

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF MACHAR

BY-LAW NO. 47-11

**Being a by-law to prohibit and regulate certain noises
within the Township of Machar.**

WHEREAS Section 129 of the Municipal Act, 2001 permits a local municipality to prohibit and regulate noise;

WHEREAS Section 121 of the Municipal Act, 2001 permits a local municipality to prohibit and regulate the setting off of fireworks;

WHEREAS the people have a right to and should be ensured an environment free from unusual, unnecessary or excessive sounds or vibrations which may degrade the quality and tranquility of their life or cause nuisance; and

WHEREAS it is the policy of the Council to reduce and control such sound and vibration.

NOW THEREFORE the Council of the Corporation of the Township of Machar enacts as follows:

Interpretation

1. In this by-law,

- 1: Council – “Council” means the Council of the Municipal Corporation of the Township of Machar;
- 2: Fireworks – “Fireworks” means:
 - (a) Low hazard fireworks classed as subdivision 1 of Division 2 of Class 7 Fireworks under the Explosives Act (Canada) and the Regulations enacted thereunder which are generally used for recreation and include fireworks showers, fountains, golden rain, lawn lights, pin wheels, roman candles, volcanoes, sparklers, Christmas crackers and caps for toy guns.
 - (b) High hazard fireworks classed as subdivision 2 of Division 2 of Class 7 Fireworks under the Explosives Act (Canada) and the Regulations enacted thereunder which are generally used for recreation and include rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illumination, set pieces, pigeons and firecrackers.
- 3: Minister – “Minister” means the Minister of the Environment & Energy;
- 4: Ministry – “Ministry” means Ministry of the Environment & Energy;
- 5: Motor Vehicle – “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 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;
- 6: Municipality – “Municipality” means the land within the geographic limit of the municipal Corporation of the Township of Machar;
- 7: Noise – “Noise” means unwanted sound;
- 8: Point of Reception – “Point of Reception” means any point on the premises of a person where sound or vibration originating from other than those premises is received;
- 9: Residential Area – “Residential Area” means those areas of the municipality identified in the zoning by-law to be “residential”, “seasonal residential”, “shoreline residential” and “rural residential”.

Prohibited by Time and Place

2. No person shall emit or cause or permit the emission of sound resulting from an act listed herein, and which sound is clearly audible at a point of reception:

- 1: The operation in any residential area between 6:00 p.m. in the evening and 10:00 a.m. in the morning of a combustion engine which is, or is used in, or is intended for use in a toy or model or replica that has no function other than amusement and which is not a conveyance.
- 2: The operation in the municipality between 11:00 p.m. in the evening and 10:00 a.m. in the morning of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers, and intended for the production, reproduction or amplification of sound.
- 3: The operation in the municipality between 11:00 p.m. in the evening and 10:00 a.m. in the morning of any auditory signaling device, including but not limited to the ringing of bells or gongs and blowing horns or sirens or whistles, or the production, reproduction or amplification or any similar sounds by electric means except where required or authorized by law or in accordance with good safety practices.
- 4: The operation in any residential area between 11:00 p.m. in the evening and 6:00 a.m. in the morning of an engine or motor in, or on, any motor vehicle or item of attached auxiliary equipment for a continuous period exceeding five minutes, while such vehicle is stationary unless: (a) the original equipment manufacturer specifically recommends a longer idling period for normal and efficient operation of the motor vehicle in which case such recommended period shall not be exceeded; or (b) weather conditions justify the use of heating or refrigerating systems powered by the motor or engine for the safety and welfare of the operator, passengers or animals, or the preservation of perishable cargo, and the vehicle is stationary for purposes of delivery or loading; or (c) prevailing low temperature make longer idling periods necessary immediately after starting the motor or engine.
- 5: Persistent barking, calling or whining or other similar persistent noise-making in the municipality between 11:00 p.m. in the evening and 10:00 a.m. in the morning by domestic pet or other animal kept or used for any purpose other than agriculture.
- 6: Loading, unloading, delivering, packing, unpacking or otherwise handling, in any area in the municipality between 11:00 p.m. in the evening and 7:00 a.m. in the morning, any containers, products, materials or refuse, whatsoever, unless necessary for the maintenance of essential services or the moving of private households effects.
- 7: The operation or use in the municipality between 9:00 p.m. in the evening and 7:00 a.m. in the morning of any tool for domestic purposes other than snow removal.
- 8: The detonation of fireworks between 11:00 pm in the evening and 10:00 am in the morning.

Public Safety

3. Notwithstanding any other provision of this by-law, it shall be lawful to emit or cause or permit the emission of sound or vibrations in connection with the emergency measures undertaken:

- 1: For the immediate health, safety or welfare of the inhabitants or any of them; or
- 2: For the preservation or restoration or property.

Unless such sound or vibration is clearly of a longer duration or nature more disturbing, than it is reasonably necessary for the accomplishment of such emergency purpose.

Severability

4. If a court of competent jurisdiction should declare any section or part or a section of this by-law to be invalid, such section or part or a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law shall be valid and shall remain in force.

Penalty

Every person who contravenes any of provision of this by-law is guilty of an offense and shall be subject to a penalty in accordance with the Provincial Offences Act.

Enactment

This by-law shall be enacted upon the day in which it receives third and final reading and is finally passed by the municipality. By-Law No. 19-95 is hereby repealed.

THIS BY-LAW READ A 1ST, 2ND AND 3RD TIME AND FINALLY PASSED THIS 12TH DAY OF December, 2011.

Mayor Doug Maeck

Clerk-Administrator Brenda Paul, AMCT