

BY-LAW NUMBER 2007-27

Being a By-law to prohibit or regulate noise within the Township of Madawaska Valley.

WHEREAS it is in the public interest to reduce the occurrence of noise in the Township of Madawaska Valley, so as to preserve, protect and promote the public health, safety, welfare and the peace and quiet of the inhabitants of the municipality;

AND WHEREAS the Council of a local municipality has authority to pass such a by-law pursuant to Section 129 of the Municipal Act, 2001, c 25, as amended.

NOW THEREFORE the municipal Council of the Corporation of the Township of Madawaska Valley hereby enacts as follows:

SECTION 1 – SHORT TITLE

1.1 This By-Law may be cited as the “Noise By-Law”.

SECTION 2 – DEFINITIONS

2.1 **“By-Law Enforcement Officer”** means a person appointed by the Council of the Corporation of the Township of Madawaska Valley to enforce the provisions of this By-Law.

2.2 **“Construction”** includes erection, alteration, repair, dismantling, demolition, structural maintenance, land clearing, earth moving, grading, excavating, the laying of pip 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, including building construction and erection and further includes any work in connection with the foregoing.

2.3 **“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, trenchers, cranes, derricks, loaders, scrapers, paving equipment, generators, off-highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders, or other material handling equipment.

2.4 **“Council”** means the Council of the Corporation of the Township of Madawaska Valley.

2.5 **“dBA”** means the sound level in decibels obtained when using a sound level meter with the A-weighting.

2.6 **“Noise”** means sound that is unusual or excessive or that is unwanted by or disturbing to persons(s).

2.7 **“Person”** includes a corporation as well as an individual.

2.8 **“Premises”** means a piece of land and any buildings and structures on it, and includes a place of business, road and any other location or place.

2.9 **“Point of Reception”** means any point on the premises of a person where sound or vibration originating from other than those premises is received.

2.10 **“Road”** includes a public highway, private road, lane, pathway and sidewalk.

- 2.11 **“Sound Amplifying System”** means any system of loudspeakers, amplifiers, microphones or reproducers or any combination of such equipment, including electronic devices or electro-mechanical transducers, used in the reproduction or amplification of music, speech or other sounds.
- 2.12 **“Sound Reproduction Device”** means a device intended primarily for the production or reproduction of sound, including, but not limited to, any musical instrument, radio receiver, television receiver, tape recorder, phonograph or sound amplifying system.

SECTION 3

- 3.1 No person shall make any unusual noise or noise likely to disturb the inhabitants of the Township of Madawaska Valley.
- 3.2 No person shall ring any bell, blow or sound any horn or cause same to be rung, blown sounded, shout or create, cause or permit any unnecessary noise which disturbs the inhabitants.
- 3.3 No person shall allow any sound by any animal or bird, which disturbs the peace, quiet, comfort or repose of any individual in the neighbourhood.
- 3.4 No person shall make sound or noise from or created by any radio, or any musical or sound producing instrument of whatever kind when such radio or instrument is played or operated in such 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 or other type of residence.
- 3.5 Any unnecessary noise arising from the hour of 1:00 a.m. until 6:00 a.m.

SECTION 4

- 4.1 Assessment of noise complaints may be undertaken at the point of reception of the noise or the purposes of confirming a violation.

SECTION 5 – EXEMPTIONS

- 5.1 The provisions of this By-Law shall not apply to the Township or any local board thereof, the Province of Ontario, the Government of Canada or any of their agents when the emission of sound is in connection with work undertaken for the immediate health, safety or welfare of the inhabitants of the municipality.
- 5.2 The noise caused by the erection, demolition, alteration or repair of a building or by construction or earth-moving equipment working upon a site or highway when such work is undertaken by forces of the Corporation of the Township of Madawaska Valley and/or the County of Renfrew, or public utility, or their agents or servants.
- 5.3 The constant noise generated by a manufacturing Plant.
- 5.4 An outdoor concert, outdoor band performance or special event approved by the Township Council.
- 5.5 Any vehicle of the police or fire department or any ambulance or any public service or emergency vehicle while responding to a call.

SECTION 6 – PENALTY

6.1 Any person who contravenes any of the provisions of this By-Law shall be liable, upon conviction, to a fine as provided for in the Provincial Offences Act, R.S.O. 1990.

SECTION 7 - REPEAL

7.1 That By-Law Number 2001-21 of the Township of Madawaska Valley is hereby repealed.

SECTION 8 - ENACTMENT

8.1 That this By-Law shall be deemed to come into force and take effect upon the final passing thereof.

READ A FIRST AND SECOND TIME THIS 7th DAY OF May, 2007.

MAYOR – John Hildebrandt

CAO/CLERK - Pat Pilgrim

READ A THIRD TIME AND FINALLY PASSED THIS 25th DAY OF June, 2007.

MAYOR – John Hildebrandt

CAO/CLERK - Pat Pilgrim