

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.

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.

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 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

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 That by-law #976-14 be repealed

READ A FIRST TIME THIS 22ND DAY OF MARCH 2016

Mayor: Johanne Baril

Clerk: Christiane Potvin

READ A SECOND TIME THIS 22ND DAY OF MARCH 2016

Mayor: Johanne Baril

Clerk: Christiane Potvin

READ A THIRD TIME AND PASSED THIS 22ND DAY OF MARCH 2016

Mayor: Johanne Baril

Clerk: Christiane Potvin

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