

## CORPORATION OF THE CITY OF SUMMERSIDE

**BYLAW NAME:** NOISE AND NUISANCE BYLAW

**BYLAW #:** # CS-6

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BE IT ENACTED by the Council of the City of Summerside as follows:

1. Title

1.1. This bylaw shall be known and cited as the "Noise and Nuisance Bylaw."

2. Authority

2.1. Section 180 of the *Municipal Government Act*, RSPEI 1988, c M-12.1 authorizes council, by bylaw, to impose a Noise and Nuisance Bylaw in the City of Summerside.

3. Application

3.1. This bylaw applies to all persons, events, and organizations within the City of Summerside.

4. Definitions

4.1. In this bylaw:

- (a) "Act" means the *Municipal Government Act*, RSPEI 1988, c M-12.1;
- (b) "City" means the City of Summerside;
- (c) "Council" means the Mayor and other members of the Council of the municipality;
- (d) "Motor Vehicle" means a vehicle that is powered, drawn, propelled or driven by any means other than muscular power;
- (e) "Owner" means the registered owner, occupant of, or person in charge of the lands and premises;
- (f) "Sound System" means any system of loudspeakers, amplifiers, microphones or reproducers, or any combination of such equipment, used in the reproduction or amplification of music, speech or other sounds, when used for communication to, or otherwise addressing or entertaining, whether the

same is mounted upon a vehicle or upon a building or other structure or upon the ground.

## 5. General Prohibition

- 5.1. Any person who permits or engages in an activity that unreasonably disturbs the peace and tranquility of a neighborhood, is guilty of an offence.

## 6. Disorderly Conduct

- 6.1. Any person who permits or engages in shouting, fighting, screaming or making of any loud noise or any other improper or disorderly conduct in the house or premises occupied by such person that is reasonably capable of disturbing the neighbors or passers-by, is guilty of an offence.

## 7. Loitering

- 7.1. Any person who stands or loiters on or about the doorways, steps or entrances of buildings, school property, or on or about any roads, streets, sidewalks, walkways or alleys, or in the common areas of shopping centres, shopping malls or shopping complexes, or in any way obstructs or annoys vehicular traffic or pedestrians by standing across or blocking any sidewalk, crossing or footwalk, or by improperly accosting such vehicular traffic or pedestrians in the City, is guilty of an offence.
- 7.2. No person shall be convicted of an offence under this section where he or she establishes that he or she was standing or loitering in a prohibited place for the purpose of obtaining access to such place or for some other lawful purpose requiring his or her presence in that place.

## 8. Excessive Noise

- 8.1. Any person in the City who:
- (a) uses his/her motor vehicle, lawn mower, chain saw or any other gas-powered or electrical tool or machine which causes excessive noise between the hours of 9:00 p.m. and 7:00 a.m.; or
  - (b) allows his/her dog to bark in such a manner as to disturb people between the hours of 9:00 p.m. and 7:00 a.m.,
- is guilty of an offence.
- 8.2. The provisions of paragraph 8.1(a) do not apply to:
- (a) snow removal of any type;

- (b) motor vehicles, lawn mowers, chain saws or any other gas-powered or electrical tools or machines used or operated by, or on behalf of, the City, the Province of Prince Edward Island, or the Government of Canada; or
- (c) reasonable business or commercial activities.

8.3. Any person who operates or causes or permits to be operated any sound system within the City that is causing a disturbance or interfering with any person is guilty of an offence.

8.4. For the purpose of a prosecution pursuant to this section, evidence that one neighbour is unreasonably disturbed by a noise is *prima facie* evidence that the neighbourhood is unreasonably disturbed by the noise.

## 9. Litter

9.1. Any person who throws, puts, places, or lets fall any litter, waste, trash, dirt, filth or other such matter on any street, square, lane, sidewalk, wharf or bridge of the City, or from these upon any adjoining property is guilty of an offence.

## 10. Penalties

10.1. Every person who commits an offence under this bylaw is guilty of an offence, punishable on summary conviction and liable to:

- (a) a minimum fine of not less than \$100.00 and not more than \$500.00 for a first offence and a minimum fine of not less than \$250.00 and not more than \$1,000.00 for a subsequent offence;
- (b) imprisonment for a term not exceeding 90 days; or
- (c) both;

And in default of payment of any fine imposed, to a further term of imprisonment not exceeding 90 days.

## 11. Evidence

11.1. A copy of any writing, paper or document filed in the Court or any statement containing any information from the records of the Department of the Minister appointed pursuant to the provision of the *Real Property Assessment Act*, RSPEI 1988 c R-4 shall be received in evidence in Court without proof of signature and is *prima facie* evidence of the facts contained therein as to the name of the owner of the real property and the corresponding civic address.

11.2. An engraved, lithographed, printed or otherwise mechanically reproduced facsimile signature of the Minister or his representative is sufficient authentication of any such copy or statement.

12. Regulations

12.1. Council may, by simple resolution, make such regulations to this bylaw as are necessary for the carrying out of the purposes of this bylaw.

13. Repeal of bylaw

13.1. Bylaw Number SS-22 Nuisance Bylaw is hereby repealed.

14. Effective Date

14.1. This Noise and Nuisance Bylaw, Bylaw # CS-6, shall be effective on the date of approval and adoption by Council.

**First Reading**

This Noise and Nuisance Bylaw, Bylaw #CS-6, was read a first time at the Council meeting held on the 7<sup>th</sup> day of August, 2018.

This Noise and Nuisance Bylaw, Bylaw #CS-6, was approved by a majority of Council members present at the Council meeting held on the 7<sup>th</sup> day of August, 2018.

**Second Reading**

This Noise and Nuisance Bylaw, Bylaw #CS-6, was read a second time at the Council meeting held on the 20<sup>th</sup> day of August, 2018.

This Noise and Nuisance Bylaw, Bylaw #CS-6, was approved by a majority of Council members present at the Council meeting held on the 20<sup>th</sup> day of August, 2018.

**Approval and Adoption by Council**

This Noise and Nuisance Bylaw, Bylaw #CS-6, was adopted by a majority of Council members present at the Council meeting held on the 20<sup>th</sup> day of August, 2018.

**Signatures**



Bill Martin, Mayor




Gordon MacFarlane, Chief Administrative Officer (acting)

This Noise and Nuisance Bylaw adopted by the Council of the City of Summerside on the 20<sup>th</sup> day of August, 2018 is certified to be a true copy.



Gordon MacFarlane, Chief Administrative Officer (acting)



Date