

CORPORATION OF THE TOWN OF NICKEL CENTRE

BY-LAW NO. 92-13

*BEING A BY-LAW TO PROHIBIT AND REGULATE
NOISES IN THE TOWN OF NICKEL CENTRE*

WHEREAS the Municipal Act R.S.O. 1990, Chapter M . 45, s. 210 (138) provides that by-laws may be passed by the Councils of local Municipalities 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 Municipal Council of the Corporation of the Town of Nickel Centre deems it desirable to regulate and prohibit certain noises in the Town of Nickel Centre.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF NICKEL CENTRE ENACTS AS FOLLOWS:

1. DEFINITIONS - The following words and phrases when used in this by-law, shall, for the purpose of this by-law, have the meanings respectively described to them in this section.
 - a) Council - Means the Municipal Council for the Corporation of the Town of Nickel Centre.
 - b) Town - Means the Corporation of the Town of Nickel Centre.

c) Person - Includes a sole proprietorship, a firm, a partnership, a co-partnership, an association, a corporation, and the heirs, executors, administrators, or other legal representatives of a person to whom the context can apply according to law.

2. GENERAL RULES

a) No person shall ring any bell, blow or sound any horn or cause the same to be rung, blown or sounded;

b) No person shall yell, shout, hoot or create cause or permit any unusual noise or noises likely to disturb the inhabitants;

c) No person shall create, cause, or permit any noise or noises likely to disturb the inhabitants;

3. UNUSUAL NOISES - For the purpose of subsection (b) of Section 2 above, the following noises or sounds, without limiting the generality of the said subsection (b) of section 2, shall be deemed to be unusual noises:

a) The noise created by the squealing of tires of any vehicle;

b) The sound or noise from or created by any radio, phonograph, stereo equipment, television set or musical or sound producing instrument that is played or operated in such a manner or with such volume as to annoy or disturb the peace, quiet, comfort or repose of any individual in any dwelling house, apartment house, hotel, motel, lodging house or other type of residences;

- c) The persistent barking, calling or whining or other similar persistent noise made by any domestic pet or any other animal kept or used for any purpose other than agriculture;
- d) Any noise or sound of whatsoever nature and kind caused by a condition of disrepair or maladjustment of any motor vehicle, motorcycle or other vehicle whatsoever or part or accessory thereof;
- e) The sounds emanating from the repairing, refinishing, painting, repainting, plating or rust-proofing of vehicles, machinery or any parts thereof where such repairing, refinishing, painting, repainting, plating or rust-proofing is not carried on within an enclosed structure the doors and windows of which are closed;
- f) 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;
- g) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorcycle except through a muffler or other device which effectively prevents loud or explosive noises;
- h) Any unnecessary noise arising between the hour of six o'clock p.m. of any day and seven 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 authorized by the Town except in the case of urgent necessity;

- i) Noises arising out of any manufacturing industry between the hour of 8 o'clock p.m. of any day and 8 o'clock a.m. of the next following day and which has the effect of disturbing the repose of any Town inhabitant;
- j) Any unnecessary noise in the vicinity of any school, seminary of learning or court, while any of the same are in session or in the vicinity of any convalescent or rest home;
- k) Noises created by any vehicle including cement trucks which bear material or by articles or things loaded on any vehicle if such noises are likely to disturb the repose of any Town inhabitant between the hours of 8 o'clock p.m. of any day and 8 o'clock a.m. of the next following day;
- l) The sounding of the whistle of any railway vehicle or other vehicle unnecessarily;
- m) The operation of a lawn mower which is run by electricity or gasoline, between the hours of 9 o'clock p.m. on any given day and 8 o'clock a.m. on the next following day;
- n) The operation of any siren or other artificial noise device other than a bell or horn attached to a bicycle;

4. THIS BY-LAW SHALL NOT APPLY TO

- a) The sounding of any bell, horn siren or other signal device of whatsoever kind when such is required by law;

- b) The use in a reasonable manner of any apparatus or mechanism or the amplification of the human voice or of music in a public park or in any large public space in connection with any public election meeting, public celebration or other reasonable gathering, PROVIDED THAT written permission of the Town Council has first been obtained;
- c) Any band or any parade operating under written permission first obtained from the Town Council;
- d) Any police vehicle or any Fire Department vehicle or any ambulance or any public service or emergency vehicle while answering a call;
- e) Any case of public necessity;

5. NO PERSON SHALL CAUSE OR PERMIT TO BE CAUSED

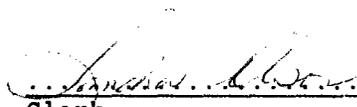
- a) Any noise or sound of whatsoever nature and kind for the purpose of advertising or for attracting attention to any performance, show, or sale or display of goods, wares or merchandise, which noise or sound projects into any street or other public place unless permission from Council had first been obtained;
- b) Any noise or sound created by the use or operation of any radio or mechanical loud speaker or amplifier or other such instrument or device or of any sound-producing, sound re-producing or sound-transmitting instrument or apparatus in or upon any vehicle without first having obtained a license so to do pursuant to the provisions of the General Licensing By-law of the Corporation of the Town of Nickel Centre;

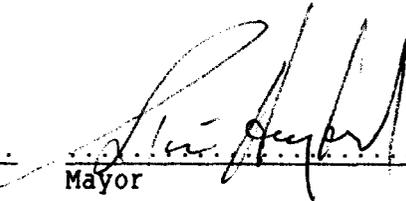
6. All times referred to herein shall be the time in effect in the Town of Nickel Centre in accordance with a resolution of Town Council passed in that behalf.

7. EVERY person who contravenes any provision of this By-law is guilty of an offence against this By-law and shall, upon conviction therefore be subject to a fine of not more than One Thousand Dollars (\$1,000.00) exclusive of costs.

8. That By-law 73-25 of the Corporation of the Town of Nickel Centre and any and all by-laws inconsistent or in conflict with this by-law be and the same are hereby repealed.

READ a first, second and third time and passed in open Council this 13th day of April, 1992.


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Clerk


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Mayor