

THE CORPORATION OF THE
MUNICIPALITY OF POWASSAN

BY-LAW NO. 2001-29

BEING a By-law to control noise emission within the Municipality of Powassan.

WHEREAS under the authority of Section 178 of the Environmental Protection Act, Chapter E.19, R.S.O. 1990 a municipality may pass a by-law to regulate or prohibit the emission of sounds or vibrations, provide for the licensing of persons, equipment and premises, or any of them, with respect to the emission of sound or vibration prescribe maximum permissible levels of sound or vibration that may be emitted, prescribe procedures for determining the levels of sound or vibration that are emitted.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF POWASSAN ENACTS AS FOLLOWS:

1. No person shall ring any bell, blow or sound any horn or cause same to be rung, blown or sounded and no person shall shout or create, cause or permit any unnecessary noises likely to disturb the inhabitants.
2. For the purpose of Section 1, the following noises or sounds without limiting the generality of the foregoing, shall be deemed to be unnecessary noises which disturb the inhabitants:
 - (1) The sounding of any bell, horn, siren or other signal device on any motor vehicle, motorcycle, bicycle, street-car or other vehicle of whatsoever kind except when required by law.
 - (2) The sounding of any such bell, horn, siren or signal device for any unnecessary or unreasonable period of time.
 - (3) The sound or noise from or created by any radio or stereo equipment, television set, or any musical or sound producing instrument of whatsoever kind when such radio or stereo equipment or 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 a dwelling house, hotel or other type of residence.
 - (4) Any sound made by pets which has the effect of disturbing the peace, quiet, comfort or repose of any individual in the neighbourhood.
 - (5) The grating, grinding or rattling noise or sound caused by a condition of disrepair or maladjustment of any motor vehicle, motorcycle, or other vehicle whatsoever or part or accessory thereof.
 - (6) The sound emanating from the operation of repairing, refinishing, repainting or plating of vehicles, machinery or any parts thereof where such operation is not carried on within an enclosed structure the doors and windows of which are closed.

- (7) 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 or as a warning of danger.
 - (8) The discharge into the open air of the exhaust or any steam engine, stationary internal combustion engine, motor vehicles or motorcycle, except through a muffler or other device which effectively prevents loud or explosive noises.
 - (9) Any unnecessary noise in the vicinity of any school, or church while the same is in session.
 - (10) Shouting or hollering in an unnecessary and disturbing manner in or adjacent to any public street or place.
 - (11) No person shall cause or permit the sounding of the whistle of any railway vehicle or other vehicle unnecessarily.
 - (12) No person shall operate or allow to be operated a lawn mower, which is run by electricity or gasoline between the hours of ten o'clock p.m. on any given day and six o'clock on the next following day.
 - (13) None of the provisions of this paragraph shall apply to:
 - (a) The use in a reasonable manner of any apparatus of 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 celebrations or other reasonable gathering, provided written permission of the Municipal Council has first been obtained.
 - (b) Any vehicle of the police or fire department or any other ambulance or any public service or emergency vehicle while answering a call.
 - (c) The sound from any private radio in a motor vehicle installed for the sole benefit or entertainment of the operator and occupants of such vehicle, except as limited by Sec.2(3).
 - (d) Any case of public necessity.
3. No person shall cause or permit to be caused:
- (1) The noise created by the use or operation of any drum, horn, radio or mechanical loudspeaker, or other instrument or device 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 only with the permission of the Municipal Council.
 - (2) 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 or sound transmitting instrument or apparatus in or upon any vehicle except for such time and under such conditions as may be dictated by the Municipal Council; without first applying for, in the prescribed form, a license so to do and receiving the necessary approval of the Municipal Council therefor.
4. The provisions of this by-law shall apply at all times, except in the instances where a time period is specifically set out.

5. Any person convicted of a breach of any of the provisions of this by-law shall forfeit and pay, at the discretion of the convicting magistrate a penalty of not exceeding (exclusive of costs) the sum of \$100.00 for each offence and every such penalty shall be recoverable under the Summary Conviction Act, all of the provisions of which shall apply except that the imprisonment may be for any term not exceeding twenty-one days.
6. If what is known as "Daylight Saving Time" has been generally adopted in the municipality for any period of the year under any Statute, Order in Council, By-law, Resolution or Proclamation, whether the same is effective in law or not, such time shall be held to be the time referred to during such period in any reference to time in this by-law.

Resolution Number 2001-06 Moved by Fred Busch

Seconded by Carole Dobbs

Be it resolved that the Council of the Corporation of the Municipality of Powassan approves the first and second reading of By-Law Number 2001-26 to By-Law Number 2001-42 with the exception of By-Law Number 2001-32 and approves the third reading and final passing of said by-laws.

Carried.

Mayor

Clerk Treasurer