

THE CORPORATION OF THE TOWN OF MARATHON

BY-LAW NO. 1190

Being a by-law to repeal By-Law No. 414, and
being a by-law to control noise.

WHEREAS Section 210, Subsection 138 of The Municipal Act, R.S.O. 1990, Chapter M.45, provides that by-laws may be passed by councils of local municipalities for prohibiting or regulating the ringing of bells, the blowing of horns, shouting and unusual noises or noises likely to disturb the inhabitants;

AND WHEREAS Section 210, paragraph 139 of the said Municipal Act provides that by-laws may be passed by councils of local municipalities for licensing, regulating and governing the owners or operators of public address systems, sound equipment, loudspeakers or similar devices when used on a highway, public land or land adjacent thereto or when emitting sound thereto;

AND WHEREAS it is advisable to prohibit and regulate such sounds and noises;

NOW THEREFORE the Council of the Corporation of the Town of Marathon enacts as follows that:

1. **Definitions**

In this by-law:

- (a) "Town" means the Corporate limits of the Corporation of the Town of Marathon.
 - (b) "Council" means the Council of the Corporation of the Town of Marathon.
 - (c) "a public address system" means any system of loud speakers, amplifiers, microphones or reproducers or combination of such equipment used in the reproduction or amplification of music, speech or other sounds, when used for communication to or otherwise addressing or entertaining groups of people, whether the same is mounted on the exterior of a building or other structure or directed to the exterior of such buildings or structure or upon the ground.
 - (d) "Official" means the Clerk for the Town of Marathon or his/her designate.
2. No person shall, at any time, within the Town, ring any bell, blow or sound any horn, shout or make any unusual noise or noise likely to disturb the inhabitants of the Town.
 3. Nothing contained in this by-law shall prevent the ringing of bells in connection with church, chapel, meeting house or religious service or the ringing of fire bells or fire alarms or the making of any other noise for the purpose of giving notice of fire or any other danger.
 4. No person shall, at any time, within the Town, keep any dogs or animals, the sounds or cries of which disturb or are liable to disturb the inhabitants or residents of the neighbourhood in which such dogs or animals are kept.

- 5. No person shall cause or permit:
 - (a) a radio, phonograph, cassette tape player, compact disc player, piano or other instrument or public address system to be used at any time of the day or night so as to disturb the peace and comfort of the neighbourhood or any person in any dwelling house, apartment, room or other type of residence separate from the dwelling house, apartment, room or residence in which the aforementioned equipment or instruments are used;
 - (b) without the written permission of the Official of the Town, a public address system to be used for the projection of sound into the streets or other public places after 11:00 p.m., provided that nothing in this paragraph shall apply to the use of amplifiers in a reasonable manner in a public park or other such commodious space for the purpose of election meetings or other reasonable gatherings and provided further that if, for any reason, the Official is not satisfied that written permission is to be granted, he shall report the application to Council which may grant or withhold such permission;
 - (c) the use of any sound producing, sound re-producing or sound transmitting instrument or apparatus in any street or public place either for the purpose of advertising or for gain or otherwise;
 - (d) the operation of any public address system within:
 - (i) one hundred (100) metres of the hospital
 - (ii) one hundred (100) metres of any school during school hours.
- 6. No person shall, at any time, drive any vehicle bearing material, articles or things which are loaded upon such vehicles in such a manner as to create unnecessary noise.

7. **Penalties**

Every person who contravenes any provision of this by-law, is guilty of an offence and the matter will be dealt with as provided for in the Provincial Offences Act, R.S.O. 1990, Chapter P. 33; as from time to time amended.

- 8. That this by-law come into force and take effect on the final day of passing.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY

PASSED ON THIS _____ DAY OF _____, 1998.

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Mayor

(SEAL)

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Clerk