

THE CORPORATION OF THE TOWN OF MARATHON

BY-LAW NO. 2115

Being a by-law to repeal by-law 1190
being a by-law to regulate and prohibit
noise within the Corporation of the Town
of Marathon.

WHEREAS Section 8(1) of the Municipal Act, 2001, S.O. 2001, c.25, (the "Municipal Act, 2001") as amended, provides that the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 9 of the Municipal Act, 2001, as amended, provides that a municipality has the capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 10 of the Municipal Act, 2001, as amended, provides that a Municipality may provide any service or thing that the municipality considers necessary or desirable for the public, and in particular paragraphs 5, 6, and 8 of subsection 10(2), authorize by-laws respecting the economic, social, and environmental well-being of the municipality; the health, safety and well-being of persons; and the protection of persons and property;

AND WHEREAS Section 128 of the Municipal Act, 2001, as amended, provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances;

AND WHEREAS Section 129 of the Municipal Act, 2001, as amended, authorizes municipalities to pass by-laws to regulate and prohibit with respect to noise, vibration and odour.

AND WHEREAS Section 425 of the Municipal Act, 2001, as amended, provides that a municipality may pass by-laws providing that a person who contravenes a By-law of the municipality passed under the Municipal Act, S.O. 2001, c.25, as amended, is guilty of an offence;

AND WHEREAS Section 429 of the Municipal Act, 2001, as amended, provides that a municipality may establish a system of fines for offences under a by-law passed under the Municipal Act, 2001, S.O. 2001, c.25, as amended;

AND WHEREAS Section 15 of the Police Services Act, R.S.O 1990, c. P.15 as amended, authorized municipalities to appoint persons to enforce the by-laws of a municipality and that Municipal Law Enforcement Officers are Peace Officers for the purpose of enforcing municipal by-laws;

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

1.0 Short Title

1.1 This by-law may be cited as the "Noise Control" By-Law.

2.0 Definitions

For the purposes of this by-law:

Council - means the Council of the Corporation of the Town of Marathon.

Municipality - means the Corporation of the Town of Marathon.

Officer - means a Municipal By-law Enforcement Officer or other person appointed by Council for the purpose of enforcing this By-law.

Person - means any individual, firm, partnership, corporation, or other legal entity.

Residential Zone - means any area zoned for residential use under the Town’s Zoning By-law.

Sound - includes vibration.

Motor Vehicle - means any vehicle propelled or driven otherwise than by muscular power, including cars, trucks, motorcycles, snowmobiles, and construction equipment.

3.0 General Prohibition

- 3.1 No person shall make, cause, or permit the emission of noise that is likely to disturb the peace, rest, enjoyment, comfort, or convenience of any person in the Town of Marathon.
- 3.2 At the discretion of the Officer responding to a noise complaint, the Officer may measure the sound level at the property line of the complainant. In such cases, the maximum permissible sound levels shall be:
 - 55 dB(A) between 7:00 AM and 10:00 PM (daytime), and
 - 50 dB(A) between 10:00 PM and 7:00 AM (nighttime).

4.0 Prohibited Noises

- 4.1 Without limiting the generality of Section 3, the following noises are specifically prohibited within the municipality at all times, or during the times set out below:

<u>Prohibited Activity</u>	<u>Prohibited Times</u>
(a) The sounding of any horn or signal device except when required by law.	At any time when unnecessary.
(b) The operation of any construction equipment in or adjacent to residential zones.	Between 10:00 PM and 6:00 AM.
(c) The operation of chain saws, lawnmowers, or similar devices in residential areas.	Between 10:00 PM and 7:00 AM.
(d) Persistent yelling, shouting, hooting, singing, or amplified sound that disturbs the quiet of a neighborhood.	At any time that disturbs residents.
(e) The operation of motor vehicles with a defective or modified exhaust.	At all times.
(f) The squealing of tires, engine revving, or racing of motor vehicles.	At all times.
(g) The operation of a radio, television, musical instrument, or sound equipment in a manner that disturbs others.	Between 10:00 PM and 7:00 AM.

- (h) Persistent barking, calling or whining or other noise by any domestic pet or any other animal kept. At all times.

5.0 Snow Removal Activities in Residential Zones

- 5.1 Permitted Hours - Snow removal in residential zones is permitted during all hours when necessary to maintain safety and accessibility.
- 5.2 Minimizing Noise and Disruption - Any person or contractor engaged in snow removal within or adjacent to residential zones must take reasonable steps to ensure that such activities are conducted in a manner that minimizes noise and disruption to nearby residents. This includes, but is not limited to:
 - (a) Using the quietest practical equipment;
 - (b) Avoiding excessive idling of machinery;
 - (c) Minimizing the use of backup alarms or engine revving during overnight hours (10:00 PM to 7:00 AM);
 - (d) Conducting non-urgent snow removal after 7:00 AM where feasible.
- 5.3 Enforcement and Discretion - The By-law Enforcement Officer shall have discretion to determine whether reasonable steps have been taken to minimize disruption, based on complaints received, time of operation, type of equipment used, and proximity to sleeping quarters.

6.0 Exemptions

- (a) Emergency services operating in the performance of their duties;
- (b) Public works or utility operations necessary for public safety or essential services;
- (c) Special events authorized by the By-law Enforcement Officer.

7.0 Enforcement

- 7.1 This By-law shall be enforced by a By-law Enforcement Officer or any person designated by the Municipality.

8.0 Penalties

- 8.1 Any person who contravenes any provision of this By-law is guilty of an offence and is subject to penalties as provided under the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.

9.0 Implementation

- 9.1 This By-law shall come into force and effect upon the date of an Order of the Ontario Court of Justice approving the set fines for the offences of this By-law.

READ A FIRST AND SECOND AND THIRD TIME AND FINALLY
PASSED THIS 15TH DAY OF DECEMEBER, A.D., 2025.

(SEAL)

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Mayor

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Clerk

Schedule "A"
Set Fines

"Part 1 Provincial Offences Act"

The Corporation of the Town of Marathon

Item #	Short Form Wording	Provisions Creating or Defining Offence	Set Fine
1.	Make or permit noise likely to disturb	Section 3.1	\$250.00
2.	Sounding horn or signal device not required by law	Section 4.1 Item (a)	\$250.00
3.	Operating construction equipment in or near a residential zone	Section 4.1 Item (b)	\$250.00
4.	Operating lawnmower, chainsaw or similar device in a residential area	Section 4.1 Item (c)	\$250.00
5.	Yelling, shouting, singing or amplified sound disturbing the quiet of a neighborhood	Section 4.1 Item (d)	\$250.00
6.	Operating motor vehicle with defective, modified or non-standard exhaust	Section 4.1 Item (e)	\$250.00
7.	Squealing tires, engine revving or racing a motor vehicle	Section 4.1 Item (f)	\$250.00
8.	Operating radio, television or sound equipment causing a disturbance	Section 4.1 Item (g)	\$250.00
9.	Allowing persistent barking or noise from an animal	Section 4.1 Item (h)	\$250.00
10.	Fail to take reasonable steps to minimize noise during snow removal in a residential zone	Section 5.2	\$250.00

"Note: The general penalty provision for the offences listed above is Section 8.1 of By-law 2115, a certified copy of which has been filed and section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33."