th day of November, 1985.

READ a second time this 18th day of November, 1985.

READ a third time this 20th day of October, 1986.

RECONSIDERED, FINALLY PASSED AND ADOPTED the 3rd day of November, 1986.

Mayor

Clerk

CERTIFIED a true copy of By-law No. 382, cited as “Anti-Noise By-law, No. 382, 1985”.

DATED this 5th day of _____ November, 1986.

Clerk