

OFFICE OF THE REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE  
NORTHEAST REGION

159 CEDAR STREET  
3<sup>rd</sup> FLOOR, SUITE 303  
SUDBURY, ONTARIO P3E 6A5



CABINET DU JUGE PRINCIPAL RÉGIONAL  
COUR DE JUSTICE DE L'ONTARIO  
RÉGION DU NORD-EST

159, RUE CEDAR  
3<sup>e</sup> ÉTAGE, BUREAU 303  
SUDBURY (ONTARIO) P3E 6A5

TELEPHONE/TÉLÉPHONE (705) 564-7624  
FAX/TÉLÉCOPIEUR (705) 564-7620

April 18, 2016

Ms. Christiane Potvin, Clerk  
Township of Val Rita-Harty  
2 Avenue de l'Eglise  
C.P. 100  
Val Rita, Ontario, P0L 2G0

Dear Ms. Potvin:

**Re: Set Fines – Provincial Offences Act – Part I**  
**Township of Val Rita-Harty, Cochrane District**

Enclosed herewith are original Orders and original schedules of set fines for By-law No. 1026-16, 1028-16 and 1032-16, the By-laws indicated in the schedules. Please ensure that a copy of the said documents is forwarded to the Provincial Offences Office, which has jurisdiction for the Township of Val Rita-Harty.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

I have forwarded the copy of the Order and the schedules of these set fines to the Ontario Court of Justice in Cochrane, together with a certified copy of the By-Law.

Yours truly,

A handwritten signature in blue ink, appearing to read 'P. Boucher'.

PATRICK BOUCHER  
REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE

PJB/hrd

Encl.

c.c.: His Worship Theodore Hodgins, Regional Senior Justice of the Peace  
Her Worship Monique Mechefske, Justice of the Peace

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## PROVINCIAL OFFENCES ACT

### Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-Law No. 1026-16, of the Township of Val Rita-Harty, Cochrane District, attached hereto is the set fine for that offence. This Order is to take effect April 25<sup>th</sup>, 2016.

Dated at the City of Greater Sudbury, this 18<sup>th</sup> day of April, 2016.

A handwritten signature in blue ink, appearing to read "P. Boucher", written over a horizontal line.

PATRICK BOUCHER  
REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE

# CORPORATION OF THE TOWNSHIP OF VAL RITA-HARTY

BY-LAW No. 1026-16

## Schedule "A"

### Part I Provincial Offences Act

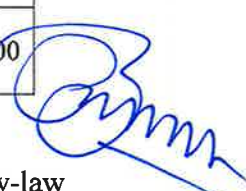
#### THE CORPORATION OF THE TOWNSHIP OF VAL RITA-HARTY

#### TO BY-LAW NO. 1026-16

Being a by-law to prohibit or regulate noise within the Corporation of the Township of Val Rita-Harty

Item	Column 1 Short Form Wording	Column 2 Provisions creating or defining offence	Column 3 Set Fine
1	Noise from likely to disturb	s. 2	\$ 200.00
2	Noise from Radio – Loud Speaker	s. 3(a)	\$ 200.00
3	Noise from Amplifier – Loud Speaker	s. 3(b)	\$ 200.00
4	Noise from Animal	s. 3(c)	\$ 200.00
5	Noise from Motor Racing or Idling –Standing Motor Vehicle	s. 3(d)	\$ 200.00
6	Noise from Construction – Demolition, Repair, Restrictions when prohibited	s. 3(e)	\$ 200.00
7	Noise from Yard equipment – Times of Day	s. 3(f)	\$ 200.00

Note: the general penalty provision for the offences listed above is section 6 of by-law 1026-16, a certified copy of which has been filed



# CORPORATION OF THE TOWNSHIP OF VAL RITA-HARTY

BY-LAW No. 1026-16

## A BY-LAW TO PROHIBIT OR REGULATE NOISES WITHIN THE CORPORATION OF THE TOWNSHIP OF VAL RITA-HARTY

**WHEREAS** Sections 9 & 129 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that the Council of local Municipality may pass by-laws to prohibit and regulate with respect to noise and vibration.

**NOW THEREFORE** the Council of the Corporation of the Township of Val Rita-Harty enacts as follows:

1. **Définitions:**

a) Dwelling House

A "dwelling house" includes an apartment house or any other type of permanent or temporary residence.

b) Person

A "person" includes a corporation.

c) Emergency Vehicle

An "emergency vehicle" includes a police car, ambulance, fire truck or other vehicle responding to an emergency call pursuant to a call for service.

2. **General - Likely to Disturb**

No person shall within the limits of the Corporation of the Township of Val Rita-Harty make or permit any noise and/or vibration likely to disturb the inhabitant thereof.

**3. Without limiting the generality of Section 2, the following noises or sounds shall be deemed to be noises likely to disturb the inhabitants of the municipality:**

**a) Radio - Loud Speaker**

The noises or sound made or created by any radio, phonograph, public address system, sound equipment, loud speaker, musical instrument or other sound-producing equipment, when the equipment is played or operated in such a manner that the sound or noise made or created thereby disturbs the peace, comfort, or repose of any person in a dwelling house shall be deemed to be noises likely to disturb from Sunday to Thursday between 10:00 o'clock pm to 7:00 o'clock am on the following day and Friday and Saturday between 11:00 o'clock pm to 7:00 o'clock am on the following day.

