

**Bylaw 1118**  
**A Bylaw of the Town of Oxbow to Provide for Noise Control**  
**Within the Town of Oxbow**

**WHEREAS** in accordance with Section 8(1) of *The Municipalities Act*, the Council of the Town of Oxbow is empowered to enact a bylaw to prohibit, eliminate or abate the making or causing of noises or sounds in or on a highway or elsewhere in the municipality, and make different regulations or prohibitions for different areas of the municipality;

**NOW THEREFORE**, the Council of the Town of Oxbow, meeting duly assembled in open Council meeting, enacts as follows:

**Cite**

1. This Bylaw may be cited as the “Town of Oxbow Noise Control Bylaw.”

**Definitions**

2. The following words and phrases used in this Bylaw shall have the meanings specified to them as next set out:
  - a. “Town” means the Corporation of the Town of Oxbow or the area contained within its boundaries as the context requires;
  - b. “Council” means the Council of the Town of Oxbow;
  - c. “Inspector” means any person or persons appointed from time to time by or designated by resolution of Council from time to time as may be required to enforce and administer this Bylaw;
  - d. “Owner” shall:
    - i have the meaning of “registered owner” as defined in *The Land Titles Act, 2000*;
    - ii include an occupier, a person who is or is found to be in care and control of Property or a tenant subject to a “Tenancy” as that term is defined in *The Residential Tenancies Act 2006*;
  - e. “Person” includes any company, corporation, firm, association, partnership, society, individual, or party;
  - f. “Property” includes any real property, together with all improvements which have been affixed or brought onto the land and also includes “Residential Premises” as that term is defined in *The Residential Tenancies Act, 2006*;
  - h. Other than as defined herein or unless the context otherwise requires, the words and phrases of this Bylaw shall have the meaning subscribed to them as defined in *The Highways and Transportation Act, 1997*;
  - i. “Noise” shall include, without limiting the generality of the foregoing, any clamor, loud outcry, screaming, shouting, yelling, or swearing or any other sound or sounds which are loud, harsh, undesirable, or disagreeable. What is a loud, hard, undesirable or disagreeable noise is a question of fact to be determined by a court of competent jurisdiction or trier of fact which hears a prosecution of an offence as against the within Bylaw.

### **General Prohibition**

3. Except to the extent it is allowed by this Bylaw;
  - a. No Person or Owner shall make, or continue to make, permit, suffer, or allow to be continued, any noise whatsoever which noise either annoys, disturbs, injures, endangers, or detracts from the comfort, repose, health, peace or safety of any other Person or Owner within the Town of Oxbow.
4. In a prosecution of an Owner for an alleged contravention of the within Bylaw, it shall not be a defense that the Owner was not the person who made, or continued to be made or allowed to be made or allowed to be continued to be made or permitted, suffered, or allowed, the noise complained of.

### **Domestic Noises**

5. No Person or Owner shall operate or allow to be operated:
  - a. A lawn mower of any kind;
  - b. Power garden tool;
  - c. Hedge trimmer;
  - d. Roto - tiller;
  - e. Snow Clearing device;
  - f. Model aircraft driven by an internal combustion engine of any description;
  - g. Any other device, excluding motor vehicles, powered by an engine of any description in a residential district between the hours of:
    - i. 10:00 o'clock in the evening and 7:00 o'clock in the next morning on weekdays;
    - ii. 10:00 o'clock in the evening and 9:00 o'clock in the next morning of the following day which is a Sunday or a holiday.
6. No person or owner who owns, or has the care or control of or keeps, harbours or allows to stay on his premises a dog or any animal, shall allow such dog or animal to bark or howl or make any cries, sounds or loud or excessive noise.

### **Construction Noises**

7. Except in an emergency, no person shall carry on the construction, erection, demolition, alteration, or repair of any type of building or structure which involves hammering, sawing, drilling or the use of any machine, tools or any other equipment capable or creating a sound beyond the boundaries of the site on which the activity is being carried on, in any district in the Town of Oxbow, after the hour of 10:00 o'clock in the evening and before the hour of 7:00 o'clock in the morning of any day.
8. The provisions of Section 7 hereto do not apply to any work carried on by the Town or by a contractor or employee carrying out the instructions of the Town which are of an exigent nature.
9. Except in an emergency, no person shall for profit or gain on a Sunday, construct, erect, reconstruct, alter, repair or demolish any building structure or thing, or fill in land, in any manner which disturbs the quiet, peace, rest, enjoyment, comfort, or convenience or any person in the neighborhood.

