

THE CORPORATION OF THE TOWNSHIP OF MONTAGUE BY-LAW NO. 2655-2002

BEING a By-law to prohibit unusual noises and noises likely to disturb the inhabitants of Montague Township and adjacent communities;

WHEREAS Part XVII s. 210 (138) of the *Municipal Act* R.S.O. 1990 c. M45 as amended, provides that By-Laws may be passed by the Councils of local municipalities for prohibiting or regulating within the municipality or within a defined area or areas thereof, the ringing of bells, the blowing of horns, shouting and unusual noises, or noises likely to disturb inhabitants;

AND WHEREAS the Council of the Corporation of the Township of Montague deems it expedient to prohibit or regulate such noises;

NOW THEREFORE the Council of the Corporation of the Township of Montague enacts as follows that:

This By-law may be cited as the “Noise By-law”

PART I - DEFINITIONS

1. **Construction** includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, the laying of pipe and conduit whether above or below ground level, street and highway building, concreting, equipment installation and alteration and the structural installation of construction components and materials in any form or for any purpose, and includes any work in connection therewith;
2. **Construction Equipment** means any equipment or device designed and intended for use in construction or material handling, including but not limited to, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders or other material handling equipment;
3. **Dwelling House** means the whole or any part of a building or structure that is kept or occupied as a permanent or temporary residence and includes:
 - (a) a building within the curtilages of a dwelling house that is connected to it by a doorway or by a covered and enclosed passageway; and
 - (b) a unit that is designed to be mobile and to be used as a permanent or temporary residence that is being used as such a residence.
4. **Emergency Vehicle** means a police vehicle, ambulance, fire vehicle or other vehicle responding to an emergency call pursuant to a statutory duty.
5. **Motor Vehicle** includes an automobile, motorcycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways or other motor vehicles running only on rails or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of The Highway Traffic Act, as amended;
6. **Noise** means unwanted sound likely to disturb the peace and tranquility of inhabitants;
7. **Noise Control Officer** means a person or police officer designated by Council as responsible for the administration of this by-law;
8. **Person** includes a corporation;

PART II - NOISES PROHIBITED

1. No person shall cause or permit any unusual noises or noises that would be likely to disturb the inhabitants of Montague Township or adjacent communities between the hours of 11:00 o'clock in the afternoon and 7:00 o'clock in the forenoon of the next following day.
2. No person shall cause or permit any unusual noise or noises likely to disturb the inhabitants of Montague Township or adjacent communities by the;
 - (a) deleted by By-law 2670-02.
 - (b) blowing or sounding of any horn or causing or permitting any horn to be blown or sounded;
 - (c) creating or causing or permitting the noise from any radio, phonograph, television, public address system, sound equipment, loud speaker or similar device or any musical or sound-producing instrument of whatever kind;
 - (d) creating, causing or permitting of a motor vehicle of any kind which by reason of its condition of disrepair or maladjustment makes noise by grating, grinding or rattling, screaming, screeching or similar noise;
 - (e) the keeping of birds or animals, the cause noise by crowing, crying or barking or other such sounds;
 - (f) creating or causing or permitting noise caused by the unnecessary racing of the motor of a standing motor vehicle in excess of that necessary for the reasonable operation of same;
 - (g) the erection, demolition, alteration or repair of a building or by construction, earth-moving equipment, tree removal equipment, logging equipment or wood-mill equipment between the hours of 11:00 o'clock in the afternoon and 7:00 o'clock in the forenoon of the next following day;
 - (h) creating or causing or permitting of noise in the vicinity of any school, seminar of learning or court while the same is in session.

PART III - EXCEPTIONS

Part 11 of this by-law shall not apply to:

1. Any band or parade approved by Council and not otherwise prohibited by law.
2. The reasonable use of any apparatus or mechanism for the amplification of the human voice or of music in a public park or any other public place in connection with any lawful and peaceable meeting or gathering not otherwise prohibited by law.
3. Any newsboy, peddler, hawker or petty tradesman, or auctioneer plying his trade by calling legitimately and moderately.
4. Any vehicle of the police, fire department, ambulance, public service or emergency vehicle while answering a call.
5. The sound from any private radio in a motor vehicle, installed for the sole benefit of entertainment of the operator and occupants of such vehicle, when same is not audible at a distance of twenty-five feet from such vehicle.
6. The operations of any religious service.
7. Any case of public convenience or necessity.

PART IV - PROHIBITION OF NOISE BY TIME

The creating, causing or permitting of noise will be deemed prohibited between the hours of 11:00 o'clock in the afternoon and 7:00 o'clock in the forenoon of the next following day.

PART V - PENALTIES

Everyone who contravenes a section of this by-law is guilty of an offence and subject to a penalty as provided under the *Provincial Offences Act*.

PART VI - REPEAL OF BY-LAW

The following By-laws and all amendments thereto are hereby repealed in their entirety: 965-75, 2431-98.

READ a first time and second time this 19th day of March, 2002

READ a third time and passed this 19th day of March, 2002

REEVE

CLERK

IMPORTANT NOTICE

This document is an office consolidation of By-law No. 2655-02, as amended, and has been prepared for ease of reference. While every attempt has been made to ensure the accuracy of this consolidation, in the event of a discrepancy between it and By-law No. 2655-02 (and various by-law amendments thereto) the original by-laws shall prevail.

Amendment(s):

2670-02