

VILLAGE OF TRACY

BY-LAW NO. 34-2022

NOISE BY-LAW

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The Council of the Village of Tracy, under authority vested in it by Section 10(1) of the *Local Government Act*, as follows:

SECTION 1: TITLE

- 1.(1) This By-Law may be cited as the "Village of Tracy Noise By-Law".
- 1.(2) This By-Law hereby repeals and replaces BY-LAW NO. 16 A BY-LAW RESPECTING DISTURBANCE BY NOISE.

SECTION 2: SCOPE and POLICY

- 2. This By-Law provides for regulation of noise in the Village of Tracy.

SECTION 3: DEFINITIONS

- 3. In this By-Law:
 - "Council" means the Council of the Village of Tracy;
 - "Village" means the Village of Tracy;

SECTION 4: INTERPRETATION

- 4. The provisions of this By-law are severable. If, for any reason, a provision is held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this By-law.

SECTION 5: RESTRICTIONS

- 5.(1) No person shall make any noise within the Village of Tracy likely to cause a public nuisance or otherwise disturb the inhabitants of the Village.
- 5.(2) Without restricting the generality of Section 5, a noise likely to cause a public nuisance or otherwise disturb the inhabitants of the Village of Tracy, shall be deemed to be any noise or sound of such volume or of such nature as to cause annoyance including, but not limited to, shouting, singing, whistling, music, snowmobiles, all-terrain vehicles, pneumatic hammers, vehicles of business and trade, construction equipment, machinery, and animal noises.
- 5.(3) To determine if a noise is likely to cause a public nuisance or otherwise disturb the inhabitants of the Village of Tracy, the follow may be considered:
 - a) type, volume, and duration of the noise;
 - b) time of day and day of week;

- c) location of the noise and surrounding land uses;
- d) any other relevant factor.

SECTION 6: EXEMPTIONS

6.(1) The provisions of this By-law shall not apply to:

- a) agents, contractors, servants or employees of the Corporation of the Village of Tracy in the course of their duties;
- b) construction work of an emergency nature;
- c) emergency vehicles;
- d) snow removal equipment;
- e) trucks operating on a designated truck route;
- f) road construction being carried out on a Provincial Highway; and
- g) pneumatic hammers, construction equipment and machinery, or vehicles of business and trade, between 7:00 a.m. and 9:00 p.m. from Monday to Saturday, inclusive.

6.(2) Notwithstanding anything contained in this By-law, application may be made to the Council of the Village of Tracy to allow the making of noises otherwise prohibited hereunder for a special event. The application must be made in writing to the Village Clerk not less than 30 days prior to the date on which the special event is to be held.

SECTION 7: ENFORCEMENT

7.(1) Any person who violates any provisions of this by-law is guilty of an offence and is liable on conviction to a fine.

7.(2) The minimum fine for an offence committed under this By-law is \$54 and the maximum fine for an offence committed under this By-law is \$430.

7.(3) If an offence committed under this By-law continues for more than 1 day:

- a) the minimum fine that may be imposed is the minimum fine established in this By-law multiplied by the number of days during which the offence continues; and
- b) the maximum fine that may be imposed is the maximum fine established in this By-law multiplied by the number of days during which the offence continues.

This is the certified By-law No. ##, "Village of Tracy Noise By-Law" has been enacted by the Village of Tracy and that the said By-law was:


First Reading: NOV 14/22

Second Reading: NOV 14/22

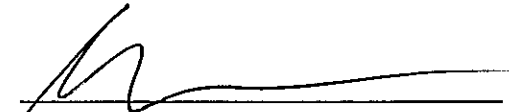
Third Reading: NOV 28/22

This By-law shall come into full force and take effect and be binding on all persons as of and from the date filed at the Registry Office.

GIVEN under the hands of the Mayor and the Chief Administrative Officer and under corporate seal of the Village of Tracy this 28 day of Nov, A. D. 20 22.



DALE MOWRY, Mayor



SUSAN PHILLIPS, Clerk



