

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 135-71

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 City of North Bay.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY 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, create, cause or permit any unusual noises or noises likely to disturb the inhabitants.
2. That for the purpose of, but not so as to limit the generality of Section 1, the following noises or sounds shall be deemed to be unusual noises or noises likely 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 an unnecessary or unreasonable period of time;
 - (c) The sound or noise from or created by any radio or phonograph, television set, 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 in any dwelling house, apartment house, hotel or any other type of residence;
 - (d) Any sound made by any animal including dogs or any bird which disturbs the peace, quiet, comfort or repose of any individual in any dwelling house, apartment house, hotel or any other type of residence;
 - (e) The grating, grinding or rattling noises or sound caused by condition of disrepair or maladjustment of any motor vehicle, motorcycle or other vehicle whatsoever or any 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 for the purpose of giving notice to workmen of the time to commence or cease work, or as a warning danger;
 - (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 or explosive noises;

- (h) Any noise arising between the hour of 6:00 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 authorized by the Corporation, or from the operation of repairing, refinishing, repainting, or plating of vehicles, machinery or any parts thereof where such operation is not carried on within an enclosed structure the doors and windows of which are closed, except in case of urgent necessity and then under a permit from the Building Inspector;
 - (i) Any unreasonable and/or unnecessary noise in the vicinity of any school, hospital or court while the same is in session, convalescent or rest home and seminary of learning when such noise interferes with operators of such school, hospital, court, convalescent or rest home and seminary of learning;
 - (j) Noises created by any vehicle including cement trucks which bears material, articles or things loaded on such vehicle in a manner likely to disturb the repose of residents between the hours of eight o'clock p.m. and eight o'clock a. m. on the next following day;
 - (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 of 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 firearm, air gun and spring-gun or any class or type thereof, provided that this shall not apply to peace officers in the performance of their duties;
 - (n) Shouting or hollering in an unnecessary and disturbing manner in, or adjacent to any public street or place.
3. That none of the provisions of this by-law shall apply to the following, namely:
- (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 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 newsboy, peddler, hawker or petty tradesman plying his calling legitimately and moderately;
 - (d) Any vehicle of the police or fire department or any ambulance or any public service or emergency vehicle while answering a call;

- (e) Any sound from the 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 feet from any such vehicle;
- (f) 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;
- (g) Any case of public convenience or necessity;
- (h) The operation of the Salvation Army as heretofore carried on.

4. Any person convicted of a breach of any of the provisions of this by-law shall forfeit and pay, at the discretion of the convicting magistrate, a penalty not exceeding (exclusive of costs) the sum of \$300.00 for each offence, and every such penalty shall be recoverable under The Summary Convictions Act, all of the provisions of which shall apply, except that the imprisonment may be for any term not exceeding six months.

5. That By-law No. 833 passed by the former Township of West Ferris on the seventh day of July, A.D. 1964 be and is hereby repealed.

6. 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.

7. If what is known as "Daylight Saving Time" has been generally adopted in the municipality, for any period of the year, under any Statute, Order-in-Council, by-law, resolution or proclamation, whether the same is effective in law or not, such time shall be held to be the time referred to during such period in any reference to time in this by-law.

8. That Sub-sections (a), (b), (e), (g), (i), (j) and (l) of Section 2 and Sub-sections (d) and (e) of Section 3 of this by-law, insofar as the said Sub-sections affect the operation of motor vehicles on highways, shall come into force and take effect on the day on which they are approved by the Department of Transport and Communications of the Province of Ontario.

9. That this by-law, except for Sub-sections (a),(b),(e),(g), (i),(j) and (l) of Section 2 and Sub-sections (d) and (e) of Section 3, insofar as the said Sub-sections affect the operation of motor vehicles on highways, shall come into force and take effect on the day of the final passing hereof.

READ A FIRST TIME IN OPEN COUNCIL THIS 29TH DAY OF NOVEMBER, 1971

READ A SECOND TIME IN OPEN COUNCIL THIS 13TH DAY OF DECEMBER, 1971

READ A THIRD TIME IN OPEN COUNCIL AND FINALLY ENACTED AND PASSED THIS 13TH DAY OF DECEMBER, 1971.

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MAYOR

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CITY CLERK

Sub-sections (a),(b),(e),(g),(i),(j) and (l) of Section 2 and Sub-sections (d) and (e) of Section 3 hereof approved this day of 197 pursuant to the provisions of Section of The Highway Traffic Act.