

BY-LAW NO. 22

NOISE BY-LAW

1. No person shall reproduce, amplify, emit or transmit a sound or noise, or cause a sound or noise to be reproduced, amplified, emitted or transmitted in the following instances:
 - a) If, between the hours of seven o'clock in the afternoon and seven o'clock in the forenoon on the following day, the equivalent sound level reproduced, amplified, emitted or transmitted, when measured at a distance of not less than 100 feet from the source sound or noise, is greater than sixty-five decibels (65 dBA);
 - b) If, between the hours of seven o'clock in the forenoon and seven o'clock of the same afternoon, the equivalent sound level reproduced, amplified, emitted or transmitted, when measured at a distance of not less than 100 feet from the source of the sound or noise, is greater than seventy-five decibels (75 dBA).
2. No person shall operate, or cause to be operated a public address system, phonographs, gramophones, radios, or other device or apparatus, whether operated electrically, mechanically or in any other way whatsoever, whether moveable or stationary, which reproduces, amplifies, emits, or transmits sounds which are capable of being heard in any street or public place or in any building used wholly or in part as a dwelling, other than the place in which phonograph, gramophone, radio, or other device or apparatus is located.

3.
 - a) Notwithstanding section one and two of this bylaw, upon application to the Town Clerk, the Town Clerk may grant a license to a person for the operation of a public address system, phonograph, gramophone, radio, and other devices or apparatus whether operated electrically, mechanically or in any other way whatsoever, whether moveable or stationary which reproduces, amplifies, emits, or transmits sounds which are capable of being heard on any street or public place or in any buildings used wholly or in part as a dwelling, other than the dwelling in which they are located.
 - b) Such license may be granted subject to such terms and conditions relating to the volume of sound or noise to be reproduced by such apparatus or device, and further subject to such periods of time as are set forth in the license.
 - c) No license shall authorize, or be deemed to authorize the reproducing, amplifying, emitting, or transmitting of sounds or noises contrary to sections one and two of this bylaw between the hours of seven o'clock in the afternoon and seven o'clock of the next succeeding forenoon.
4. Notwithstanding section two of this bylaw, it shall not be an offense to reproduce, amplify, emit or transmit a sound or noise in the following instances:
 - a) If the sound or noise is created by a parade, procession, demonstration or event for which a permit has been issued by the Town of Yarmouth;

- b) If the sound or noise is created by a person to whom a license has been issued under this bylaw, so long as the sound or noise is reproduced, amplified, emitted or transmitted in accordance with the terms and conditions contained in the license;
 - c) If the sound or noise is created by a police vehicle, fire department vehicle, ambulance, or any public service or emergency vehicle, while the said vehicle is answering an emergency call.
5. Every person who reproduces, amplifies, emits, or transmits a sound or noise, contrary to the provisions of this bylaw, or who causes a noise or sound to be reproduced, amplified, emitted or transmitted contrary to the provisions of this bylaw, is guilty of an offense and, upon conviction, subject to a penalty not exceeding One Thousand Dollars (\$1,000), and in default of payment of penalty to imprisonment for not more than ten (10) days.