

THE CORPORATION OF THE TOWNSHIP OF GREATER MADAWASKA

BY-LAW 27-2025

Being a By-Law to control noise in the Township of Greater Madawaska

WHEREAS under Section 129 of the *Municipal Act, S.O. 2001, c.25* as amended, councils of local municipalities may pass by-laws prohibiting or regulating noise within the whole of the municipality or within certain defined areas;

WHEREAS it is in the public interest to regulate noise in the Township of Greater Madawaska so as to preserve, protect and promote public health, safety, welfare and the peace and quiet of inhabitants of the Township;

NOW THEREFORE the Council of the Corporation of the Township of Greater Madawaska enacts as follows:

1. DEFINITIONS

1.01 In this By-Law the following terms shall have the following meanings:

By-Law Officer means a person appointed by the Council of the Township of Greater Madawaska as a Municipal By-Law Enforcement Officer to enforce the provisions of this By-Law;

CAO shall mean the Chief Administrative Officer of the Township of Greater Madawaska or his/her designate;

Construction includes the erection, alteration, repair, dismantling, demolition or structural maintenance of buildings, land clearing, earth moving, grading, excavating, laying of pipe and conduit whether above or below ground level, street and highway building, application of concrete, equipment installation and alteration and the structural installation of construction components and materials in any form or for any purpose, and includes any work in connection therewith;

Construction equipment means any equipment or device designed and intended for use in Construction or material handling, including but not limited to, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, forklifts, cranes, derricks, loaders, scrapers, pavers, generators, off-Highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders, or other material handling equipment;

Council means the elected Council of The Corporation of the Township of Greater Madawaska;

dBA means the sound level in decibels obtained when using a sound level meter with the A-weighting;

dBA Lmax means the maximum sound level, measured in decibels, during a measurement period or a noise event.

Effective Muffler means a muffler in good working order and in constant operation to prevent excessive or unusual noise, but it does not include a cut-out muffler, straight exhaust, gutted muffler, Hollywood muffler, by-pass or similar device;

Electronic Device means a device intended primarily for the production, reproduction or amplification of sound, including, but not limited to, any musical instrument, radio receiver, television receiver, recorder, phonograph, loudspeakers, amplifiers, microphones or reproducers or any combination of such equipment, including devices used in the reproduction of music, speech or other sounds;

Emergency means a sudden and unexpected occurrence demanding immediate action to prevent possible injury, loss of life or substantial property damage;

Equivalent sound level, sometimes denoted as Leq, means the value of the constant sound level which would result in exposure to the same total A – weighted energy as would the specified time-varying sound if the constant sound level persisted over an equal time interval and is measured in dBA;

Motorcycle means a self-propelled vehicle having a seat or saddle for the use of the driver and designed to travel on not more than three (3) wheels in contact with the ground and includes a motor scooter but does not include a motor assisted bicycle.

Motorsport track means a track used for the purpose of motor vehicle sports, education, training or testing whether competitive or not.

Motor vehicle or vehicle as defined in the *Highway Traffic Act, R.S.O. 1990, c H.8*.

Noise means sound that is excessive, or of such volume or persistence that it has the effect or potential effect of disturbing inhabitants, or that is likely to interfere with the reasonable use and enjoyment of a premises or residential property with adverse effects for example loud music, loud parties, band practice, and loud pets;

Noise level in dBA units means the reading of any precision sound level meter which meets the International Electro-technical Commission Publication 651 or the American National Standards Institute S1.4-1983.

Occurrence Inspection means an inspection conducted by the Police or By-law Officers of the Township as a result of a complaint or incident of excessive noise, and any associated action required to address said complaint or incident.

Person means any human being, association, firm, corporation, partnership, agent or trustee and the heirs, executors or other legal representatives of a person to whom the context can apply.

Point of Reception means any point on the property of a person within the Township where sound or vibration originating from another premises is received.

Police means the Ontario Provincial Police or authorized representative.

Sound amplifying system means any system of loudspeakers, amplifiers, microphones or reproducers or any combination of such equipment, including electronic devices or electro-mechanical transducers used in the reproduction or amplification of music, speech or other sounds.

Sound reproduction device means a device intended primarily for the production or reproduction of sound, including, but not limited to, any musical instrument, radio receiver, television receiver, tape recorder, phonograph or sound amplification system.

