

THE CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD

BY-LAW 64-2024

Being a By-law to Prohibit and Regulate Noise in the Village of Merrickville-Wolford

WHEREAS the *Municipal Act*, R.S.O. 2001, Chapter M.25, Section 128, empowers councils of local municipalities to pass by-laws for regulating activities that in the opinion of the council are or could become or cause public nuisances;

AND WHEREAS the *Municipal Act* R.S.O. 2001, Chapter M.45, Section 129, as amended empowers councils of local municipalities to pass by-laws for prohibiting or regulating noise, vibration, odour, dust and outdoor illumination;

AND WHEREAS section 425 of the *Municipal Act, 2001*, provides that a municipality may pass by-laws to prohibit and regulate noise;

AND WHEREAS section 429 of the *Municipal Act, 2001*, provides that a municipality may create offences for the contravention of by-laws;

AND WHEREAS the Council of the Village of Merrickville-Wolford has deemed it necessary to identify and regulate certain types of noise which may disturb the inhabitants of the Village of Merrickville-Wolford.

NOW THEREFORE the Council of the Corporation of the Village of Merrickville-Wolford enacts as follows:

1. Short Title

The short title of this By-law shall be the "Noise By-law".

2. Definitions

For the purposes of this By-law, the following definitions shall apply:

Administrative Monetary Penalty System means the Administrative – By-Law as approved by Council.

Community Event means an event open to the public, including a public fair, public exhibition, public celebration, public sporting event, public concert, or school event.

Construction means erection, alteration, repair, dismantling, demolition, structural maintenance, land clearing, earth-moving, grading, excavating, laying of pipe and conduit whether above or below ground level, street and highway building, application of concrete, 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.

Construction Equipment means any equipment or device designed and intended for use in construction or material handling, including but not limited to, hand tools, power tools, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenches, cranes, forklifts, derricks, loaders. Scrapers, pavers, generators, off highway haulers or trucks ditchers, compactors or rollers, pumps, concrete mixers, graders, and any other material handling equipment.

Council means the Council of the Corporation of the Village of Merrickville-Wolford.

Electronic Devices means a device intended primarily for the production, reproduction or amplification of sound, including, but not limited to, any musical instrument, radio receiver, television receiver, recorder, phonograph, loudspeakers, amplifiers, microphones or reproducers of any combination of such equipment, including devices used in the reproduction of music, speech or other sounds.

Enforcement Officer means a municipal by-law enforcement officer authorized by the Council of the Corporation of the Village of Merrickville-Wolford, any member of the Ontario Provincial Police, and any Provincial Offences Officer pursuant to the Provincial Offences Act.

Fire Chief means the Fire Chief of the Corporation of the Village of Merrickville-Wolford.

Highway means any common and public highway, street, avenue, parkway, driveway, square, place, drive, bridge, viaduct or trestle any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

Inhabitant means a person that live in or occupies a place.

Motor Vehicle means any private or commercial automobile, motorcycle, motorized assisted bicycle, all-terrain vehicles, extreme terrain vehicle, multi-purpose off road vehicle, any vehicle propelled or driven otherwise that requires a motor or engine to be movable.

Noise means unwanted sound that is generated within the Corporation and is likely to disturb inhabitants or neighboring municipality

Outdoor Performance means any artistic or cultural performance that is conducted in an outdoor venue on public or private property where the amplification of sound carries beyond the confines of the property.

Persistent means noise that is heard continuously or intermittently heard for a period of fifteen (15) minutes or more over a period of one (1) hour.

Person means a person, firm, organization, agency, association, corporation, or partnership used in the normal context of the word.

Point of Reception means any point on a premises where sound originating from some other premises is received.

Zoning By-Law means the Council approved by-law governing zoning in accordance with the *Planning Act*, as amended.

3. General Exemptions

None of the provisions of the by-law shall apply to:

- a) 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 celebration, public election meeting, or other reasonable gathering, provided written permission of the Village of Merrickville-Wolford has first been obtained.
- b) any military or other band or any parade or other community activities between the hours of 7:00 a.m. and 11:00 p.m. operating under written permission obtained from the Village.

- c) any operation or vehicle of the police or fire department, or any ambulance public service, or emergency vehicle, or emergency siren.
- d) 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.
- e) the operations of any Religious Services as heretofore carried on. The ringing of bells or carillons in connection with any church or meeting house.
- f) any sound arising from the normal operations of any farm or similar agriculture use or any animal(s) in connection with such use.
- g) the operation of a pit or quarry licensed under the Aggregate Act.
- h) any sound arising from the normal operation of motor vehicles.
- i) employees of the Village of Merrickville-Wolford, the Government of Canada, the Province of Ontario, Hydro One or other Crown Corporations when acting in the reasonable execution of their duties.
- j) noises in connection with athletic, recreational or school activities in arenas, on playing fields, courts, school grounds or park areas between the hours of 7:00 a.m. and 11:00 p.m.
- k) noise in connection with the exercise of recognized Indigenous rights.
- l) noise from the discharge of firearms for the purpose of protecting crops or livestock.