**b) Amplifier - Loud Speaker**

The noise or sound caused or made by an amplifier or loud speaker carried in or attached to a motor vehicle being operated or standing on a public highway shall be deemed to be noises likely to disturb from Sunday to Thursday between 10:00 o'clock pm to 7:00 o'clock am on the following day and Friday and Saturday between 11:00 o'clock pm to 7:00 o'clock am on the following day.

**c) Animal**

The sound made by an animal (dog, cat, bird, etc.) under the care of an individual and/or individuals which disturbs the peace, comfort or repose of any person in a dwelling house shall be deemed to be noises likely to disturb at all times.

**d) Motor Racing - Standing Motor Vehicle**

The noise caused by the unnecessary racing or idling of the motor of a standing motor vehicle shall be deemed to be noises likely to disturb at all times.

**e) Construction - Demolition, Repair, Restrictions**

The noise caused by the erection, demolition, alteration or repair of a building or by construction of earth-moving equipment working upon such site situated within 500 feet of an occupied dwelling house from Sunday to Thursday between 10:00 o'clock pm to 7:00 o'clock am on the following day and Friday and Saturday between 11:00 o'clock pm to 7:00 o'clock am on the following day.

# CORPORATION OF THE TOWNSHIP OF VAL RITA-HARTY

BY-LAW No. 1026-16

f) Yard equipment- Times of Day

The noise made by a power lawn mower within 100 feet of an occupied dwelling house on any day, from Sunday to Thursday between 10:00 o'clock pm to 7:00 o'clock am on the following day and Friday and Saturday between 11:00 o'clock pm to 7:00 o'clock am on the following day.

# CORPORATION OF THE TOWNSHIP OF VAL RITA-HARTY

BY-LAW No. 1026-16

## 4. Exceptions:

None of the provisions of this by-law shall apply to prevent:

### a) Parades, Fairs, Public or Fundraising Functions

The noise caused by a lawful parade, fair, public function or fundraising function, which has been duly authorized by a Resolution of Council.

### b) Public Utility Work

The noise caused by works done upon a site or highway when such work is undertaken by forces of the Corporation of the Township of Val Rita-Harty, Hydro One, the Ministry of Transportation, any other public utility, or any Contractor providing services on their behalf, with the Corporation of the Township of Val Rita-Harty.

### c) Traffic Control Devices

The noise created as part of traffic control devices, including those at traffic signal locations and railway crossings.

### d) Warning Safety Devices - Vehicles

The noise created as part of a vehicle's warning devices where required in accordance with good safety practices, including a vehicle's back-up alarm.

### e) Snow Removal Equipment

The noise created by the operation of snow removal equipment while in operation of snow removal.

### f) Emergency Vehicle Sirens

The noise created by the sound of a siren on an emergency vehicle.

# CORPORATION OF THE TOWNSHIP OF VAL RITA-HARTY

BY-LAW No. 1026-16

## 5. **Grant Exceptions by Council:**

### a) **Exceptions**

Notwithstanding anything contained in this by-law, any person may make application to Council to be granted an exemption from any of the provisions of this by-law with respect to any sources of sound for which he/she might be prosecuted. Council, by resolution, may refuse to grant any exception or may grant the exemption applied for or any exception of lesser effect. Any exception granted shall specify the time period, not in excess of 6 months, during which it is effective and may contain such terms and conditions as Council sees fit.

### b) **Breach**

Breach by the applicant of any of the terms or conditions of any exemption shall render the exemption null and void.

## 6. **Fines and Enforcement**

### a) **Penalties**

Any person who contravenes any provision of this by-law is guilty of an offence and is liable to a fine not exceeding five thousand dollars (\$5,000) per occurrence upon conviction, and is recoverable under the terms of the Provincial Offences Act.

### b) **Enforcement**

This by-law shall be enforced by a Police Officer, Provincial Offences Officer, By-law Enforcement Officer or any other person appointed by the Council of the Corporation of the Township of Val Rita-Harty

## 7. **General**

a) If any provision of this by-law is declared invalid for any reason by a Court of competent jurisdiction, the remainder of the by-law shall continue in force.

b) This By-law shall come into force and effect immediately upon the passing thereof.

c) That schedule "A" forms part of by-law #1026-16



**CORPORATION OF THE TOWNSHIP OF VAL RITA-HARTY**

BY-LAW No. 1026-16

8. That by-law #976-14 be repealed

**READ A FIRST TIME THIS 22<sup>ND</sup> DAY OF MARCH 2016**

  
\_\_\_\_\_  
Mayor: Johanne Baril

  
\_\_\_\_\_  
Clerk: Christiane Potvin

**READ A SECOND TIME THIS 22<sup>ND</sup> DAY OF MARCH 2016**

  
\_\_\_\_\_  
Mayor: Johanne Baril

  
\_\_\_\_\_  
Clerk: Christiane Potvin

**READ A THIRD TIME AND PASSED THIS 22<sup>ND</sup> DAY OF MARCH 2016**

  
\_\_\_\_\_  
Mayor: Johanne Baril

  
\_\_\_\_\_  
Clerk: Christiane Potvin