

CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD

BY-LAW NO. 23-03

A By-Law to Regulate Noises calculated to Disturb the Inhabitants of The Village of Merrickville-Wolford

WHEREAS the *Municipal Act*, R.S.O. 2001, Chapter M.25, Section 128, empowers councils of local municipalities to pass by-laws for regulating activities that in the opinion of the council are or could become or cause public nuisances.

AND WHEREAS the *Municipal Act* R.S.O. 2001, Chapter M.45, Section 129, as amended empowers councils of local municipalities to pass by-laws for prohibiting or regulating noise, vibration, odour, dust and outdoor illumination.

AND WHEREAS the Council of the Village of Merrickville-Wolford has deemed it necessary to identify and regulate certain types of noise which may disturb the inhabitants of the Village of Merrickville-Wolford.

NOW THEREFORE the Council of the Corporation of the Village of Merrickville - Wolford enacts as follows :

SCOPE OF BY-LAW

1. None of the provisions of this by-law shall apply to:
 - 1) 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 celebration, public election meeting, or other reasonable gathering, provided written permission of the Village of Merrickville-Wolford has first been obtained.
 - 2) any military or other band or any parade, or other community activities between the hours of 7:00 a.m. and 11:00 p.m. operating under written permission obtained from the Village.
 - 3) any operation or vehicle of the police or fire department, or any ambulance, public service, or emergency vehicle, or emergency siren.
 - 4) 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.
 - 5) the operations of any Religious Services as heretofore carried on. The ringing of bells or carillons in connection with any church or meeting house.
 - 6) any sound arising from the normal operations of any farm or similar agricultural use or any animal(s) in connection with such use.

- 7) the operation of a pit or quarry licenced under the Aggregate Act.
- 8) any sound arising from the normal operation of motor vehicles.
- 9) employees of the Village of Merrickville - Wolford, the Government of Canada, the Province of Ontario, Hydro One or other Crown Corporations when acting in the reasonable execution of their duties.
- 10) Noises in connection with athletic , recreational or school activities in arenas, on playing fields, courts, school grounds or park areas between the hours of 7:00 a.m. and 11:00 p.m.

Page 1 of 3

Page 2

APPLICATION

2. No person shall make any noise which when measured on another property or boundary line of another property on which the noise or noises are heard, exceeds the applicable A - weighted continuous noise level as follows:-

Time	Residential Property	Commercial and Industrial Property
7:00 a.m. to 11:00 p.m.	45 dBA	55 dBA - 65 dBA
11:00 p.m. to 7:00 a.m.	45 dBA	55 dBA

- 3) Without limiting the generality of the foregoing, the following noises are hereby deemed to be noises calculated to disturb the inhabitants of the Village of Merrickville -Wolford .
 - 1) the ringing of bells, blowing of horns or sounding of sirens on any motor vehicle except to the extent that such ringing, blowing or sounding is required by law or by the requirement of safety.
 - 2) the sound or noise from or created by any radio, phonograph, any musical or sound producing instrument of whatsoever kind when such radio, phonograph or instrument is played or operated in such a manner that the resulting sound is heard in another unit other than the unit in which the sound system is heard between the hours of 11:00 p.m. and 7:00 a.m.
 - 3) the grating, grinding or rattling noise or sound caused by a condition of disrepair or maladjustment of any motor, motor vehicle, motorcycle, or other vehicle whatsoever or part or accessory thereof.
 - 4) the blowing of any steam or air whistle attached to or used in connection with any stationary boiler or other machine or mechanism except for the purpose of giving notice to workmen of the time to commence or cease work or as a warning of danger.
 - 5) the discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorcycle, or motorized snow vehicle except through a

muffler or other device which effectively prevents louder explosive noises.

- 6) any noise arising between the hour of 11:00 o'clock p.m. of any day and 7:00 o'clock a.m. of the next following day from any excavation or construction work whatsoever, including the erection, demolition, alteration or repair of any building or structure, except in the case of repairs or demolition to a building of such an urgency that the lack of immediate attention to the same would result in severe damage to the building or be likely to endanger the health or property of any person.
- 7) without limiting the intent of this by-law no person shall by :-
- 1) fighting
 - 2) screaming
 - 3) shouting, or
 - 4) singing

Cause any loud and unnecessary noise, the sounds of which are heard on another property or at the boundary line of another property, or in a dwelling unit other than the dwelling unit in which the noise is generated.

Page 2 of 3

Page 3

- 8) the noise or sound created by the use or operation of any radio or mechanical loud speaker or amplifier or other instrument or device or sound-producing, or sound reproducing, or sound transmitting instrument or apparatus in or upon any vehicle except for such time and under such conditions as the Village may prescribe.
- 9) where, in the opinion of the Municipality, reasonable measures have not been taken to curtail certain sounds, noises or vibrations caused or created by the operation of any equipment, devices or machinery.

PENALTIES

4. Any person who contravenes any provision of this by-law shall be guilty of an offence and shall be liable, upon conviction, to such fine or penalty as is provided for in the provisions of the *Provincial Offences Act*, as amended and any other applicable law, exclusive of costs, for each offence.
5. Upon registering a conviction for a contravention of any provision of this by-law, the Superior Court of Justice, may in addition to any other remedy and to any penalty imposed by this by-law, make an order prohibiting the continuation or repetition of the offence by the person convicted, pursuant to Section 442 of the *Ontario Municipal Act*, R.S.O., 2001, as amended.

GENERAL PROVISIONS

6. It is hereby declared that each and everyone of the foregoing provisions of this by-law is severable and that, if any provision of this by-law should for any reason be declared invalid by any Court, it is the intention and desire of this Council that each and every one of the then remaining provisions hereof shall remain in full force and effect.
7. This by-law shall come into effect on the date of passing.
8. The Corporation of the Village of Merrickville By-Law 4-74 is hereby repealed.

READ A FIRST AND SECOND TIME
THIS 12TH DAY OF NOVEMBER 2003.

READ A THIRD TIME AND PASSED
THIS 24TH DAY OF NOVEMBER 2003

J. DOUGLAS STRUTHERS
Mayor

JILL EAGLE
Clerk