

**CORPORATION OF THE VILLAGE OF MIDWAY
BYLAW NO. 475**

A Bylaw to Regulate or Prohibit the making or causing of noises or sounds in the Village of Midway.

WHEREAS Council has the authority under Section 64 of the *Community Charter* to regulate, prohibit and impose requirements in relation to nuisances, disturbances and other objectionable situations

NOW THEREFORE The Council of the Village of Midway in open meeting assembled, enacts as follows:

1 This Bylaw may be cited as "**Noise Control Bylaw No. 475, 2015**".

2 **Definitions**

In this bylaw:

"**Bylaw Enforcement Officer**" means a person appointed by the Council for the purpose of enforcement of this bylaw, and includes the Bylaw Enforcement Officer, the Chief Administrative Officer, or a member of the Royal Canadian Mounted Police, (RCMP).

"**Council**" means the Municipal Council of the Village of Midway;

"**Inspector**" means the person or persons appointed from time to time by the Municipal Council to enforce and administer this bylaw and shall include any Peace Officer;

"**Noise**" includes any noise or sound that is objectionable, or disturbs, tends to disturb, or is liable to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of the area, or the person in the area, or the public and shall include, without limiting the generality of the foregoing, the noises and sounds specifically described elsewhere in this bylaws;

"**Person**" includes any company, corporation, owner, partnership, firm, association, society or party;

"**Property**" means real property and includes land, other than a highway, together with all improvements which have been so affixed to the land as to make them in fact and in law a part thereof;

"**Village**" means the Village of Midway or the area within the boundaries thereof as the context may require:

3 **General Regulations**

- a) Between the hours of 11:00 p.m. and 7:00 a.m., no person shall make or cause, or permit to be made or caused, any noise in or on a public or private place which disturbs, or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.
- b) No person being the owner, tenant or occupier of real property shall allow or permit such real property to be used so that noise or sound which occurs thereon or emanates therefrom, disturbs or tends to disturb the quiet, peace, rest enjoyment, comfort or convenience of any person or persons on the same piece of property or in the neighbourhood or vicinity.

3 **General Regulations**

- c) No person shall play or operate any radio, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound either in or on private premises or in any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.
- d) No person shall own, keep or harbour any animal or bird which by its cries disturbs or tends to disturb the peace, quiet, rest or tranquillity of the surrounding neighbourhood or the public at large.

4 **Construction Hours**

- a) No person in the Village shall on any day before 7:00 a.m. or after 10:00 p.m. construct, erect, reconstruct, alter, repair or demolish any building, structure or thing or excavate or fill in land in any manner which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.
- b) Where it is impossible or impractical to comply with this section, the Senior Office Staff 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.
- c) This section shall not apply to work crews of the Village of Midway engaged in the performance of their duties.

5 Other

- a) No person shall operate a vehicle or motorcycle or motorized off road vehicle in such a manner as to cause noise, which disturbs the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of persons in the vicinity.
- b) Any noise longer than 10 minutes caused or emanating from the operation of a parked or stopped diesel vehicle between 11:00 p.m. and 7:00 a.m.
- c) The provisions of this bylaw shall not apply to:
 - i) a person performing work of an emergency nature for the preservation or protection of life, health or property but the onus shall be on the person performing the work to show cause that the work was of an emergency nature;
 - ii) the operation, in a reasonable manner of farm equipment;
 - iii) the use, in a reasonable manner, of any apparatus or mechanism for the amplification of the human voice or music in a public park or square in connection with any public meeting, public celebration or other public gathering;
 - iv) the use of bells or chimes by churches or schools;
 - v) any parade, procession, performance, concert, ceremony, gathering or meeting in or on any street, or public place, when duly authorized or permitted by Council or by the provisions of any Bylaw in force in the Village of Midway;
 - vii) street repairs, construction and snow removal by businesses.

6 Penalty Section

- a) Every person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw or who does any act which violates any of the provisions of this bylaw, is guilty of an offence against this bylaw and liable to the penalties hereby imposed. Each day that a violation continues to exist shall constitute a separate offence.
- b) Every person who commits an offence against this bylaw is guilty of an offence

and is liable upon summary conviction to a fine of not less than One Hundred (\$100) Dollars and not more than One Thousand (\$1,000) Dollars for the first offence and for each subsequent offence to a fine of not less than Two Hundred (\$200) Dollars and not more than Two Thousand (\$2,000) Dollars, together with all Court costs,

- c) The penalties imposed under this Section of this Bylaw shall be in addition to and not in substitution for any other penalty or remedy imposed by this bylaw.

7 Severability

- a) If any section, subsection, or paragraph of this bylaw is found invalid by a decision of a Court of competent jurisdiction the invalid section, subsection, or paragraph shall be severed without effect on the remainder of the Bylaw.

8. Repeal

- a) Village of Midway's Noise Bylaw No. 301, 1998 and all amendments thereto, are hereby repealed.

Read a first time this	day of	, 2015
Read a second time this	day of	, 2015
Read a third time this	day of	, 2015
Finally adopted this	day of	, 2015

MAYOR

CHIEF ADMINISTRATIVE OFFICER

I hereby certify this to be a true and correct copy of Bylaw No. 475 being "A Bylaw to Regulate or Prohibit the making or causing of noises or sounds in the Village of Midway."

Penny Feist
Chief Administrative Officer