4. General Prohibitions

- 4.1 No person shall make, cause, emit, or permit the emission of any sound whatsoever which is likely to annoy, disturb, or injure, endanger or detract from the reasonable use of enjoyment of property of the comfort, repose, health, peace or safety of persons within the limits of the Municipality.
- 4.2 Without limiting the foregoing, no person shall within the Village of Merrickville-Wolford, make, cause, emit, or permit the emission of any of the following sounds as set out in Schedule A, attached hereto.
- 4.3 Without limiting the foregoing, no person shall within the prohibited time shown in Schedule B, attached hereto, make, cause, emit or permit the emission of noise which is clearly audible at a point of reception resulting from an act or emanating from a device listed in Schedule B.

5. Grant of Exemption by Council

- 5.1 Notwithstanding anything contained in this By-law, any person, prior to emitting or permitting the emission of a noise prohibited under this By-law, may make application to Council to be granted an exemption and Council may by resolution grant the exemption applied for or any exemption of lesser effect and any exemption granted shall specify the time period during which it is effective and may contain such terms and conditions that Council considers appropriate.

Applications are to be submitted on the Exemption Application Form, as set out in Schedule C, attached hereto.

5.2 The application mentioned in Section 5.1 shall be made in writing and shall contain:

- a) The name and address of the applicant;
- b) A description of the source of sound or vibration in respect of which the exemption is sought;
- c) The period of time for which the exemption is sought; and
- d) The reasons why the exemption should be granted.

5.3 Requests for exemption shall be placed on a Council agenda for consideration and decision. Council may grant an exemption application by way of resolution, which will be circulated to the applicant by staff following a decision.

5.4 A breach of any of the terms or conditions of any exemption granted by the Municipality shall render the exemption null and void.

6. Entry and Inspection

6.1 An Enforcement Officer or their designate may at any time enter onto a property to determine whether this by-law is being complied with in accordance with the provisions of this By-law.

7. Enforcement and Penalties

7.1 Any person who contravenes any provision of the by-law shall be guilty of an offence and shall be liable, upon conviction, to such fine or penalty as is provided for in the provisions of the *Provincial Offences Act*, as amended and any other applicable law, exclusion of costs, for each offence.

7.2 Upon registering a conviction for a contravention of any provision of the by-law, the court, may in addition to any other remedy and to any penalty imposed by the by-law, make an order prohibiting the continuation or repetition of the offence by the person convicted, pursuant to Section 431 of the *Municipal Act, 2001, S.O. 2001*, as amended.

7.3 Notwithstanding sections 7.1 and 7.2 of this By-Law, every person who contravenes any provision of this By-Law shall, upon issuance of an Administrative Penalty Notice in accordance with Administrative Penalty By-Law 10-2025 be liable to pay to the Corporation of the Village of Merrickville-Wolford an Administrative Penalty in accordance with Schedule C of Administrative Penalty Process By-Law 10-2025.

7.4 If a Person is required to pay an Administrative Penalty under section 7 in respect to contravention of this By-Law, the Person shall not be charged with an offence in respect of the same contravention.

8. General Provisions

8.1 It is hereby declared that every one of the foregoing provisions of this by-law is severable and that, if any provision of this by-law should for any reason be declared invalid by any Court, it is the intention and desire of this Council that each and every one of the then remaining provisions hereof shall remain in full force and effect.

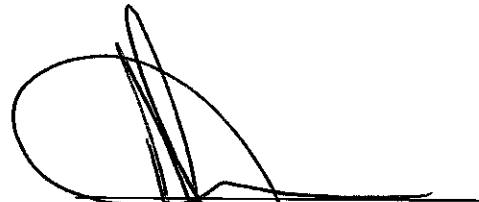
8.2 That Schedules A, B, C and D shall constitute part of this By-law.

8.3 That By-law 23-03 and all other by-laws previously passed that are inconsistent with the provisions of this By-law are hereby repealed in their entirety.

8.4 That this By-law shall come into force and take effect on its passing.

Read a first and second time on the 12th day of November, 2024.

Read a third and final time and passed on the 27th day of January, 2025.

A handwritten signature in black ink, appearing to be 'Michael Cameron', written over a horizontal line.

Michael Cameron, Mayor

A handwritten signature in black ink, appearing to be 'Julia McCaugherty-Jansman', written over a horizontal line.

