

THE CORPORATION OF THE TOWN OF ONAPING FALLS

BY-LAW NO. 92-10

**BEING A BY-LAW TO PROHIBIT OR REGULATE NOISES
IN THE TOWN OF ONAPING FALLS**

WHEREAS the Municipal Act R.S.O., 1990 Chapter M. 45, Section 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 Onaping Falls deems it desirable to regulate or prohibit certain noises in the Town of Onaping Falls.

THEREFORE the Council of the Corporation of the Town of Onaping Falls hereby enacts as follows:

1. DEFINITIONS:

- a) "Council" means the Municipal Council of the Town of Onaping Falls
- b) "Town" means the Corporation of the Town of Onaping Falls
- 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 shout, create 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), 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 any musical or sound producing instrument of whatsoever kinds, when such radio, phonograph, stereo equipment, televisions set or musical or sound producing instrument 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) any sound made by any animal or bird which has the effect of disturbing the peace, quiet, comfort or repose of any individual;
- d) any noise or sound of whatsoever nature and kind caused by a condition of disrepair or maladjustment of any machinery or equipment or whatsoever nature and kind or part of accessory thereof;
- e) 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;
- f) the sounds emanating from the repairing, refinishing, painting, repainting, plating or rust-proofing of vehicles, machinery or other 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;
- g) 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 or as warning of danger;
- h) 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;
- i) any unnecessary & excessive noise arising 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;
- j) excessive noises arising out of any manufacturing industry which has the effect of disturbing the repose of any Town inhabitant;
- k) 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 hospital or a convalescent or rest home;
- l) excessive & unnecessary 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;

- m) the sounding of the whistle of any railway vehicle or other vehicle unnecessarily;
- n) excessive & unnecessary noises arising from the operation of a lawn mower which is run by electricity or gasoline if such noises are likely to disturb the repose of Town inhabitants;
- o) the operation of any siren or other artificial noise device other than a bell or horn attached to a bicycle;
- p) excessive & unnecessary noises created by any vehicle engaged in the plowing or removal of snow from private property if such noises are likely to disturb the repose of Town inhabitants;

4. **THIS BY-LAW SHALL NOT APPLY TO:**

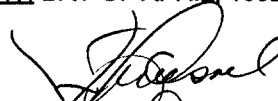
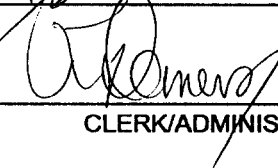
- a) the sounding of any bell, horn, siren or other signal device of whatsoever kind when such is required by law;
- b) the use in a reasonable manner of any apparatus or mechanism or the amplification of the human voice or of music in a public park or in any large public space in connection with any 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 by Town Council;
- d) any newsboy, peddler, hawker or petty tradesman plying his calling legitimately;
- e) any police vehicle or any fire department vehicle or any ambulance or any public service or emergency vehicle while answering a call;
- f) any case of public necessity;
- g) the operation of the Salvation Army as heretofore carried on;

5. **NO PERSON SHALL CAUSE OR PERMIT TO BE CAUSED:**


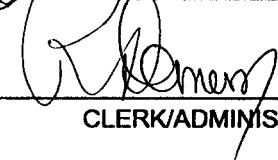
- a) Any noise or sound of whatsoever nature and kind for the purpose of advertising or for attracting attention to any performance, show or sale or display of goods, wares or merchandise, which noise or sound projects into any street or other public place unless permission from Council has first been 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 except for such time and under such conditions as the municipal Council may prescribe.
- 6. All times referred to herein shall be the time in effect in the Town of Onaping Falls 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 Five Thousand Dollars (\$5,000.00) exclusive of costs and such penalty shall be recoverable under the Provincial Offenses Act.
- 8. By-Law 73-23 of the Corporation of the Town of Onaping Falls and any and all by-laws inconsistent or in conflict with this by-law be and the same are hereby repealed.
- 9. This by-law shall come into force and take effect on the day of the final passing thereof.


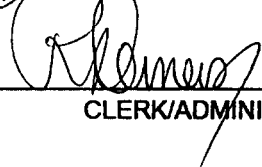
READ A FIRST TIME IN OPEN COUNCIL THIS 27TH DAY OF APRIL, 1992.


 _____ MAYOR

 _____ CLERK/ADMINISTRATOR

READ A SECOND TIME IN OPEN COUNCIL THIS 25TH DAY OF MAY, 1992.


 _____ MAYOR

 _____ CLERK/ADMINISTRATOR

READ A THIRD TIME AND FINALLY PASSED IN OPEN COUNCIL THIS 22 DAY OF JUNE, 1992.


 _____ MAYOR

 _____ CLERK/ADMINISTRATOR

SCHEDULE "A"

THE CORPORATION OF THE TOWN OF ONAPING FALLS

BY-LAW NO. 92-10

SHORT TITLE NOISE BY-LAW NO. 92-10

ITEM	COLUMN 1 DESCRIPTION OF OFFENCE	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINE
1	Cause noise by ringing bell	2(a)	\$53.75
2.	Cause noise by blowing or sounding horn	2(a)	\$53.75
3.	Cause unusual noise	2(b)	\$53.75
4.	Cause noise that disturbs inhabitants	2(c)	\$53.75

NOTE: THE PENALTY PROVISION FOR THE OFFENCES INDICATED ABOVE IS SECTION 7 OF BY-LAW 92-10

CHAPTER M.45

Municipal Act

210. By-laws may be passed by the councils of local municipalities:

Noise

138. 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.

P.A. systems, etc.

139. For licensing, regulating and governing the owners or operators of public address systems, sound equipment, loud speakers or similar devices when used on a highway, public land or land adjacent thereto, or when emitting sound thereto.

Nuisances

140. For prohibiting and abating public nuisances.

CHAPITRE M.45

Loi sur les municipalités

210 Les conseils des municipalités locales peuvent adopter des règlements municipaux :

138. Pour interdire ou réglementer, dans la municipalité ou dans un ou plusieurs secteurs définis de celle-ci, l'utilisation de cloches ou de klaxons, les cris ainsi que les sources de bruits inhabituels ou de nature à déranger les habitants.

139. Pour assujettir à l'obtention de permis, réglementer et régir les propriétaires ou exploitants de systèmes ou d'appareils de sonorisation, de haut-parleurs ou d'autres dispositifs semblables qui sont utilisés sur les voies publiques, les biens-fonds publics ou les biens-fonds contigus à ceux-ci ou utilisés pour émettre des sons qui atteignent ces lieux.

140. Pour interdire et supprimer les nuisances publiques.

Bruit

Systèmes de sonorisation

Nuisances



August 24th, 1992

Ontario Provincial Court
(Criminal Division)
60 Queen St. W.
TORONTO, Ontario
M5H 2M4

Attention: F.C. Hayes, Chief Judge
Provincial Offenses Court

Dear Sir:

RE: SET FINES FOR MUNICIPAL NOISE BY-LAW

Attached hereto is copy of new By-Law 92-10 being a by-law to prohibit or regulate noises in the Town of Onaping Falls.

Also attached is Schedule "A" to the above noted by-law fixing the set fines and corresponding short wording, for your approval.

I trust you will find our enclosures in order and await your endorsement.

Yours truly,

RD:dd
Encl.

RICHARD DEMERS
Clerk/Administrator

cc. -File (2)