

# TOWN OF STRATFORD

## NOISE AND NUISANCE BYLAW

### BYLAW NUMBER 30

BE IT ENACTED by the Council of the Town of Stratford as follows:

#### PART 1 - DEFINITIONS

**1. Name**

This bylaw may be cited as “The Stratford Noise and Nuisance Bylaw.”

**2. Definitions**

In this Bylaw:

- (a) “bona fide farm” means arable land and complementary buildings, operated as a farm enterprise by a bona fide farmer and farm property includes leased land that is operated as part of a farm enterprise;
- (b) “council” means the duly elected Council of the Town of Stratford;
- (c) “fire chief” means the Fire Chief of the Crossroads Rural Community Fire Company or designate;
- (d) “noise” means a sound that may be objectionable by virtue of its loudness, nature or duration;
- (e) “other area” means any area of the town that is not designated as residential in the General Land Use Map which forms part of the town’s Official Plan;
- (f) “person” includes a firm, corporation and association;

- (g) “public park” includes park land or trails owned or used by the Town;
- (h) "recreational vehicle" means any motor vehicle which is designed to be, or intended to be, used other than on a public highway or on the surface of the water and includes, without limiting the generality of the foregoing, all-terrain vehicles, trail bikes and snowmobiles but does not include a motor home or travel trailer for the purposes of this bylaw;
- (i) “residential area” means any area designated as residential in the General Land Use Map which forms part of the town’s Official Plan; and
- (j) “town” means the Town of Stratford.

**PART 2 - NOISE**

**3. General Prohibition**

- (a) No person shall make, continue, or cause to be made or continued, or suffer or permit to be made or continued:
  - (i) any unreasonably loud or excessive noise;
  - (ii) any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity in the town; or
  - (iii) any noise which is so harsh, prolonged, unnatural or unusual in time or place as to occasion unreasonable discomfort to any person.
- (b) Factors for determining whether any noise violates subsection 3(a) include, but are not limited to, the following:
  - (i) the proximity of the noise to sleeping facilities;
  - (ii) the land use and zoning of the area from which the sound emanates and the area where it is received or perceived.
  - (iii) the time of day or night the noise occurs;
  - (iv) the duration of the noise;
  - (v) the volume of the noise;
  - (vi) the nature of the noise;
  - (vii) whether the noise is recurrent, intermittent or constant;
  - (viii) the nature of the event or activity from which the noise emanates.

- (c) in the absence of other evidence, or by way of corroboration of other evidence, a justice may infer from the evidence of a peace officer relating to the conduct of a person or persons that a noise violates subsection 3(a).
- (d) Without limiting the generality of subsection (a), no person shall carry out any activity listed in Schedule “A” of this bylaw in the areas designated and during the days and times specified in Schedule “A”.

**4. Prescribed Exemptions**

- (a) Notwithstanding any other provisions of this bylaw, it shall be lawful to emit or cause or permit the emission of sound in connection with emergency measures taken:
  - (i) for the immediate health, safety or welfare of the inhabitants;
  - (ii) for the preservation or restoration of property;unless such sound is clearly of a longer duration or more disturbing than is reasonably necessary for the accomplishment of such emergency purposes.
- (b) Notwithstanding any other provisions of this bylaw, Section 3 shall not apply to noises in relation to parades, street dances, sporting events, concerts or other community activities that have been approved by resolution of council.
- (c) Notwithstanding any other provisions of this bylaw, Section 3 shall not apply to the reasonable sounding of any bell by a place of worship and the reasonable sounding of any bell or similar device by a school or other educational institution.

**5. Grant Of Exemptions By Council**

- (a) Notwithstanding any other provisions of this bylaw, any person may make application to council to be granted an exemption from any of the provisions of this bylaw with respect to any emission of noise for which that person might be prosecuted; and council, by resolution, may refuse to grant any exemption or may grant the exemption applied for or any exemption of lesser effect; and any exemption granted shall specify the time period, not in excess of six months, during which the exemption shall be effective and the exemption shall be in written form and shall include such terms and conditions as council deems appropriate.

