

THE CORPORATION OF THE TOWN OF INGERSOLL

BY-LAW NO. 94-3633

A by-law to regulate or prohibit unusual noises.

WHEREAS it is deemed expedient and necessary to regulate or prohibit unusual noises or noises calculated to disturb the inhabitants of the Town of Ingersoll in the County of Oxford;

NOW THEREFORE the Council of The Corporation of the Town of Ingersoll, pursuant to the Municipal Act, R.S.O. 1990, Chapter M.45 Sections 138 and 139 and amendments thereto, enacts as follows:

- (1) That no person shall ring any bell, blow or sound any horn or cause the same to be rung, blown or sounded, shout or create, cause or permit any unusual noises or noises calculated to disturb the inhabitants.
- (2) That, for the purpose of and not so as to limit the generality of Section 1, the following noises or sounds shall be deemed to be unusual noises or noises calculated to disturb the inhabitants, namely:
 - (a) The sounding of any bell, horn, siren or other signal device on any motor vehicle, motorcycle, bicycle or other vehicle of whatsoever kind except when required by by-law;
 - (b) The sounding of any such bell, horn, siren or signal device for any unnecessary or unreasonable period of time;
 - (c) The sound or noise from or created by any radio or phonograph, public address system, sound equipment, loud speaker or similar device or devices, or any musical or sound producing instrument of whatever kind, when such device or instrument is played or operated in such a manner or with such volume as to annoy or disturb the peace, quiet, comfort or repose of any individual(s) in any commercial establishment, dwelling house, apartment house, hotel or other type of residence;
 - (d) Any sound made by any animal or bird which disturbs the peace, quiet, comfort or repose of any individual(s) in any commercial establishment, dwelling house, apartment house, hotel or other type of residence;
 - (e) The grating, grinding or rattling noises or sound caused by condition of disrepair or maladjustment or any motor vehicle, motorcycle or other vehicle whatsoever or part or accessory thereof;
 - (f) The blowing of any steam or air whistle attached to or used in connection with any stationary boiler or other machine or mechanism except as a warning device;
 - (g) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorcycle, except through a muffler or other device which effectively prevents loud explosive noises;
 - (h) Any noise arising between the hour of 8:00 p.m. of any day and 7:00 a.m. of the next following day from any excavation or construction work whatsoever, including the erection, demolition, alteration or repair of any building authorized by the Corporation, except in case of urgent necessity and then under a permit from the Building Inspector;

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- (i) Any unreasonable and/or unnecessary noise in the vicinity of any school, hospital or court while the same is in session, provided conspicuous signs are displayed in or upon the streets adjoining any such school, hospital or court, indicating that such noises are prohibited in the vicinity;
 - (j) The noise created by driving any vehicle bearing material, articles or things which are loaded upon such vehicle in such manner as to create such noise;
 - (k) The noise or sound created by the use or operation of any drum, horn, bell, radio or mechanical loudspeaker or other instrument or device or sound-producing or sound transmitting instrument or apparatus for the purpose of advertising or for attracting attention to any performance, show or sale or display or goods, wares or merchandise or which projects noise or sound into any street or other public place;
 - (l) The noise or sound created by the use or operation of any radio or mechanical loudspeaker or amplifier or other instrument or device or sound-producing, sound-reproducing or sound transmitting instrument or apparatus in or upon any vehicle except for such time and under such conditions as the Chief of Police may prescribe;
 - (m) The noise or sound caused by the discharge of any gun or other fire-arm, air gun or spring-gun or any class or type thereof, provided that this shall not apply to peace officers in the performance of their duties;
- (3) That none of the provisions of this by-law shall apply to the following:
- (a) The use in a reasonable manner of any apparatus or mechanism for the amplification of the human voice or music in a public park or any other commodious space in connection with any public election meeting, public celebration or other lawful gathering, provided written permission of the Chief of Police has first been obtained;
 - (b) Any military or other band or any parade operating under written permission first obtained from the Chief of Police;
 - (c) Any vehicle of the Police or Fire Services or any ambulance or any public service or emergency vehicle while answering a call;
 - (d) Any sound from any private radio in a motor vehicle, installed for the sole benefit or entertainment of the operator and occupants of such vehicle, when same is not audible at a distance of twenty-five (25) feet from such vehicle;

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- (e) 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;
 - (f) Any case of public convenience or necessity.
 - (g) The noise or sound created by the use of church bells and church chimes.
- (4) Every person who contravenes any provision of this by-law shall, upon conviction, be liable to a fine of not more than One Thousand (\$1,000.00) Dollars plus costs of \$3.75 for each such offence and every such penalty shall be recoverable under the Provincial Offences Act.
- (5) It is declared that, notwithstanding that any section or sections of this by-law or parts thereof, may be found by any Court of Law to be bad or illegal or beyond the

power of the Council to enact, such section or sections or parts thereof shall be deemed to be severable and that all other sections or parts of this by-law are separate and independent therefrom and enacted as such.

(6) All by-laws inconsistent with this by-law are hereby repealed.

(7) This by-law may be cited as the "Noise By-Law".

READ a first and second time this 10th day of August 1994.

READ a third time and passed this 10th day of August 1994.

Brian R. Rodenhurst, Mayor

Edward A. Hunt, Clerk Administrator