Julia McCaugherty-Jansman, Clerk

Schedule A to By-law 64-2024

General Prohibitions

No person shall within the Village of Merrickville-Wolford, make, cause, emit, or permit the emission of any of the following sounds:

- a) The ringing of bells, blowing of horns or sounding of sirens on any motor vehicle except to the extent that such ringing, blowing or sounding is required by law or by the requirements of safety.
- b) The operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers, and intended for the production, reproduction or amplification of sound.
- c) The operation of any construction equipment, combustion engine or pneumatic device without an original equipment manufacturer specification exhaust or intake muffling device in good working order and in constant operation.
- d) Revving of any motor vehicle engine except as required for by a licensed mechanic at a place of business for automotive repair.
- e) The operation of a motor vehicle horn or other warning device except where required or authorized by law or in accordance with good safety practices.
- f) any noise arising between the hour of 11:00 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 or structure, except in the case of repairs or demolition to a building of such an urgency that the lack of immediate attention to the same would result in severe damage to the building or be likely to endanger the health or property of any person.
- g) Residential domestic activities that produce sound of such nature that is unwanted, on-going, persistent, unusual, repetitive, a public nuisance that disturbs a person at a point of reception.
- h) Persistent barking, calling or whining of any domestic pet or any animal except an animal used for and located on the property to agricultural use, as set out in the Village's Zoning By-law, or as otherwise specifically permitted by by-law.
- i) The detonation of fireworks is not permitted at any time, except those authorized by the Fire Chief.
- j) The discharge of firearms for the purpose of hunting is not permitted at any time in settlement areas. Prohibited periods of time in other areas shall be half an hour after sunset to half an hour before sunrise the following day.

Schedule B to By-law 64-2024

Prohibitions by Time

Item	Activity	Prohibited Period of Time
1	The operation of any construction equipment or in connection with construction	10:00 p.m. to 6:00 a.m. the next day Sunday: 7:00 p.m. to 6:00 p.m. the next day
2	The operation of any construction equipment in connection with construction in a Settlement Area	10:00 pm. to 7:00 a.m. the next day Sunday: 7:00 p.m. to 6:00 a.m. the next day
3.	The operation of any powered or non-powered tool, equipment or appliance for domestic or commercial purposes other than snow removal	11:00 p.m. to 6:00 a.m. the next day
4	The loading, unloading, packing, unpacking, delivering or otherwise handling of any container, product, material, waste or recyclables unless necessary for the maintenance of services or moving of private household effects	11:00 p.m. to 6:00 a.m. the next day
5	The operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electromechanical transducers, and intended for the production, reproduction or amplification of sound	11:00 p.m. to 7:00 a.m. the next day
6	The operation of any auditory signaling device including, but not limited to the ringing of bells, gongs, and the blowing of horns, sirens and whistles	11:00 p.m. to 7:00 a.m. the next day
7	Yelling, shouting, hooting or similar noises made by a person	11:00 p.m. to 7:00 a.m. the next day

Schedule C to By-law 64-2024

EXEMPTION APPLICATION FORM

Application for a temporary exemption permit to the Noise By-law

Applicant's Name _____

Applicant's Address _____

Applicant's Phone Number _____

Applicant's Email _____

Group or Organization _____

Event Type _____

Date and Time of Event _____

*If the event is being held over more than one day, please specify times for each day

Description of Event – Include the source of sound in respect of which the exemption is being requested:

Please state the particular provision(s) of the By-law from which the exemption is being requested:

Schedule D to By-law 64-2024

Fees and Penalties

Administrative Monetary Penalties

TABLE 2: DESIGNATED BY-LAW 64-2024 NOISE BY-LAW			
ITEM	COLUMN 1 BY-LAW REFERENCE	COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET FINE
1	s. 6.1	Obstructing or hindering an officer	\$200.00
2	s. 4.2, Sch. A (1)	Emit, cause or permit emission of ringing of bells, blowing of horns or sounding of sirens on any motor vehicle	\$150.00
3	s. 4.2, Sch. A (2)	Emit, cause or permit noise from an electronic device	\$150.00
4	s. 4.2, Sch. A (3)	Emit, cause or permit noise from any construction equipment, engine or device without exhaust or intake muffling device	\$150.00
5	s. 4.2, Sch. A (4)	Emit, cause or permit noise from a motor vehicle in such a way to rev the engine	\$150.00
6	s. 4.2, Sch. A (5)	Emit, cause or permit noise from a horn or other warning device	\$150.00
7	s. 4.2, Sch A (6)	Emit, cause or permit noise from construction equipment during prohibited time	\$150.00
8	s. 4.2 Sch. A (7)	Emit, cause or permit noise from residential domestic activity	\$150.00
9	s. 4.2, Sch. A (8)	Cause or permit the persistent barking, calling or whining of an animal	\$150.00
10	s. 4.2, Sch. A (9)	Detonation of unauthorized fireworks	\$150.00
11	s. 4.2, Sch A (10)	Discharge of firearms during prohibited times	\$150.00
12	s. 4.2, Sch. B (3)	Operation of powered or non-powered tool, equipment or appliance during prohibited time	\$150.00
13	s. 4.2, Sch. B (4)	Emit, cause or permit noise from loading, packing, handling or delivering materials or products during prohibited time	\$150.00
14	s. 4.2, Sch. B (5)	Emit, cause or permit operation of an electronic device intended for the production, reproduction or amplification of sound during prohibited time	\$150.00
15	s. 4.2, Sch. B (6)	Emit, cause or permit operation of any auditory signaling device during prohibited time	\$150.00
16	s. 4.2, Sch. B (7)	Persistent yelling, shouting, or similar noises made by a person during prohibited time	\$150.00