

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

**BY-LAW NO. 2016-62**

**BEING A BY-LAW TO REGULATE NOISE WITHIN THE BOUNDARIES OF THE  
MUNICIPALITY OF THE OF DYSART ET AL**

**WHEREAS**, Section 129 (1) of the Municipal Act, 2001, as amended, authorizes Council to pass a by-law to prohibit and regulate noise;

**AND WHEREAS**, Section 425(1), of the Municipal Act, 2001, as amended, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Municipal Act, 2001, as amended, is guilty of an offence.

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

**1. Definitions**

In this By-law:

- a) **“Construction”** includes erection, building, alteration, repair, dismantling, demolish, structural maintenance, moving or clearing land, grading, excavation, blasting, street or highway building, equipment installation and alteration and structural installation of construction components and material in any form for any purpose and includes any associated or related work.
- b) **“Excessive”** means exceeding what is usual, proper, necessary or normal.
- c) **“Fireworks”** means a class of explosive pyrotechnic devices.
- d) **“Noise”** means sound that is unusual or excessive, or that is unwanted or disturbing to persons.
- d) **“Person”** includes an individual or a corporation.
- f) **“Unusual”** means not commonly heard or different or strange in a way that attracts attention.

**2. General Noise Regulations**

- 2.1) No Person shall make, cause or permit to be made any noise which disturbs the quiet, peace, rest, enjoyment or comfort of any other person.
- 2.2) No person shall cause or permit construction between the hours of 11:00 PM and 7:00 AM.
- 2.3) No person shall discharge or cause the discharge of Fireworks between the hours of 11:00 PM and 7:00 AM.

**3. Exemptions**

- 3.1) The provisions of this by-law shall not apply to Police, Fire, Ambulance or other emergency vehicles or any measures undertaken in an emergency for the immediate health, safety, or welfare of the inhabitants.

- 3.2) The provisions of this by-law shall not apply to persons or organizations who have received written permission for the event from the Municipality of Dysart et al.

#### **4. Penalty Provisions**

- 4.1) Any person who contravenes the provisions of this by-law is guilty of an offence and upon conviction is subject to a fine as provided in the Provincial Offences Act and any other applicable penalties.
- 4.2) If this by-law has been contravened and a conviction entered, the court in which the conviction has been entered and any other 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.

#### **5. Enforcement**

- 5.1) This by-law shall be enforced by the Municipal Law Enforcement Officer, Provincial Offences Officer or any person appointed by the Municipal Council.

#### **6. Severability**

- 6.1) If a court of competent jurisdiction declares any provision of this by-law to be invalid, or to be of no force or effect, it is the intention of Council in enacting this by-law that each and every provision of this by-law be applied and enforced in accordance with the terms to the extent possible according to law.

#### **7. Repealed**

- 7.1) That By-law Number 88-18 and all amendments thereto, be hereby repealed.

**READ** a first, second and third time, passed, signed and the Corporate Seal attached hereto, this 25<sup>th</sup> day of July, 2016.

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REEVE: Murray Fearrey

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CLERK: Cheryl Coulson