Special Event means an exhibition, concert, festival and other organized amusements held for profit or otherwise at which one hundred (100) people or more attend.

Township means the municipal corporation of the Township of Greater Madawaska or the geographic area of the Township of Greater Madawaska as the context requires.

Unreasonable Noise means sound that can be heard at a Point of Reception that unreasonably interferes with the comfort, peace, rest, enjoyment, or convenience of any reasonable Person. The making, allowing, creation or maintenance of loud, unnecessary, or unusual noises which are continuously heard for a period of thirty (30) minutes or more or intermittently over a period of one (1) hour or more, constitute Unreasonable Noise.

2. INTERPRETATION

2.1 The words importing singular number only shall include the plural, and vice versa, and words importing the masculine gender shall include the feminine gender, and

vice versa, and words importing persons shall include firms and corporations and vice versa.

- 2.2 Words which have been defined in Section 1. or elsewhere in this By-Law or any schedule attached hereto shall have that defined meaning when the said words, singular or plural are used elsewhere in this By-Law or any schedule attached hereto.
- 2.3 It is declared that if any section, subsection or part or parts thereof of this By-Law be declared by any Court of Law to be unenforceable, illegal or ultra vires, such section, subsection or part or parts thereof shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

3. APPLICATION

- 3.1 The general noise prohibition activities described in Schedule "A" apply to all lands within the Township at all times.
- 3.2 The prohibitions described in Schedule "B" apply to all lands within the Township during the days and between the times specified in Schedule "B".
- 3.3 Listed General Noise Exemptions by activity, use or location are specified in Schedule "C".
- 3.4 Motorsport Track or Facilities activities are to follow process and regulations as defined in Schedule "D".

4. REGULATIONS

- 4.1 No Person shall make, cause or permit the creation of Unreasonable Noise, resulting from an act listed in Schedule "A" of this By-law that is clearly audible at a point of reception anywhere within the Township at any time.
- 4.2 No Person shall, during the days and between the times specified in Schedule "B", make, cause or permit the making of noise that is the result of the activities described in Schedule "B" and that is unwanted at the point of reception anywhere within the Township at any time.
- 4.3 Administrative Fee: Where a Person or Owner has received an occurrence inspection an Administrative Fee may be charged for the inspection and the Administrative Fee as Set out in the User Fees and Charges By-law, if not paid, shall be added to the tax roll of the property and shall be collected in a like manner as municipal taxes.

5 EXEMPTIONS

- 5.1 The prohibitions described in Schedules "A" and "B" do not apply if the noise is necessary and the result of measures undertaken in an emergency for the:
 - a. immediate health, safety or welfare of the inhabitants; or
 - b. preservation of property;
- 5.2 The prohibitions described in Schedules "A" and "B" do not apply if the noise is the result of an activity that has been granted an exemption under Schedule "C".
- 5.3 Special Event
 - a. No Person shall conduct or allow a Special Event without a permit issued in accordance with the current Special Events By-Law.
 - b. An Applicant for a permit provided for in Section 5.3 (a) shall apply to the CAO no later than sixty (60) days prior to the proposed commencement date of the Event and no such permit shall be issued except under the authority of the CAO and the permit shall be subject to the following conditions:

- i. all conditions applicable as per the current Special Events By-law, and;
 - ii. the Special Event shall not create noise likely to cause a nuisance or exceed 65 dBA Lmax when measured at the point of reception, and;
 - iii. a Special Event shall not continue between 2300 hours on one day and 0900 hours on the following day, and;
 - iv. notwithstanding the provisions of subsection (iii), Council may authorize continuance of a Special Event beyond 2300 hours on one day to a time not later than 0200 hours on the next day provided that the Applicant demonstrates to Council that the Event is of significant advantage to the Township and that the extension of the event will not adversely affect the public or those at the point of reception in a significant or material manner.
- c. The CAO may require monitoring of sound levels resulting from the special event and if so, the monitoring shall be conducted at the applicant's expense as outlined in the current Fees & Charges By-law.

