

Noise Control By-law

PW - 4 Consolidated May 9, 1994

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PUBLIC WELFARE

**By-law PW-4
A by-law to provide for the
REGULATION OR PROHIBITION OF UNUSUAL NOISES**

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WHEREAS it is deemed expedient and necessary to regulate or prohibit unusual noises, or noises likely to disturb the inhabitants of the City of Humber Bay:

THEREFORE the Municipal Council of The Corporation of the City of Humber Bay enacts as follows:

**SHORT TITLE
NOISE CONTROL BY-LAW**

**Part 1
NOISES - PROHIBITED**

1.1 Likely to disturb - unusual - prohibited

No person shall ring any bell, blow or sound any horn or cause the same to be rung, blown, or sounded, shout or create, cause or permit any unusual noises, or noises likely to disturb the inhabitants.

1.2 Likely to disturb - unusual - set out

For the purpose of and not so as to limit the generality of section 1.1 of this by-law, the noises or sounds set out in sections 1.3 to 1.16 inclusive of this by-law shall be deemed to be unusual noises or noises likely to disturb the inhabitants.

1.3 Horn - siren - bell - on vehicle - when not required

The sounding of any bell, horn, siren or other signal device on any motor vehicle, motorcycle, bicycle, or other vehicle of whatsoever kind except when required by by-law is prohibited.

1.4 Horn - siren - bell - duration - unreasonable

The sounding of any such bell, horn, siren, or signal device for an unnecessary or unreasonable period of time is prohibited.

1.5 Radio - loud speaker - other - annoying - disturbing

The sound or noise from or created by any radio or phonograph, public address system, sound equipment, loud speaker, or similar device or devices, or any musical or sound producing instrument of whatever kind, when such device or instrument is played or operated in such a manner or with such volume:

- (a) as to annoy or disturb the peace, quiet, comfort or repose of any individual in any dwelling house, apartment house, hotel or any other type of residence; or
- (b) in the case of a device or instrument located in any commercial building or structure, as to be plainly audible upon the public streets at a distance of 8 metres (25 feet) from the building or structure in which such device or instrument is located, is prohibited.

1.6 Animal - bird - disturbing peace - quiet

Any sound made by any animal or bird which disturbs the peace, quiet, comfort or repose of any individual in any dwelling house, apartment house, hotel or any other type of residence is prohibited.

1.7 Vehicle - rattling - in disrepair - maladjusted

The grating, grinding or rattling noises or sound caused by condition of disrepair or maladjustment of any motor vehicle, motorcycle, or other vehicle whatsoever or part or accessory thereof is prohibited.

1.8 Vehicle - load - improperly secured

The noise created by driving any vehicle bearing material, articles or things which are loaded upon such vehicle in such manner as to create such noise is prohibited.

1.9 Whistle - air - steam - use - restricted

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 danger is prohibited.

1.10 Exhaust - discharge - without muffler

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 is prohibited.

1.11 Construction - excavation - 6 p.m. to 7 a.m.

Any noise arising between the hour of 6:00 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 authorized by the Corporation is prohibited, except in case of urgent necessity and then under a permit from the Building Inspector.

1.12 Quiet zone - noises - unreasonable - unnecessary

Any unreasonable and/or unnecessary noise in the vicinity of any school, hospital or court while the same is in session is prohibited, provided conspicuous signs are displayed in or upon the streets adjoining any such school or court, indicating that such noises are prohibited in the vicinity.

1.13 Loud speaker - horn - other - advertising

The noise or sound created by the use or operation of any drum, horn, bell, radio or mechanical loudspeaker, or other instrument or device or sound-producing, 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 is prohibited.

1.14 Loud speaker - other - in vehicle - use - restricted

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, sound-reproducing, or sound transmitting instrument or apparatus in or upon any vehicle is prohibited except for such time and under such conditions as the Chief of Police may prescribe.

1.15 Firearms - discharge - exception - peace officers

The noise or sound caused by the discharge of any gun or other firearm, air gun and spring-gun or any class or type thereof is prohibited, provided that this shall not apply to peace officers in the performance of their duties.

1.16 Power equipment - use - time restrictions

Between the hours of 10:00 o'clock p.m. of any day and 7:00 o'clock a.m. of the next following day, Sunday to Saturday, and 10:00 o'clock p.m. Saturday until 9:00 o'clock a.m. Sunday, the noise or

sound created by the use or operation of the following power equipment is prohibited:

- (a) a lawnmower;
- (b) a chain-saw; or
- (c) any other such noise-generating tool or device.

1.17 Highways - prohibitions - exceptions

The prohibitions imposed by the following sections do not apply to streets to which the *Highway Traffic Act* applies:

- (a) section 1.3 (relating to the sounding of certain noise generating devices on vehicles);
- (b) section 1.7 (relating to vehicle noises arising from vehicles not in a proper state of repair);
- (c) section 1.10 (relating to vehicle discharge noises other than through a noise muffling device); and
- (d) section 1.14 (relating to devices for broadcasting amplified sound from vehicles).

Part 2 EXEMPTIONS

2.1 Public celebration - election - gathering - authorized

None of the provisions of this by-law shall apply to 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 election meeting, public celebration or other lawful gathering, provided written permission of the Chief of Police has first been obtained.

2.2 Parade - band - authorized

None of the provisions of this by-law shall apply to any military or other band or of any parade operating under written permission first obtained from the Chief of Police.

2.3 Tradesman - plying call - legitimacy - moderation

None of the provisions of this by-law shall apply to any newsboy, pedlar, hawker or petty tradesman plying his calling legitimately and moderately.

2.4 Emergency vehicle - police - fire - on duty

None of the provisions of this by-law shall apply to any vehicle of the police or fire department or any ambulance or any public service or emergency vehicle while answering a call.

2.5 Radio - private - motor vehicle - conditions

None of the provisions of this by-law shall apply to any sound from any private radio in a motor vehicle, installed for the sole benefit or entertainment of the operator and occupants of such vehicle when same is not audible at a distance of 8 metres (25 feet) from such vehicle.

2.6 Railway - operations - under Railway Act

None of the provisions of this by-law shall apply to 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.

2.7 Public convenience - necessity

None of the provisions of this by-law shall apply to any case of public convenience or necessity.

2.8 Salvation Army

None of the provisions of this by-law shall apply to the operations of the Salvation Army as heretofore carried on.

Part 3
ENFORCEMENT

3.1 Fine - for contravention

Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the *Provincial Offences Act*.

3.2 Continuation - repetition - prohibited - by order

The court in which the conviction has been entered and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

Part 4
SEVERABILITY

4.1 Validity

It is declared that notwithstanding that any section or sections of this by-law, or parts thereof, may be found by any court of law to be bad or illegal or beyond the power of the Council to enact, such section or sections or parts thereof shall be deemed to be severable and that all other sections or parts of this by-law are separate and independent therefrom and enacted as such.

Part 5
REPEAL - ENACTMENT

5.1 By-law - previous

By-law P.W.-198-222 and all of its amendments are hereby repealed.

5.2 Effective date

This by-law comes into force and takes effect on July 15, 1994.

PASSED in Open Council on November 15, 1993.

T. C. Gosnell
Mayor

K. W. Sadler
City Clerk

First Reading - November 15, 1993
Second Reading - November 15, 1993
Third Reading - November 15, 1993