

THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE

BY-LAW NO. 98-09

Being a By-law to control noise

WHEREAS Section 210, paragraph 138 of the Municipal Act, R.S.O. 1990, Chapter M-45 provides that by-laws may be passed by councils of local municipalities for prohibiting or regulating within the municipality the ringing of bells, the blowing of horns, shouting and unusual noises, or noises likely to disturb the inhabitants;

AND WHEREAS it is advisable to prohibit and regulate such sounds and noises;

NOW THEREFORE the Council of the Corporation of the Township of Manitouwadge

enacts as follows:

- 1) No person shall ring any bell, blow or sound any horn, or cause to be rung, blown or sounded, shout or create, cause or permit any unusual noise or noises likely to disturb the inhabitants.
- 2) For the purpose of this by-law and without limiting the generality of the foregoing clause, the following noises or sounds shall be deemed to be unusual noises, or noises likely to disturb the inhabitants, namely:
 - a) the sounding of any bell, horn siren or other signal device on any motor vehicle, motorcycle, bicycle, motorized snow vehicle or other vehicle of whatsoever kind, except when required by law,
 - b) the sounding of any such bell, horn, siren or signal device for an unnecessary or unreasonable period of time,
 - c) the sound or noise from or created by any radio, phonograph, television, musical instrument, public address system, sound equipment, loudspeaker or similar device or devices, or any musical or sound producing, sound reproducing, or sound transmitting instrument or apparatus of whatever kind when such device or instrument is played or operated in such volume as to annoy or disturb the peace, quiet, comfort or repose of any individual in any house, apartment house, hotel or any other type or residence,
 - d) any sound made by any pet animal which disturbs the peace, quiet, comfort or repose of any individual in the neighbourhood, provided that this subsection shall

A BY-LAW TO CONTROL NOISE

BY-LAW NO. 98-09

not apply in areas which by the Official Plan or by a Restricted Area By-Law are designated agricultural,

- e) the grating, grinding or rattling noise or sound caused, by a condition of disrepair or maladjustment of any motor vehicle, motorcycle, motorized snow vehicle or other vehicle whatsoever or part or accessory thereof,
- f) the discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, motorcycle or motorized snow vehicle, except through a muffler or other device which effectively prevents loud or explosive noises,
- g) any unreasonable or unnecessary noise or sound arising from any excavation or construction work whatsoever, including the erection, demolition, alternation or repair of any building, except in case of urgent necessity,
- h) any unreasonable or unnecessary noise in the vicinity of any school or court while the same is in session or in the vicinity of any hospital, convalescent home or rest home provided conspicuous signs are displayed in or upon the streets adjoining any such school, court, hospital or home indicating that such noises are prohibited in the vicinity.
- i) the noise created by driving any vehicle bearing material, articles or things which are loaded upon such vehicle in such manner as to create such noise,
- j) the noise or sound created by the use or operation of any drum, horn, bell, musical instrument, radio, or mechanical loudspeaker or other instrument or device or sound producing, sound reproducing or sound transmitting instrument or apparatus for the purpose of advertising or for attracting attention to any performance, show or sale or display of goods, wares or merchandise or which projects noise or sound into any street or other public place except with the written consent of the Corporation,
- k) the noise or sound created by the use or operation of any radio or mechanical loudspeaker or amplifier or other instrument or device or sound producing, sound reproducing or sound transmitting instrument or apparatus in or upon any vehicle,

A BY-LAW TO CONTROL NOISE

BY-LAW NO. 98-09

- l) the noise or sound caused by the racing, idling or loud operation of a motor or of a standing or parked motor vehicle, motorcycle or motorized snow vehicle in excess of that necessary for the reasonable operation of the same,
 - m) any unreasonable or unnecessary noise or sound created by the repairing, wrecking, dismantling or modifying of any motor vehicle, trailer, motorized snow vehicle, motor, contrivance or other machine or any part or parts thereof,
 - n) crying, shouting or loud speaking in or adjacent to any public street or place.
3. None of the provisions of this by-law shall apply to:
- a) the use in a reasonable manner of any apparatus or mechanism for the amplification of the human voice or of music in a public park or any other commodious space in connection with any public election meeting, public celebration or other reasonable gathering, provided written permission of the Council of the Corporation has first been obtained,
 - b) any military or other band or parade, operating under written permission first obtained from the Council of the said Corporation,
 - c) any newsboy, peddler, hawker or petty tradesman plying his calling legitimately and moderately,
 - d) any vehicle of the police or fire department or any ambulance or public service or emergency vehicle while answering a call or while in the performance of their duty.
 - e) the sound from any private radio or other instrument of device in a motor vehicle installed for the sole benefit or entertainment of the operator and occupants of such vehicle, when same is not audible at a distance of seven and one-half metres (7½ m) from such vehicle,
 - f) any sound arising from the operation of any railway which operates under the Railway Act of Canada or from any plant or work in connection with any such railway,
 - g) any case of public convenience or necessity.
 - h) snow removal
4. More particularly, but without limiting the generality of the foregoing, the noises resulting

A BY-LAW TO CONTROL NOISE

BY-LAW NO. 98-09

from the operation of any construction equipment or any particularly noisy motor vehicle or motorized snow vehicle between the hours of 11:00 p.m. and 7:00 a.m shall be deemed to be a noise likely to disturb within the terms of paragraph 1, hereof.

5. Every person who is convicted of an offence under this by-law is liable to a fine as provided for under the Provincial Offences Act, R.S.O. 1990, Chapter P33 as amended
6. This By-Law shall be enforced and administered by a police constable and/or the Municipal Law Enforcement Officer of the Township of Manitouwadge.
7. This By-Law may be referred to as "The Anti-Noise By-Law".

REPEAL

8. By-Law No. 92-54 is hereby repealed in its entirety.

EFFECTIVE DATE

9. This By-law shall become effective upon the date of enactment.

Read a first and second time the 25th day of March, 1998 and read a third time and finally enacted this 8th day of April, 1998.


Reeve


Acting Deputy - Clerk