

THE CORPORATION OF THE TOWNSHIP OF ADJALA-TOSORONTIO

BY-LAW NO. 15-28

A BY-LAW TO PROHIBIT AND REGULATE NUISANCES RESULTING FROM NOISE WITHIN THE TOWNSHIP OF ADJALA-TOSORONTIO

Nuisance By-law

WHEREAS the Municipal Act, R.S.O. 1990, c.M.45, as amended, provides that municipalities may prohibit and regulate noise;

AND WHEREAS the Council of the Corporation of the Township of Adjala-Tosorontio deems it necessary to regulate and/or prohibit noise within the Township of Adjala-Tosorontio that is likely to disturb the public.

NOW THEREFORE the Council of the Corporation of the Township of Adjala – Tosorontio enacts as follows:

1 DEFINITIONS

- 1.1 “Agricultural Use” means lands zoned for agricultural use under the Township Zoning By-law, as amended and is used for the growing of crops, including nursery, horticultural crops, and/or raising of livestock.
- 1.2 “Construction” means the erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, the laying of pipe or conduit, whether above or below ground, street and highway building, concreting, equipment installation and alteration and the structural installation of construction components and materials in any form or for any purpose, and includes work in connection therewith.
- 1.3 “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, excavators, cranes, derricks, loaders, scrapers, pavers, generators, ditchers, compactors, and rollers, concrete mixers or other material handling equipment.
- 1.4 “Council” means the Council of The Corporation of the Township of Adjala-Tosorontio.
- 1.5 “Farmer” means a person or their agent who is engaged in an agricultural operation on lands zoned for agricultural use.
- 1.6 “Inhabitants” means one or more persons who reside in, own or occupy property in the Township.
- 1.7 “Livestock” means domestic animals such as cattle, horses, pigs, or poultry raised for home use or profit.
- 1.8 “Noise” means any unwanted sound that is of such volume or nature that it is likely to disturb the public and that is clearly audible at the point of reception.

- 1.9 "Persistent" means continuously for fifteen (15) minutes or intermittently, totaling fifteen (15) minutes over a period of one hour.
- 1.10 "Officer" means a Municipal By-law Enforcement Officer, Provincial Offences Officer, Police Officer, or other duly appointed individual.
- 1.11 "Point Of Reception" means any point on a premises where noise or vibration originating from a source other than those premises is received.
- 1.12 "Shooting Range or Shooting Club" means an establishment that is provincially licensed or is part of a premise that is licensed to sell and/or repair firearms.
- 1.13 "Township" means The Corporation of the Township of Adjala-Tosorontio or the land within the geographic limit of The Corporation of the Township of Adjala-Tosorontio as the context requires.

2 GENERAL PROHIBITIONS

No person shall create, cause or permit the emission of noise resulting from an act listed herein that disturbs or is likely to disturb any inhabitant of the Township:

- 2.1 Persistent howling, calling, whining or other similar persistent noise by any domestic pet or any other animal kept or used for a purpose other than livestock.
- 2.2 Noise made by yelling, shouting or other boisterous activity by any person between the hours of 11:00 P.M. and 7:00 A.M. of the following day.
- 2.3 Noise caused by the erection, demolition, alteration or repair of a building or by construction equipment working upon a site within 300 feet of an occupied dwelling unit on any day between the hours of 9:00 P.M. and 6:00 A.M. of the next day.
- 2.4 Noise or sound made or created by any radio, stereo, phonograph, public address system, loud speaker, musical instrument, or any electronic device designed to amplify sound 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.
- 2.5 The persistent discharge of firearms at a location other than a "Shooting Range or Club" or at a location that is part of a premise that is licensed to sell and/or repair firearms.

3 EXEMPTIONS

This By-law shall not apply to a person who emits or causes or permits the emission of noise in connection with any of the following activities:

- 3.1 Any event where an approved noise exemption has been granted prior to the event.
- 3.2 Township, County of Simcoe and/or Ministry of Transportation operations including, but not limited to, snow removal, street cleaning, garbage collection, and conducted services on behalf of the Township, County of Simcoe and/or Ministry of Transportation.
- 3.3 Noise caused by a farmer or their agent in the performing of any agricultural operation on lands zoned for agricultural use.
- 3.4 Noise caused by any Commercial, Institutional or Industrial operation that is duly licensed.
- 3.5 The discharging of Fireworks as permitted by the Township Fireworks By-Law.
- 3.6 Any event conducted on a property zoned for such an event in accordance with the Township's Zoning By-Law.
- 3.7 The sound of any bell, horn, siren, or other signaling device when required or permitted by law.
- 3.8 Noise caused from emergency generators.

4 ENFORCEMENT AND PENALTIES

- 4.1 The provisions of this by-law shall be enforceable by a Municipal By-law Enforcement Officer, Provincial Offences Officer, Police Officer, or other duly appointed individual.
- 4.2 No person shall obstruct, hinder, or otherwise interfere with a Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this by-law.
- 4.3 Every person who contravenes any provision of this By-Law is guilty of an offence and upon conviction is liable to a fine not exceeding \$5,000.00 for each offence exclusive of costs, pursuant to section 61 of the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended.
- 4.4 Each day of contravention shall be a separate offence.

5 SEVERABILITY

- 5.1 Should any section of this by-law be declared by a Court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.
- 5.2 Should the provisions of this By-law be found to conflict with the provisions of any other By-law of the Township the provisions of this By-law shall prevail.

6 FORCE AND EFFECT

- 6.1 This By-law shall come into force and effect upon its final passage thereof.

- 6.2 THAT this By-law shall be reviewed by September 1, 2016.
- 6.3 THAT, notwithstanding anything contrary to the rules of procedure, this By-law be introduced and read a first and second time and be considered read a third time and finally passed this day of 10th of August, 2015.



MAYOR MARY SMALL BRETT



CLERK BARBARA KANE

Corporation of the Township of Adjala-Tosorontio

By-law No. 15-28

Schedule "A"

PART 1 Provincial Offences Act

By-law No. 15-28, being a by-law to prohibit and regulate nuisances
Resulting from noise

Page #1

Item #	COLUMN 1 Short Form Wording	COLUMN 2 Offence creating provision or defining offence	COLUMN 3 Set Fine
1	Persistent howling, calling, whining or other similar persistent noise by any domestic pet or any other animal kept or used for a purpose other than livestock	2.1	\$100.00
2	Noise made by yelling, shouting or other boisterous activity by any person between the hours of 11:00 P.M. and 7:00 A.M. of the following day	2.2	\$100.00
3	Noise caused by the erection, demolition, alteration or repair of a building or by construction equipment working upon a site within 300 feet of an occupied dwelling unit on any day between the hours of 9:00 P.M. and 6:00 A.M. of the next day	2.3	\$100.00
4	Noise made by any electronic device designed to amplify sound thereby disturbing the peace	2.4	\$100.00
5	Noise from the persistent discharge of firearms at a location other than a "Shooting Range or Club" or at a location that is part of a premise that is licensed to sell and/or repair firearms	2.5	\$100.00
6	Hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this by-law	4.2	\$100.00

NOTE: Penalty provision for the offences indicated above is Section 4.3 of By-law No. 15-28, a certified copy of which has been filed.