- (b) In deciding whether or not to grant an exemption, council shall give consideration to the social or commercial benefit of the proposed activity to the municipality, the views of any residents of the municipality which may be expressed to council, the proposed hours of operation of the proposed noise-emitting activity and the proposed duration of the subject activity.
- (c) In deciding whether or not to grant an exemption, council shall give the applicant, and any person opposed to the application, an opportunity to be heard during a council meeting and may consider such other matters as it deems appropriate.
- (d) Any breach by the applicant of any of the terms or conditions of any exemption granted by council shall render such exemption null and void and the applicant shall be subject to all of the terms and conditions of this bylaw from the time of the breach of any term or condition of any exemption.

### **PART 3 - OPEN BURNING**

#### **6. Burning**

- (a) Except as allowed in subsection (b), no person shall light any exterior fire or burn rubbish, leaves or other vegetation in the town.
- (b) Notwithstanding any other provisions of this bylaw, the following shall be permitted:
  - (i) the burning of brush, grass or other vegetation of bona fide farms in areas zoned as Agricultural in the Stratford Zoning and Subdivision Control Bylaw provided that the fire chief is notified at least 24 hours in advance;
  - (ii) the burning of wood in enclosed outdoor fireplaces with built in chimneys;
  - (iii) gas, propane and charcoal barbeques;
  - (iv) controlled burns by the Crossroads Rural Community Rural Fire Company for the purpose of training; and
  - (v) open burning for outdoor cooking with the prior written consent of the fire chief;

**PART 4 - GENERAL**

**7. Disturbances**

- (a) No person shall unreasonably disturb the peace and quiet of other persons by:
  - (i) fighting, screaming or using obscene language;
  - (ii) knocking on doors or ringing doorbells;
  - (iii) loitering in any public place or on any commercial property;
- (b) For the purpose of a prosecution pursuant to subsection (a), evidence that one person is unreasonably disturbed is prima facie evidence that other persons are unreasonably disturbed.

**8. Public Nuisances**

- (a) No person shall deface, alter or destroy any public or private building, fence, sign or any other structure or any property or any public notice erected or placed under the authority of the town, provincial government or federal government.
- (b) No person shall damage or unnecessarily obstruct any street, road, highway, sidewalk or other public place or thoroughfare in the town.
- (c) No person shall cast, project or throw any stone, snowball, ice or other object or use a bow and arrow, catapult, slingshot, airgun or any other such device on any street, road, highway, sidewalk or other public place or thoroughfare in the town.

**9. Park Curfew**

No person shall use or be in any public park within the town on any day between the hours of 10:00 p.m. and 7:00 a.m. without first obtaining written authorization from the town.

**10. Halloween Curfew**

- (a) Unless accompanied by a person over the age of 18 years, no person under the age of 16 years shall be in a public place within the town between 8:00 p.m. on October 31 and 6:00 a.m. on November 1.

**11. Recreational Vehicles**

No person shall operate a recreational vehicle on any public trail or in any public park in the town.

**PART 5 - ENFORCEMENT**

**12. Enforcement**

This Bylaw may be enforced and any breach thereof may be restrained by application by the Council to the Supreme Court of the Province of Prince Edward Island in accordance with subsection 139(3) of the Charlottetown Area Municipalities Act or any successor act or provision.

**13. Offences**

- (a) Any person who contravenes any provision of this bylaw is guilty of an offence and liable, on summary conviction, for a fine of not less than \$100 and not more than \$500.
- (b) Each day of violation of any provision of this bylaw shall constitute a separate offence.
- (c) Where any person contravenes the same provision of this bylaw twice in one year, that person is guilty of an offence and liable, on summary conviction, for a fine of not less than \$200 and not more than \$1000 for the second offense.
- (d) Where any person contravenes the same provision of this bylaw three or more times in one year, that person is guilty of an offence and liable, on summary conviction, for a fine of not less than \$300 and not more than \$1500 for the third and subsequent offenses.
- (e) Each day of violation of any provision of this bylaw shall constitute a separate offence.

**14. Repeal of Existing Bylaw**

Bylaw Number 27, the Stratford Nuisance Bylaw, which was adopted on December 8, 2004, is hereby repealed.

**15. Effective Date**

The effective date of this bylaw is September 10, 2009.

This 1<sup>st</sup> reading of this bylaw was approved by Council at a meeting held on December 9, 2009.

