

THE CORPORATION OF THE  
TOWN OF PELHAM

By-law Number 114 (1971)

Being a By-law to prohibit the ringing of bells, the blowing of horns, shouting and unusual noises likely to disturb the inhabitants of the Town of Pelham, and for prohibiting public nuisances.

WHEREAS the Municipal Act, R.S.O. 1960, Chapter 249, Section 379, Subsection (1), Paragraph 114, as amended by The Municipal Amendment Act, 1967, provides that by-laws may be passed by the councils of local municipalities for prohibiting the blowing of horns, shouting and unusual noises or noises likely to disturb the inhabitants;

AND WHEREAS paragraph 116 of the said section provides that by-laws may be passed by local municipalities for prohibiting and abating public nuisances;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

1. NO PERSON within the Town of Pelham shall ring any bell or blow any horn other than in the operation of a motor vehicle in a normal and safe manner;
2. NO PERSON within the Town of Pelham shall shout, make unusual noises, or noises likely to disturb the inhabitants of any area of the Town;
3. WITHOUT limiting the generality of the foregoing, unusual noises or noises likely to disturb the inhabitants, shall be deemed to include:-
  - a) amplified voices and amplified music of a volume likely to disturb the inhabitants of any area of the Town;
  - b) noises created by the attachment to any motor vehicle of any noise-making appliances or appliances other than those required for the normal operation of a motor vehicle;
  - c) unnecessary and excessive operation of warning appliances attached to any motor vehicle;
  - d) the racing or accelerating of a motor attached to any motor vehicle while the vehicle is not in motion;
  - e) noises caused by the application of brakes on any motor vehicle, including the squealing of tires on streets and highways when the application of the said brakes is not required as a result of an emergency while the vehicle was being operated in a normal and reasonable manner;

- f) shouting, swearing, or carrying on of a conversation in loud tones at such times and places as is likely to disturb the inhabitants of any area of the Town.

4. NO PERSON or persons within the Town of Pelham shall permit on any premises, public or privately owned, or controlled by him or her, any singing, shouting, unusual noise, playing of musical instruments, radios and televisions in such manner as is likely to disturb the inhabitants in the area, between the hours of 12:30 a.m. and 7:00 a.m. Tuesday through Saturday, Sunday and Monday the time shall be from 12:01 a.m. to 9:00 a.m. The times hereinbefore referred to shall be "Eastern Standard Time" or "Daylight Saving Time" or such other "time" as may be proclaimed from time to time for public use throughout the Corporation of the Town of Pelham. Nothing herein contained shall be deemed to permit unusual noise at any other time.

5. WITHOUT limiting the generality of the foregoing a public nuisance shall include:

- i) Any noise which inflicts damage, injury or inconvenience upon the inhabitants of the Town or any part thereof.

- ii) The keeping of any animal or animals, domestic or otherwise, in such manner or in any such place as to cause material discomfort or annoyance to the inhabitants of the Town or any part thereof.

6. NOTHING in this by-law contained shall be deemed to prohibit the following:

- a) Alarm signals in case of fire, collision or other emergency, or for the necessary signals of vehicles of the fire department, police department or any ambulance service operating within the Town.

- b) the ringing of bells in connection with the operation of railways.

- c) any military or other band or any parade operating under written permission first obtained from the Town Council.

- d) the ringing of bells or amplification of music or chimes in connection with any church or chapel.

7. EVERY PERSON who contravenes any of the provisions of this By-law shall upon conviction thereof forfeit and pay a penalty not exceeding THREE HUNDRED (\$300.00) DOLLARS (exclusive of costs) for each such offence, and every such penalty shall be recoverable under The Summary Convictions Act, all the provisions of which shall apply except that the imprisonment may be for a term of not more than six months.

8. THIS BY-LAW shall come into full force and effect immediately upon the passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED IN COUNCIL THIS 9th. DAY OF AUGUST, 1971.