6 SCHEDULES

6.1 The following schedules are attached to and form part of this by-law

Schedule A	General Noise Prohibitions
Schedule B	Noise Prohibitions
Schedule C	Exemptions from the Noise Prohibitions
Schedule D	Motorsport Track or Facility

7 ENFORCEMENT

7.1 This By-Law shall be enforced by the Police or by the By-Law Officers of the Township.

7.2 In the event of any contravention of the provisions of this By-Law or any Special Event Permit issued, a permit may be revoked by the CAO provided:

- a. written notice shall be sent to the applicant for the permit by first class mail or by personal service at the address provided in the application for permit and if sent by first class mail, it shall be deemed to be received five (5) days after it is mailed;
- b. the written notice shall set out a brief summary of the facts which support the alleged contravention and shall provide two (2) days' notice within which the contravention may be remedied;
- c. if the contravention referred to herein is not remedied within the two (2) days provided for in subsection (b), or if the contravention is similar to a contravention which has occurred on two or more previous occasions within the sixty (60) days preceding the last and subject contravention, the CAO may revoke the permit.

7.3 Notwithstanding Section 7.2, in addition to the enforcement provided by Section 7, the Township may enforce the provisions of this By-Law and any contravention thereof including any permit by prosecution under Section 8.

8 OFFENCE AND PENALTIES

8.1 Every person who contravenes any of the provisions of this By-Law is guilty of an offence.

8.2 Every person who is convicted of an offence under this By-Law is liable to a fine as provided for in the *Provincial Offences Act, R.S.O. 1990, a. P.33*.

8.3 When a person has been convicted of an offence under this By-Law:

- a. the Ontario Court (Provincial Division), or

- b. any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence.

9 REPEAL

By-law 14-2016 is hereby repealed in its entirety.

10 EFFECTIVE DATE

This By-Law shall come into effect upon passing.

BE IT THEREFORE ENACTED as a By-Law of the Corporation of the Township of Greater Madawaska as follows:

READ a first and second time this 17th of April 2025.

READ a third time and passed this 17th of April 2025.

Rob Weir, Mayor

Robin Emon, Clerk

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Schedule “A” General Noise Prohibitions

1. No Person shall make, cause or permit the creation of Unreasonable Noise, that is clearly audible at a point of reception anywhere within the Township any time. Where this By-Law sets a specific noise limit for a specific type of activity, the specific noise limit shall apply to that activity and no person shall make or permit any noise to exceed that specific noise limit.
2. Ringing any bell, sounding any horn, or shouting in a manner likely to disturb the inhabitants of the Township is prohibited.
3. Persistent unnecessary and unreasonable barking, howling, calling or whining or other similar persistent noise making by any domestic pet, or any other animal kept or used for a purpose other than agriculture is prohibited.

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Schedule “B”
Noise Prohibitions

Noise Type	Prohibited Times
The detonation of fireworks except those authorized by the Fire Chief and explosive devices except those in connection with construction activities	As regulated in the Township's Open Air Burning By-Law
The manufacturing of construction material or the operation of any construction or manufacturing equipment in connect with construction or any construction related activity, including those activities that use explosive devices.	9:00pm - 7:00am Monday - Saturday 9:00pm - 9:00am Sunday & Statutory Holidays
Outdoor operation of any powered or non-powered tool for domestic residential purposes other than snow removal (includes lawn mowers, leaf blowers, chain saws or other similar devices.)	9:00pm - 7:00am Monday - Saturday 9:00pm - 9:00am Sunday & Statutory Holidays
The operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers, and intended for the production, reproduction or amplification of sound.	11:00pm - 7:00am Monday - Saturday 11:00pm - 9:00am Sunday & Statutory Holidays
Yelling, shouting, hooting, whistling.	11:00pm - 7:00am All days of the week

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Schedule “C” Exemptions from the Noise Prohibitions

1. Operation of emergency vehicles.
2. Operation of municipal service vehicles and related equipment.
3. Operation of utility service vehicles and related equipment.
4. Authorized displays of fireworks.
5. Races, parades, processions, and events for ceremonial, religious or traditional purposes that have been authorized by the Township.
6. Operation of bells, chimes, carillons and clocks in churches and public buildings.
7. Cultural, recreational, educational and political events in parks and other public places that have been authorized by the Township.
8. Neighbourhood events on municipal highways and other municipal property that have been authorized by the Township.
9. Sounds emitted in connection within the operation of a farm, including farm animals, farm equipment or machinery while conducting normal farm practices as defined in the *Farming and Food Production Protection Act, 1998 S. O. 1998, c.1* as amended from time to time, and when done within the appropriate zone.
10. Sounds emitted in connection with any commercial entities while supporting agricultural operations conducting normal farm practices at the time as those terms are defined in the *Farming and Food Production Protection Act, 1998 S.O. 1998, c.1* as amended from time to time, and when done within the appropriate zone.
11. Signals operated in accordance with applicable legislation (including warning signals for hydro dams).
12. Sounds associated with construction or repair work which is required urgently in order to prevent severe damage to buildings or property.
13. Sounds emitted as a result of snow removal equipment that is essential for the normal operation of a business or residence.