This 2<sup>nd</sup> reading of this bylaw was approved by Council at a meeting held on January 13, 2010.

This bylaw was formally adopted by Council at a meeting held on January 13, 2010.

This bylaw is hereby declared to be passed and proclaimed as a bylaw of the Town of Stratford on this 13<sup>th</sup> day of January 2010.

\_\_\_\_\_  
Kevin Jenkins  
Mayor

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Robert G. Hughes  
Chief Administrative Officer





## SCHEDULE "A"

to the

### STRATFORD NOISE AND NUISANCE BYLAW

Pursuant to Section 3(d) of the Stratford Noise and Nuisance Bylaw, Bylaw # 30, the following activities are prohibited in the areas and during the times indicated:

| Prohibited Activity   | Prohibited Time                 | Prohibited Area       |
|---|---------------------------------|-----------------------|
| 1. the detonation of fireworks or explosive devices without a permit.   | at all times                    | residential and other |
| 2. the operation of a recreational vehicle within 100 metres of any residence except for the purpose of parking or storage on one's own property.   | at all times                    | residential and other |
| 3. the operation of any vehicle, equipment or machinery without an effective muffling device.   | at all times                    | residential and other |
| 4. the discharge of a firearm unless when used in the line of duty by a peace officer.  | at all times                    | residential and other |
| 5. the operation of a horn or other warning device except where required or authorized, or in accordance with good safety practice.   | at all times                    | residential and other |
| 6. the operation of any outdoor auditory signaling device, including but not limited to outdoor paging systems, the ringing of bells or gongs, the use of sirens, whistles or chimes, or the production, reproduction or amplification of any similar sounds by electronic means except where required or authorized by law or in accordance with good safety practice. | at all times                    | residential           |
| 7. the persistent barking, calling or whining or other similar persistent noise-making by animals kept as household pets or for commercial purposes.  | at all times                    | residential and other |
| 8. selling or advertising by shouting, yelling or amplified sound.  | between 9:00 p.m. and 7:00 a.m. | residential and other |

| Prohibited Activity   | Prohibited Time                  | Prohibited Area       |
|---|----------------------------------|-----------------------|
| 9. the idling of any truck or tractor for more than 15 minutes while the truck or tractor is not in motion .  | at all times                     | residential           |
| 10. the operation of any motor, refrigeration unit or similar device unless the vehicle is in motion.   | at all times                     | residential           |
| 11. the use or operation of any radio, television, stereo, music player, musical instrument, public address system or similar device so that the sound may be heard on another property or in another apartment unit.   | between 11:00 p.m. and 7:00 a.m. | residential           |
| 12. except as noted, the operation of equipment or machinery used in lawn and garden care or property maintenance including lawn mowers, leaf blowers, compressor, engine or similar equipment. Note that snow blowing equipment and emergency generators are not prohibited. | between 9:00 p.m. and 7:00 a.m.  | residential           |
| 13. the construction, repair or demolition of any building or structure so that the sound may be heard on another property or in another apartment unit except in the case of emergencies.  | between 9:00 p.m. and 7:00 a.m.  | residential and other |
| 14. the operation of construction equipment.  | between 9:00 p.m. and 7:00 a.m.  | residential and other |
| 15. the operation of toy or hobby devices which have engines or propulsion systems that make noise.   | between 9:00 p.m. and 7:00 a.m.  | residential and other |
| 16. the operation of commercial or pressurized wash systems.  | between 9:00 p.m. and 7:00 a.m.  | residential           |
| 17. the venting, release or pressure relief of air, steam, or other gaseous material, product or compound from any autoclave, boiler, pressure vessel, pipe, valve, machine or device.  | between 9:00 p.m. and 7:00 a.m.  | residential           |
| 18. yelling, shouting, hooting, whistling or singing.   | between 11:00 p.m. and 7:00 a.m. | residential           |

| Prohibited Activity  | Prohibited Time | Prohibited Area       |
|--|-----------------|-----------------------|
| 19. the operation of any air conditioner, pump, heat pump or similar device that is not in proper working order. | at all times    | residential and other |
| 20. the use of engine brakes on any motor vehicle except in the case of emergency.                               | at all times    | residential and other |