

THE CORPORATION OF THE TOWNSHIP OF MADAWASKA VALLEY

BY-LAW NUMBER 2021-60

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

WHEREAS it is in the public interest to prohibit and regulate 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 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, 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 **Dusk:** means the time just before night when daylight has almost gone but when it not completely dark.

2.7 **Fireworks:** means display fireworks, pyrotechnic special effects fireworks and consumer fireworks.

2.8 “**Noise**” shall mean sound that is unusual or excessive or disturbing to or likely to disturb persons(s), and/or that has a reading of more than 87 dBA as per the Canadian Centre for Occupational Health and Safety.

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

2.10 “**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 **“Point of Reception”** means any point on the premises of a person where sound or vibration originating from other than those premises is received.
- 2.11 **“Road”** includes a public highway, private road, lane, pathway and sidewalk.
- 2.12 **“Inhabitants”** – One or more persons who reside in the Township of Madawaska Valley.
- 2.13 **“Motor Vehicle”** – includes an automobile, motorcycle, and any other vehicle propelled or driven other than by muscular power; but does not include the cars of electric or steam railways, or other motor vehicles running only upon 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*;
- 2.14 **“Property”** – A building or structure or land or part of a building or structure, and includes but is not limited to lands appurtenant thereto and all mobile homes, mobile buildings or mobile structures and vacant land.
- 2.15 **“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.
- 2.16 **“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 – GENERAL PROVISIONS

- 3.1 No person shall make, cause or permit noise in the Township of Madawaska Valley
- 3.2 No person shall set off fireworks except from dusk until 11:00 p.m.

SECTION 4 – SPECIFIC PROVISIONS

- 4.1 No person shall cause or permit or allow any noise on property likely to disturb any persons in the Township of Madawaska Valley.
- 4.2.1 No person shall ring any bell, blow or sound any horn or cause same to be rung, blown sounded, causing noise which disturbs or is likely to disturb any persons.
- 4.2.2 No person shall allow any sound by any pet or harboured animal, mammal, or bird, which disturbs the peace, quiet, comfort or repose of any individual in the neighborhood.
- 4.2.3 No person shall make noise from or created by any Sound Amplifying System or Sound Reproduction Device of whatever kind when such system or device is played or operated in such manner or with such volume as to annoy or disturb or is likely to annoy or disturb or is likely to annoy or disturb the peace, quiet, comfort or repose of any individual in the municipality.
- 4.2.4 No person shall cause any unnecessary noise between the hour of 1:00 a.m. and 6:00 a.m.
- 4.2.5 No person shall shout, yell or cause any boisterous activity which disturbs or is likely to disturb any person in the municipality.
- 4.2.6 No person shall cause any noise by their operation of a motor vehicle or motorized snow vehicle in a race unless permitted by the Township Council.
- 4.2.7 No person shall cause any noise by their operation of a motor vehicle in such a way that the tires squeal.

SECTION 5 - ASSESSMENT

- 5.1 Assessment of noise complaints will be undertaken by a By-Law Enforcement Officer or any authorized person(s) appointed by the Township of Madawaska Valley at the point of reception of the noise for the purpose of confirming a violation.

SECTION 6 – EXEMPTIONS

- 6.1 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.
- 6.2 The provisions of this By-Law shall not apply to the following:
- (a) noise caused by the erection, demolition, alteration or repair of a building or by Construction Equipment 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;
 - (b) when the noise is generated by a manufacturing Plant;
 - (c) when the noise occurs at an outdoor concert, outdoor band performance or special event approved by the Township Council;
 - (d) When the noise is generated by any vehicle of the police or fire department or any ambulance or any public service or emergency vehicle while responding to a call.
 - (e) When the noise is caused by any act authorized by a permit issued by the Township.

SECTION 7 – PENALTY

- 7.1 Any person who contravenes any of the provisions of this By-Law shall be liable, upon conviction, to a fine of not more than \$5,000.00 as provided for in the *Provincial Offences Act*, R.S.O. 1990.
- (a) **Amount of Set Fines**
Subject to the approval of the Regional Senior Justice of the Ontario Court of Justice in accordance with the *Provincial Offences Act*, R.S.O 1990 Chapter P.33 as amended, the amount of the Set Fine payable on the commission of any of the offences listed in **Schedule “A”** shall be the amount set out opposite the name of the offence or such other amount set by the Regional Senior Justice of the Ontario Court of Justice.
- 7.2 All fees and charges payable under this by-law constitute a debt of the person liable for the payment of them to the Township and, in the case of the owners of a property being responsible for the payment of the fees and charges, the Township may add the amount owing to the tax roll for the owner(s) real property and collect them in like manner as municipal taxes.

SECTION 8 - REPEAL

- 8.1 That By-Law Number 2011-18 of the Township of Madawaska Valley is hereby repealed, upon the approval of the Schedule of Set Fines for By-Law Number 2021-60.


SECTION 9 - ENACTMENT

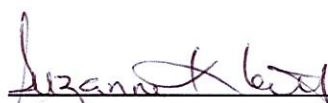
9.1 This by-law shall come into force and take effect upon the date of the final passing thereof.

READ A FIRST & SECOND TIME 13th DAY OF July, 2021.

READ A THIRD TIME AND FINALLY PASSED THIS 13th DAY OF July, 2021.




Acting MAYOR – Ernie Peplinski


CAO/CLERK – Suzanne Diane Klatt

SET FINE SCHEDULE

TOWNSHIP OF MADAWASKA VALLEY
NOISE BY-LAW NUMBER 2021-60

PART I – PROVINCIAL OFFENCES ACT
TITLE: NOISE BY-LAW

ITEM	COLUMN 1 – Short Form Wording	COLUMN 2 – Provision creating or Defining Offence	COLUMN 3 SET FINE
1	Setting off or firing of fireworks at non approved times	3.2	\$250.00
2	Noise made on property likely to disturb	4.1	\$125.00
3	Noise made by ringing of bell, horn, blown sound	4.2.1	\$125.00
4	Noise made by pet, or harboured animal, mammal or bird	4.2.2	\$125.00
5	Noise created by Sound Amplifying Device or Sound Reproduction Device of any kind	4.2.3	\$125.00
6	Noise made between the hour of 1:00 a.m. and 6:00 a.m.	4.2.4	\$125.00
7	Shouting, yelling or any boisterous activity	4.2.5	\$125.00
8	Unnecessary or avoidable noise created by any motorized vehicle	4.2.6	\$125.00
9	Noise from the Operation of motor vehicle to cause tire to squeal	4.2.7	\$125.00

NOTE: Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act* R.S.O. 1990, c P.33, as amended.