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Schedule “D” Motorsport Track or Facility

1. No Person shall operate or permit the operation of a motorsport track or facility on a property within the Township, unless they are in compliance with each of the following:
 - a. the motorsport track or facility is a permanent track or facility;
 - b. all motor vehicles used are properly equipped with effective mufflers;
 - c. there shall be no site wide public address or sound amplifying system installed or operating at the facility;
 - d. the sound levels generated by the activities on the motorsport track or at the facility and measured at any point of reception shall not exceed Ministry of Environment noise guidelines as may be amended from time to time and without limiting the generality of the foregoing, the following:
 - i. Ministry of Environment Publication NPC-205, Sound Limits for Stationary Noise Sources in Class 1 & 2 Areas (Urban), October 1995;
 - ii. Ministry of Environment Publication NPC-232, Sound Limits for Stationary Noise Sources in Class 3 Areas (Rural), October 1995.
 - e. the motorsport track is not used between 1900 hours of one day and 0700 hours of the next day unless the next day is Sunday in which case the motorsport track shall not be used until 0900;
 - f. the motorsport track and facility are used in strict compliance with all zoning and land use policies of the Township applicable to the property;
 - g. an operating permit is obtained from the CAO of the Township in accordance with this By-Law and thereby compliance with the conditions of issuance and holding of the permit provided for in Section 4 of this By-law;
2. An application for the permit provided for in Section 1 (g) shall be made to the CAO who is the delegated authority to grant the said permit, and no permit shall be issued save and except in compliance with the terms hereinafter set out:
 - a. a permit shall be issued for a period not to exceed three (3) years;
 - b. the use or operation of the motorsport track and/or facility will comply with the provisions of this By-Law.
3. The application referred to in Section 2 shall be made in writing by the owner of the motorsport track and facility or an authorized representative of the owner at least sixty (60) days prior to the commencement of the operation proposed and shall include the following information:
 - a. the name, address and telephone number of the applicant;
 - b. the name, address and telephone number of the applicant's representative, if any, and the written authority signed by the owner to make the application;
 - c. the date and time of commencement of the operation for which the permit is sought;
 - d. a description of the operation and the duration of same for which the permit is sought;
 - e. the location of the motorsport track and facility including municipal address and legal description for which the permit is sought;

- f. the name of the contact person or persons including contact information and telephone numbers of the person or persons who will be managing the facility and activities;
 - g. documentary evidence which may, at the discretion of the CAO include the report or reports of third party experts to confirm that the operation of the motorsport track and facility will comply with the provisions of this By-Law;
 - h. payment of the application fee as described in the User Fees and Charges By-law;
 - i. payment of any third party professional fees incurred by the Township to administer the application.
4. As a condition of the issuance and holding of any permit, the CAO may in his or her discretion require:
- a. monitoring and/or audit from time to time of sound levels of any activity of the motorsport track or facility and the monitoring and/or audit shall be conducted by an independent and qualified acoustical monitoring service as approved by the CAO at the applicant's expense;
 - b. noise testing from time to time of all vehicles using the motorsport track and facility so as to identify and avoid any contraventions of this By-Law and in so doing the Owner, Applicant or Operator shall perform the following:
 - i. Sound Measuring Instrumentation

For the noise testing of vehicles, the operator of the track will use a Type 2 sound level meter, or better, as set out in Ministry of Environment Publication NPC-103. Instruments shall be field calibrated on a daily basis when in use. Instruments and field calibrators shall be calibrated at an accredited acoustical laboratory on an annual basis. Records of laboratory calibrations shall be maintained.
 - ii. Stationary Sound Level Test

The sound level meter shall be set to record the maximum instantaneous sound level, Lmax and be set to "fast" response, A-weighted.

