

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 10 204

A BY-LAW TO PREVENT CERTAIN NOISES CALCULATED TO DISTURB THE INHABITANTS OF THE CITY AND TO REPEAL BY-LAW 7124

WHEREAS it is deemed expedient and necessary to exercise the powers conferred upon local municipalities under **section 210(138) of the Municipal Act, chap. P.13, R. S. O. 1990, as amended**, which states that by-laws may be passed by local municipalities for prohibiting or regulating, within the municipality or within any defined area or areas thereof, the ringing of bells, the blowing of horns, shouting and unusual noises, or noises likely to disturb the inhabitants.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

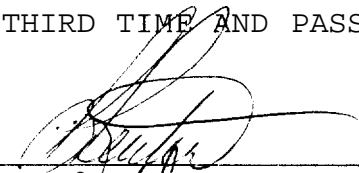
1. No person shall ring any bell, blow or sound any horn or cause or permit the same to be rung, blown or sounded, shout or make any unusual noises, or noises likely to disturb the inhabitants or cause or permit the same to be made within the limits of the City of Welland.
2. Without limiting the generality of the provisions of section 1, the following noises or sounds shall be deemed to be unusual noises or noise likely to disturb the inhabitants, namely:
 - (a) the sounding of any bell, horn, siren or other warning device on any motor vehicle, motorcycle, snowmobile, bicycle or other vehicle or whatsoever kind except when permitted by law;
 - (b) the sounding of any such bell, horn, siren or warning device for an unnecessary or unreasonable period of time;
 - (c) the grating, grinding or rattling sound or noise caused by the condition of disrepair or maladjustment of any motor vehicle, motorcycle, snowmobile, trailer or other vehicle or part or accessory thereof;
 - (d) the sound or noise created by the operation of any motor vehicle, trailer or other vehicle bearing material, articles or things which are loaded upon such vehicle in such manner as to create noise;
 - (e) the sound or noise from the discharge into the open air of the exhaust of any steam engine or internal combustion engine, including the engine of an automobile, motorcycle

- and snowmobile, except through a muffler or other device which effectively prevents loud or explosive noises;
- (f) the sound made by any animal or bird which unreasonably disturbs the peace, quiet, comfort or repose of any person in any dwelling unit, hotel or other type of residence;
- (g) the sound or noise from 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 of danger;
- (h) the sound or noise arising between the hour of 6:00 o'clock p.m. of any day and 7:00 o'clock a.m. of the following day from any excavation or construction work whatsoever, including the erection, demolition, alteration or repair of any building or structure except in case of urgent necessity;
- (i) the sound or noise produced by the venting, release or pressure relief of air, steam or other gaseous material, product or compound from any autoclave, boiler, compressor, pressure vessel, pipe, valve, machine, device or system which disturbs the peace, quiet, comfort or repose of any person in any dwelling unit, hotel or other type of residence;
- (j) the sound or noise from or created by any radio, television, record player, tape player, amplifier, loud speaker, public address system, musical instrument or equipment, device or instrument which emits sound when the same is played or operated in such manner or with such volume as to disturb the peace, quiet, comfort or repose of any person in any dwelling unit, hotel or other type of residence;
- (l) any shouting, yelling, hooting, whistling or singing which disturbs the peace, quiet, comfort or repose of any person in any dwelling unit, hotel or other type of residence and arises between the hour of 11:00 o'clock p.m. of any Sunday, Monday, Tuesday, Wednesday or Thursday and the hour of 7:00 o'clock a.m. of the


- following day (unless the following day is a holiday) or between the hour of 1:00 o'clock a.m. and the hour of 7:00 o'clock a.m. of any Saturday, Sunday or holiday;
- (m) any unreasonable or unnecessary noise in the vicinity of any school, hospital or court of law while the same is in session;
 - (n) the sound or noise from or created by any drum, horn, bell, radio, record player, tape player, amplifier, loudspeaker, public address system or equipment, device or instrument which emits sound when the same is used or operated for the purpose of advertising or for attracting attention to any performance or sale, show or display of goods, wares or merchandise and projects such sound or noise into any street or other public place;
 - (o) the sound or noise from or created by any radio, record player, tape player, amplifier, loud speaker, public address system or equipment, device or instrument which emits sound when the same is used or operated from any motor vehicle, trailer or other vehicle except for such time and under such conditions as may be prescribed by the Regional Police.
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 recreational area under the control and management of the City of Welland in connection with any public election meeting, public celebration or other lawful gathering, provided that written permission of Council has first been obtained;
 - (b) any band or parade operating under written permission first obtained from council;
 - (c) any newsboy, peddler, hawker or petty tradesman plying his calling legitimately and moderately;
 - (d) any vehicle of the police or fire department, any ambulance or any public service or emergency vehicle while answering a call;

- (e) 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 feet from such vehicle;
 - (f) any sound arising from the operation of any railway which operates under **The Railway Act of Canada** or any plant or work in connection with any such railway;
 - (g) any case of public convenience or necessity.
4. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction therefore is liable to a penalty prescribed under the Provincial Offences Act.
5. That By-law 7124 be and the same is hereby repealed.
6. This by-law shall come into force and take effect on the date of it's passage.

READ A FIRST, SECOND AND THIRD TIME AND PASSED ON THE
7TH DAY OF SEPTEMBER , 1993.



MAYOR



CLERK