

CORPORATION OF THE NATION MUNICIPALITY

BY-LAW NO. 65-2000

NOISE BY-LAW

BEING A BY-LAW of the Corporation of The Nation Municipality to prohibit and regulate noise.

WHEREAS paragraph 138 of Section 210 of The Municipal Act, R.S.O. 1990, c. M.45, as amended, provides that the Council of a Municipality may pass by-laws for prohibiting or regulating, within the municipality or within any defined area or areas thereof, the ringing of bells, the blowing of horns, shouting and unusual noises or noises likely to disturb the inhabitants; and

WHEREAS The Corporation of The Nation Municipality deems it desirable to do so; now

THEREFORE the Council of The Nation Municipality enacts as follows:

SHORT TITLE

1. This by-law may be cited as the "Noise By-Law".

DEFINITIONS

2. In this by-law:
 - a) "**Municipality**" shall mean The Nation Municipality;
 - b) "**Corporation**" shall mean the Corporation of The Nation Municipality;
 - c) "**Municipal Law Enforcement Officer**" shall mean a Municipal Law Enforcement Officer appointed by the Council of the Coporation of The Nation Municipality;
 - d) "**Construction**" shall mean erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, the laying of pipe and conduit whether above or below ground level, street and highway building, concreting, equipment installation and alteration and the structural installation of construction components and materials in any form or for any purpose, and includes any work in connection therewith;
 - e) "**Trade**" shall include, but not be limited to, steelwork, welding, wood working, automotive repair and painting, machinery repair, and includes any work in connection therewith;
 - f) "**Construction equipment**" shall mean any equipment or device designed and intended for use in construction , or material handling, including, but not limited to, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes,derricks, loaders, scrapers, pavers, generators, off highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders or other material handling equipment;
 - g) "**Council**" shall mean the Council of the Corporation of The Nation Municipality;
 - h) "**Highway**" includes a common and public highway, street, concession, avenue,

parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for , or used by, the general public for the passage of vehicles;

- i) **“Motor vehicle”** includes an automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power but does not include the cars of electric or steam railways, or other motor vehicle, traction engine, farm tractor, self propelled implement of husbandry or road-building machine within the meaning of the Highway Traffic Act;
- j) **“Conveyance”** includes a vehicle and any other device employed to transport a person or persons or goods from place to place;
- k) **“Motorized conveyance”** shall mean a conveyance propelled or driven otherwise than by muscular, gravitational or wind power;
- l) **“Municipality”** shall mean the land within the geographic limits of The Nation Municipality;
- m) **“Noise”** shall mean unwanted sound or sounds likely to disturb the inhabitants of The Nation Municipality;

GENERAL

- 3. No person shall emit, or cause to be emitted, noise within the municipality from any act listed herein at any time;
 - a) Racing of any motorized conveyance other than in a racing event regulated by law.
 - b) The operation of any motor vehicle in such a way that the tires squeal.
 - c) The operation of any combustion engine or pneumatic device without an effective exhaust or intake muffling device in good working order and in constant operation.
 - d) The operation of a vehicle or a vehicle with a trailer resulting in banging, clanking, squealing or other like sounds due to improperly secured load or equipment, or inadequate maintenance.
 - e) The operation of a motor vehicle horn or other warning device except where required or authorized by law or in accordance with good safety practices.
 - f) The operation of any item of construction equipment without effective muffling devices in good working order and in constant operation.
 - g) The operation of any engine or motor without an effective muffler system in connection with any hobby such as model aircraft or boat operation without limiting the generalities thereto.
 - h) The operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro-magnetical transducers and intended for the production, reproduction or amplification of sound.
- 4. No person shall emit, or cause to be emitted, noise within the municipality from an act listed below between the hours of 11:00 p.m. and 6:00 a.m.:
 - a) The operation of any auditory signalling device, including but not limited to, the ringing of bells, except for religious services, gongs, the blowing of horns,

sirens or whistles, 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 practices.

- b) Yelling, shouting, hooting, whistling or singing.
- c) Construction.
- d) Trade.
- e) The operation or use of any tool for household purposes other than snow removal.
- f) Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, products, materials, or refuse, whatsoever, unless necessary for the maintenance of essential services, or the moving of household effects.
- g) The operation of any motorized conveyance other than on a highway or other place intended for its operation.

5. Notwithstanding any other provisions of this By-Law, it shall be lawful to emit or cause or permit noise in connection with;

- a) emergency measures taken for the immediate health, safety or welfare of the inhabitants or any of them or the preservation or restoring of property;
- b) normal farming practices in accordance with the *Farm Practices Protection Act*, R. S. O. 1990, c. F.6. and amendments thereto;

unless such noise is clearly of a longer duration or nature more disturbing than is reasonably necessary for the accomplishment of such purpose.

GRANT OF EXEMPTION BY COUNCIL

- 6. Notwithstanding anything contained in this By-Law, any person may make application to Council to be granted an exemption from any of the provisions of this By-Law 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 (6) months, during which it is effective and may contain any such terms and conditions as Council deems appropriate.
- 7. In deciding whether to grant the exemption, Council shall give the applicant and any person opposed to the application an opportunity to be heard and may consider such other matters as it deems appropriate.
- 8. Any breach of any of the terms or conditions of any exemption granted by Council by the applicant shall render the exemption null and void.

ADMINISTRATION

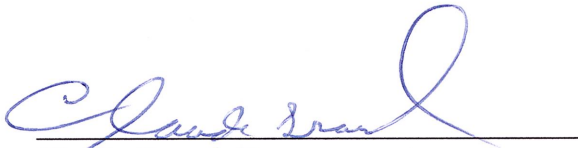
- 9. The provisions of this By-Law shall be enforced by the Municipal Law Enforcement Officer.


PENALTIES

- 10. Every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction thereof shall forfeit and pay a penalty for each such offence and every such penalty shall be recoverable under the *Provincial Offences Act*, R.S.O. 1990, c. P.33 and amendments thereto.

11. When a person has been convicted of an offence under this by-law, any court of competent jurisdiction thereafter, may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed towards the continuation or repetition of the offence.
12. The requirements of this by-law are severable, if any requirements of this by-law are held invalid, the application of such requirements to other circumstances and the remainder of this by-law shall not be affected.
13. This by-law shall come into force on the date of its adoption and shall effect on that date.
14. That By-Law 40-89 of the Township of Cambridge, By-Law 19,1992 of the Township of Caledonia and By-Law 96-01 of the Village of St. Isidore are hereby repealed.

**READ A FIRST, SECOND AND DULY PASSED UPON A THIRD READING IN
OPEN COUNCIL THIS 11th DAY OF SEPTEMBER, 2000.**


Claude Gravel, Reeve


~~Mary McCraig, Clerk~~
Cécile Lortie, Acting-Clerk