10. Where it is impossible or impractical to comply with this section, the Town Council or Town Administrator may give written approval to carry on the work that is found to be necessary at designated hours. Responsibility for obtaining written approval lies with the person carrying on the work.

### **Motor Vehicle Noises**

11. No person shall create loud unusual or unnecessary noise in the operation of a motor vehicle upon a public street, land or thoroughfare within the Town whether the noise is caused by the mechanical condition of the motor vehicle or the manner which the motor vehicle is operated and whether or not the vehicle is stationary or moving at the time the noise is created.
12. No person shall emit or cause the emission of any loud, unusual or unnecessary noise, or noises which annoy, disturb, injure, endanger, or detracts from the comfort, repose, health, peace or safety of others within the Town resulting from any of the following act:
  - a. The Sounding of a motor vehicle signaling device or warning device or siren, except where required, or authorized by this Bylaw.
  - b. The operation anywhere other than on a public highway of an engine or motor, in or on any motor vehicle, or vehicles, or item of auxiliary equipment of a continuous period exceeding thirty minutes while such is stationary in a residential zone unless:
    - i. The vehicle is in an enclosed structure so as to effectively prevent excessive noise emissions; or
    - ii. The operation of such engine or motor is essential to a basic function of the vehicle or equipment, including by not limited to, the operation of ready-mixed concrete trucks, lift platforms or refuse compactors; or
    - iii. Weather conditions justify the use of heating or refrigerating systems powered by a motor or engine for the safety and welfare of the operator, passengers, or animals, or the preservation of perishable cargo; or
    - iv. The idling is for the purpose of cleaning and flushing the radiator and associated circulation system for seasonal change of anti-freeze, cleaning of the fuel system, carburetor or like, when such work is performed other than for profit.

### **Noises Absolutely Prohibited**

13. No person other than a Peace Officer in the regular course of duty shall discharge a firearm within the Town of Oxbow.

### **Advertising Noises**

14. No person shall operate any outdoor public address system in the Town without first having obtained a permit therefore.
15. No person shall advertise any event or merchandise by ringing bells, blowing whistles, calling loudly, playing music, play any type of musical instrument, playing or using any type of noise-making instrument, or by the use of loud speakers or other devices for the amplification of sound, or by any other audible means, on any street or other public place, or in any building or premises with the intention or result that the sound therefrom shall be or is audible to persons using or frequenting any street or other public place.

### **Exemptions**

16. The provisions of this Bylaw shall not apply to:
  - a. the ringing of bells in churches, religious establishments, and schools;
  - b. the moderate use of musical instruments to call attention to an opportunity to contribute to a collection made for a charitable undertaking during the Christmas season or at any other time;
  - c. the playing of a band, the sounding of a steam whistle, the sounding of motor vehicle horns or the use of sound amplification equipment used in connection with any authorized parade;
  - d. the moderate playing of musical instruments appropriate to any religious street service;
  - e. the sounding of a general or a particular alarm or warning to announce a fire or other emergency or disaster;
  - f. the sounding of whistles or sirens on any vehicles used by the police or fire department, or on any ambulance or public service vehicle;
  - g. any sound amplification equipment used by the police, fire department, or any ambulance service or public service;
  - h. 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 or public celebration;
  - i. any other celebration or event which has been approved by Council.

### **Severability**

17. If a court of competent jurisdiction should declare any section or part of a section of this Bylaw to be invalid, such section or part thereof shall not be construed as having persuaded or influenced the Council to pass the remainder of the Bylaw and it is hereby declared that the remainder of the Bylaw shall be valid and shall remain in force and effect.

### **Penalties**

18. Every person or owner who:
  - a. Contravenes or violates any of the provisions of the within Bylaw;
  - b. Suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw;
  - c. Neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw.is guilty of an offence and is liable to a fine of not less than Five Hundred (\$500.00) Dollars for each offence or in default of payment of the fine and cost, to imprisonment for a period not exceeding Thirty (30) Days.
19. Each day that a violation continues to exist shall constitute a separate offence.

### **Repeal and Consequential**

20. Bylaw 1035 and all amendments thereto are hereby repealed.

**Coming into Force**

21. This bylaw comes into force and takes effect upon third reading.

First Reading: August 19, 2019

Second Reading: August 19, 2019

Third Reading: August 19, 2019

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Mayor

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Administrator

Certified a true copy of Bylaw 1118  
adopted by Council on the 19<sup>th</sup> day  
of August, 2019.