The sound level shall be measured 5m in front and 5m behind a stationary vehicle with its engine operating at maximum allowable rpm (revolutions per minute) or the red line on the tachometer.

The following shall be recorded for each test: date, make, model, colour, identification (license number of vehicle serial number) and the sound measurement results.

For a vehicle to be permitted to use the track, the average sound level shall not exceed 100 dBA and no individual reading shall exceed 104 dBA.
 - iii. Pass-by Sound Level Test

The sound level meter shall be set to record the maximum instantaneous sound level, Lmax and be set to "fast" response, A-weighted.

The vehicle to be tested shall be moving along a straight section of the track at maximum acceleration.

The pass-by sound level, Lmax, shall be recorded at a location to the side of the track which is 15m from the center line of the vehicle travel path. The vehicle shall have travelled at least 75m at

maximum acceleration by the time it passes the measurement location. There shall be no obstructions between the microphone of the sound level meter and the vehicle.

The following shall be recorded for each test: date, make, model, colour, identification (license number of vehicle serial number) and the pass-by sound level.

The pass-by sound levels of individual vehicles are to be used to determine the limit of the number of vehicles allowed to simultaneously use the track.

iv. Period of Validity of Noise Tests for an Individual Vehicle

The stationary and pass-by sound level results for an individual vehicle shall be conducted at least once in every six (6) month period save and except that if there are changes or modifications to the vehicle which affect noise output, the vehicle shall be retested. The fitting of a new muffler or a different make or model of tire shall require retesting of the vehicle.

c. Log of Track Use

A daily log of track use shall be kept which records the date, time and period of track use of individual vehicles using the track. For each period of track use, the pass-by sound level of the loudest vehicle on the track shall be recorded.

d. Noise Complaints and Investigations

The owners of any motorsport track and facility shall keep records of all noise complaints received. These records shall include: name of the complainant, address of the complainant, date and time the complaint was received, the nature and details of the complaint including the time that disturbing noise was noticed by the complainant. The weather, including an estimate of wind direction and speed at the time of the disturbing noise shall be recorded.

The records should include the results of any follow-up investigation and action as a result of the complaint.

e. Record Retention and Availability of Records to the Township of Greater Madawaska

The following records shall be retained by the owners of any motorsport track and facility for a minimum of two years from the date of their creation: individual vehicle stationary and pass-by sound level tests, log of track use, records of noise complaints and investigations.

The records shall be available for review by the staff of the Township. Copies of the records shall be provided to the Township upon request.

f. Noise Control Protocol

The owners of any motorsport track and facility shall develop and maintain a Noise Control Protocol for the facility. This document should be used by the owners and operators as a procedural manual for the management of noise from the motorsport track and facility. The document should provide detailed descriptions for the implementation of vehicle inspection and noise testing, procedures for controlling the overall noise from the track, procedures for regulating the maximum numbers of vehicles permitted to simultaneously use the track, procedures for noise complaints and investigations, and record keeping.

A copy of the Noise Control Protocol is to be provided to the Township. The Noise Control Protocol shall be updated from time to time to ensure

compliance with this By-Law. The Township is to be provided with updated versions of the Noise Control Protocol whenever these are issued.

g. Acoustical Audit of the Facility

Within the first year of the operation of any motorsport track and facility, an acoustical audit shall be conducted according to the procedures in Ministry of Environment Document NPC-233, Information to be submitted for Approval of Stationary Sources of Sound, October 1995.

The purpose of the audit is to confirm that noise from the facility does not exceed sound level limits at nearby noise sensitive receptors as set out in Ministry of Environment Documents NPC-205 and NPC-232.

The audit is to be conducted by an independent acoustical consultant, that is, a consultant not associated with the development of the facility as set out in NPC-233.

The audit report may recommend changes to the Noise Control Protocol.

The audit is to be conducted, as far as possible, taking into account the following:

- i. the audit should demonstrate the effectiveness of the noise control procedures set out in the Noise Control Protocol.
- ii. The audit shall include use of the track by motorcycles as well as cars.
- iii. The activities audited should be representative of those activities which are estimated to produce the most noise.
- iv. The potentially adverse effects of weather, especially wind, shall be considered in the audit.
- v. For demonstration purposes during the audit, the track may, for brief periods, be operated under conditions which exceed the noise control procedures set out in the Noise Control Protocol.