

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 on any day, between 11:00 o'clock p.m. to 7:00 o'clock a.m. of 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 on any day, between 11:00 o'clock p.m. to 7:00 o'clock a.m. of 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 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 on any day, between the hours of 9:00 o'clock p.m. and 7:00 o'clock a.m. of the following day.

f) Lawnmower - Times of Day

The noise made by a power lawn mower within 100 feet of an occupied dwelling house on any day, between the hours of 10:00 o'clock p.m. and 7:00 a.m. of the following day.

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.

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 of two hundred dollars (\$200.00) 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.

CORPORATION OF THE TOWNSHIP OF VAL RITA-HARTY

BY-LAW No. 976-14

READ A FIRST TIME THIS 18th DAY OF JUNE 2014

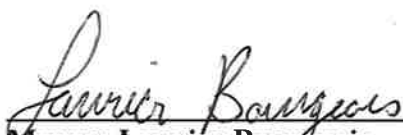


Mayor: Laurier Bourgeois



Clerk: Christiane Potvin

READ A SECOND TIME THIS 16th DAY OF JULY 2014



Mayor: Laurier Bourgeois



Clerk: Christiane Potvin

READ A THIRD TIME AND PASSED THIS 16th DAY OF JULY 2014



Mayor: Laurier Bourgeois



Clerk: Christiane Potvin