

**THE CORPORATION OF THE UNITED TOWNSHIPS  
OF DYSART, DUDLEY, HARCOURT, GUILFORD,  
HARBURN, BRUTON, HAVELOCK, EYRE AND CLYDE**

**BY-LAW NO. 2019-42**

**BEING A BY-LAW TO PROHIBIT AND REGULATE NOISE WITHIN THE  
CORPORATION OF THE UNITED TOWNSHIPS OF DYSART ET AL**

**WHEREAS**, the people of the Municipality of Dysart et al expect, and have a right to, an environment free from unusual, unnecessary or excessive sound or which may degrade the quality and tranquility of their life;

**AND WHEREAS**, Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25 and amendments thereto enables the councils of local municipalities to pass by-laws respecting economic, social and environmental well-being of the municipality;

**AND WHEREAS**, Section 129 of the Municipal Act, 2001, S.O. 2001, c. 25 and amendments thereto enables the councils of local municipalities to prohibit and regulate noise within the municipality;

**AND WHEREAS**, Section 434.1 of the Municipal Act, 2001, S.O. 2001, c. 25 and amendments thereto enables the councils of local municipalities to establish a system of administrative penalties and whereas Section 434.2 establishes an administrative penalty constitutes a debt of the person which may be added to the tax roll.

**NOW THEREFORE** the Council of the Corporation of the United Townships of Dysart et al hereby enacts as follows:

THAT in this By-law,

**1. SHORT TITLE**

1.1 This By-law may be cited as the "Noise By-law."

**2. DEFINITIONS;**

For the purpose of this By-law;

2.1 "Construction" means the erection, alteration, repair, dismantling, maintenance, land clearing, earth moving, excavation, blasting, road building, equipment installation and alteration, and including any work in connection therewith;

2.2 "Municipality" means the Municipality of Dysart et al;

2.3 "Officer" means a person appointed by Council as a Municipal Law Enforcement Officer, a Police Officer, Fire Chief or other individual duly appointed to enforce this By-law;

2.4 "Person" means an individual, corporation or other legal entity.

**3. GENERAL REGULATIONS**

3.1 No person shall emit or cause or permit the emission of unreasonable noise that is clearly audible at a point of reception.

3.2 Without limiting the generality of Section 3.1 of this By-law, noise is deemed to be unreasonable if resulting from:

3.2.1 Construction or the operation of any construction equipment between the hours of 11:00 PM and 7:00 AM of the next day;

- 3.2.2 Radio, television, sound equipment or loud speaker, musical instrument between the hours of 11:00 PM and 7:00 AM of the next day; or
- 3.2.3 Yelling, shouting, hooting or similar noise made by a human between the hours of 11:00 PM and 7:00 AM of the next day.

#### **4. EXCEPTIONS**

- 4.1 The provisions of this By-law shall not apply to incidental noise generated by:
  - 4.1.1 Police, Fire, Ambulance or other emergency vehicles or any measures undertaken in an emergency for the immediate health, safety, or welfare of the inhabitants;
  - 4.1.2 Persons or organizations who have received permission for an event from the Municipality of Dysart et al;
  - 4.1.3 The ringing of bells in connection with any place of worship or religious service;
  - 4.1.4 Operation of snow plowing or snow removal on public or private property; or
  - 4.1.5 Agricultural, Commercial, Institutional or Industrial activities recognized as normal operating practice.

#### **5. ADMINISTRATION & ENFORCEMENT PROVISIONS**

- 5.1 This By-law shall be administered by the Chief Building Official.
- 5.2 This By-law shall be enforced by an Officer.

#### **6. POWERS OF ENTRY**

- 6.1 An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with this By-law.
- 6.2 No person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer or other duly appointed person who is exercising a power or performing a duty under this By-law.

#### **7. ORDER TO DISCONTINUE ACTIVITY**

- 7.1 If an Officer is satisfied that this By-law has been contravened, the Officer may make an Order, requiring the person who contravened the By-law, or who caused or permitted the contravention, or the Owner of the land on which the contravention occurred, to discontinue the contravention.
- 7.2 An Order made under section 7.1 of this By-law shall set out:
  - a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
  - b) the date by which there must be compliance with the Order.
- 7.3 A person who contravenes an Order made under section 7.1 of this By-law is guilty of an offence.

#### **8. ADMINISTRATIVE PENALTIES**

- 8.1 An Officer who finds that a person has contravened any provision of this By-law may issue a penalty notice addressed to that person.
- 8.2 Any person who contravenes any provision of this By-law shall, upon issuance of a penalty notice pursuant to Section 8.1, be liable to pay to the Municipality an administrative penalty in the amount of \$100.00.
- 8.3 The penalty notice shall be given to the person to whom or to which it is addressed as soon as is reasonably practicable and shall include the following information:

- a) Particulars of the contravention, including to which property it applies;
- b) The amount of the administrative penalty;
- c) A statement advising that an administrative penalty will constitute a debt to the Municipality.

8.4 A person who has been issued a penalty notice shall pay the administrative penalty within fifteen (15) days from the date the notice was issued.

8.5 An administrative penalty that is not paid in full within 15 days constitutes a debt to the Municipality and may be added to the tax roll of the property on which the offence occurred.

## **9.0 SERVICE OF DOCUMENTS**

9.1 The Municipality may serve any document under this By-law, including but not limited to a penalty notice, personally to the person named on the notice, by registered or regular mail addressed to the person to whom the document is to be given at the person's last known address.

9.2 Service by registered or regular mail under subsection 9.1 shall be deemed to have been made on the fifth day after the day of mailing.

9.3 A person's last known address includes the address provided by the person to the Municipality as identified in the property tax file.

## **10. OFFENCE & PENALTY PROVISIONS**

10.1 Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

10.2 If this By-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

## **11. BY-LAW TO BE REPEALED**

11.1 That By-law 2016-62 is hereby repealed.

## **12. SEVERABILITY**

12.1 If a court of competent jurisdiction should declare any section or part of a section of this bylaw to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the By-law and it is hereby declared that the remainder of the By-law shall be valid and shall remain in force.

## **13. IMPLEMENTATION**

13.1 This By-law shall come into full force and effect after adoption.

**READ** a first, second and third time, passed, signed and the Corporate Seal attached hereto, this 28<sup>th</sup> day of May, 2019.

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MAYOR: Andrea Roberts

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CLERK: Cheryl Coulson

**THE CORPORATION OF THE UNITED TOWNSHIPS OF DYSART, DUDLEY,  
HARCOURT, GUILFORD, HARBURN, BRUTON, HAVELOCK, EYRE AND CLYDE**

**PART 1 Provincial Offences Act**

**By-law 2019-42: Noise By-law**

<b><u>ITEM</u></b>	<b><u>COLUMN 1</u></b>	<b><u>COLUMN 2</u></b>	<b><u>COLUMN 3</u></b>
	<b>Short form wording</b>	<b>Provision creating or defining offence</b>	<b>Set fine</b>
<b>1.</b>	Cause or permit sound from Construction during prohibited times	Section 3.2.1	<b>\$300.00</b>
<b>2.</b>	Cause or permit sound from electronic devices or speakers during prohibited times	Section 3.2.2	<b>\$300.00</b>
<b>3.</b>	Cause or permit sound from yelling, shouting or hooting during prohibited times	Section 3.2.3	<b>\$300.00</b>
<b>4.</b>	Emit, cause or permit unreasonable noise	Section 3.1	<b>\$300.00</b>

“NOTE: The penalty provision for the offences indicated above is section 10.1 of By-law No. 2019-41, a certified copy of which has been filed”.