

TOWN OF GOLDEN

BY-LAW NO. 488

A by-law to prohibit or regulate noises within the limits of the Corporation of the Town of Golden.

WHEREAS pursuant to the provisions of Section 870 (c) of the Municipal Act, the Council of the Corporation of the Town of Golden may, by by-law, regulate or prohibit the making or causing of noises or sounds in or on a highway or elsewhere in the municipality which disturb, or tend to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood, or of persons in the vicinity, or which in the opinion of the Council are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public, and may make different regulations or prohibitions for different areas of the municipality.

AND WHEREAS the Council of the Corporation of the Town of Golden, in accordance with the provisions of Section 870 (c) of the Municipal Act, deem it necessary to prohibit certain noises or sounds within the municipal boundaries.

NOW THEREFORE, the Council of the Corporation of the Town of Golden, in open meeting assembled, enacts as follows:

1. It shall be unlawful for any person to make or cause any noise or sound in or on a highway or elsewhere within the municipal boundaries of the Town of Golden which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.
2. Without limiting the prohibition contained in Section 1 of this by-law, the Council is of the opinion that the following noises or sounds created or made in the circumstances described are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public and all persons are specifically prohibited from making or causing to be made the following noises or sounds:
  - (a) Noise or sound made or caused by the discharge into the air of the exhaust of any internal combustion engine except through a muffler or other device which effectively muffles noise therefrom;
  - (b) Noise or sound made or caused by the sounding of a horn or other signalling device upon a motor vehicle as defined in the Motor Vehicle Act except when sounded as a danger or warning signal;
  - (c) Noise or sound made or caused during the course of construction (including excavation, demolition, erection, reconstruction, alteration or repairs) of any building or any improvements to real property in any residential zoned area under the Town of Golden Zoning By-law No. 456, as amended or re-enacted from time to time, other than from Monday to Saturday inclusive between the hours of 7:00 o'clock in the forenoon and 9:00 o'clock in the afternoon and Sunday between 12:00 noon and 9:00 o'clock in the afternoon. The restriction contained in this part may be waived or varied by a permit in writing as the Public Works Superintendent of the Town of Golden sees fit in a case of urgent necessity and in the interest of Public health and safety. If the Public Works Superintendent is not available, any Town Supervisor can issue the permit required under this part;
  - (d) Noise or sounds made by playing of a radio, phonograph, Television, receiving set, musical instrument, or any other device for the production, reproduction or amplification of sound;
  - (e) Noise or sound made by excessive yelling, shouting, whistling or singing;

- (f) Persistent or continual noise or sound made by a dog, cat or other animal, where it can be shown that the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity would not be disturbed or would not tend to be disturbed if some reasonable measure could have been taken or should have been taken to prevent or to abate the noise or sound.
3. The Provisions of this by-law shall not apply to or be enforced against:
    - (a) Any motor vehicle or other machine of the Town of Golden while engaged upon necessary public business;
    - (b) Any motor vehicle under the control of the Fire Department, while responding to a fire alarm, or to any police officer or constable in the discharge of his duty, or to any licensed ambulance or to the use of any siren by the Fire or Police Department, or in connection with the operation of the ambulance;
    - (c) The use of bells or chimes for the announcing of church services of all kinds;
    - (d) 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;
    - (e) Any business or industry established in accordance with the Town of Golden Zoning By-law No. 456, as amended or re-enacted from time to time, in any area designated as approved for that type of operation provided that all precautions are taken according to the latest and most up to date scientific methods for abating, controlling or limiting noise, arising from the industry conducted, so that the same may be as free from neighbourhood offence as possible.
  4. Any person who violates any of the provisions of this by-law, or who suffers or permits any act or thing to be done in contravention of this by-law, or who neglects to do or refrains from doing any act or thing which is required to be done by any of the provisions of this by-law shall be guilty of an offence and shall be liable upon summary conviction therefor to a penalty not exceeding Five Hundred Dollars (\$500.00) for each offence.
  5. Each calendar day during which a person makes or causes any noise or sound in contravention of this by-law is a separate offence under this by-law.
  6. Where it is proven to the Court after a conviction under this by-law that the convicted person has been previously convicted under this by-law, he shall be liable to a greater penalty than a person convicted for a first offence under this by-law.
  7. The Provisions of the Village of Golden Noise Regulations By-law No. 224, 1967, are hereby rescinded in its entirety.
  8. This by-law may be cited for all purposes as the Corporation of the Town of Golden Noise Abatement By-law No. 488, 1980.

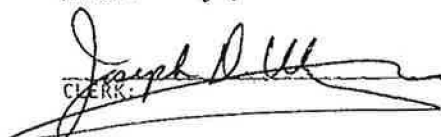
READ a first time, this the 17th day of DECEMBER 1979.

READ a second time, this the 28th day of January 1980.

READ a third time, this the 28th day of January 1980.

RECONSIDERED and ADOPTED, this the 11th day of February 1980.

  
MAYOR:

  
CLERK:

Certified a true and correct copy of Bylaw No. 488, 1980

  
Municipal Clerk