



BY-LAW NO. 2022-044

**A BY-LAW OF THE CORPORATION OF THE TOWN OF
BRACEBRIDGE TO PROHIBIT AND REGULATE CERTAIN
NOISES WITHIN THE TOWN OF BRACEBRIDGE**

WHEREAS Section 8 of the *Municipal Act*, 2001, S.O. 2001 c. 25 (hereinafter referred to as the "Act"), provides that the powers of the Municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on municipalities to enable municipalities to govern their affairs as they consider appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 9 of the Act provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising authority under the *Municipal Act* or any other Act;

AND WHEREAS Section 11 of the Act provides that a municipality may regulate matters involving the health, safety and well-being of others;

AND WHEREAS Section 129 of the Act provides that a local municipality may prohibit and regulate with respect to noise;

AND WHEREAS Section 425 of the Act provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence;

AND WHEREAS Section 426 of the Act provides that no person shall hinder or obstruct, or attempt to hinder or obstruct any person who is exercising a power or performing a duty under a by-law passed under this Act;

AND WHEREAS Section 429 of the Act provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under this Act;

AND WHEREAS Section 436 of the Act provides that a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether a by-law of the municipality passed under the Act is being complied with;

AND WHEREAS noise is recognized as a form of pollution under the *Environmental Protection Act, R.S.O. 1990*.

AND WHEREAS noise pollution has a negative impact on the quality of life for Bracebridge residents;

AND WHEREAS the Council of the Town of Bracebridge desires to preserve the peace and quiet of the residents of Bracebridge through the reduction, control and prevention of loud and excessive noise;

AND WHEREAS by motion 16-GC-080/081 the Council of The Corporation of the Town of Bracebridge deems it expedient to pass such a by-law;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF BRACEBRIDGE ENACTS AS FOLLOWS:

1. DEFINITIONS

- 1.1. **Assembly Hall** has the same meaning as in the Town's Comprehensive Zoning By-Law.
- 1.2. **Authorized** means a sporting or recreational event held on Town property with the approval of one of the Director of Corporate Services/Clerk, the Director of Recreation or the Director of Public Works or their designate or held on school property with the approval of the school principal or their designate or a public or separate school board.
- 1.3. **Community Event** means an event held on public or private property with admission to the event being open to the general public regardless of whether the entrance admission is free of charge, by donation or with an established entrance fee.
- 1.4. **Construction** includes assembly, alteration, repair, demolition, dismantling, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, laying of pipe or conduit, 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 any work in connection therewith.
- 1.5. **Construction equipment** means any equipment or device designed or intended for use in construction or material handling, including air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, scrapers, pavers, generators, off-highway haul trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders or other material handling equipment.
- 1.6. **Continuous barking** means the barking of a dog that occurs for an uninterrupted period of five minutes or more or on a sporadic basis for five minutes or more in any continuous 15 minute time period.
- 1.7. **Council** means the Council for The Corporation of the Town of Bracebridge.
- 1.8. **Emergency** means a sudden and unexpected occurrence demanding immediate action to prevent possible injury, loss of life or substantial property damage.
- 1.9. **Emergency Vehicle** means a vehicle operated by a police department, fire department or ambulance/paramedic service.
- 1.10. **Holiday** shall have the same meaning as defined under the *Retail Business Holidays Act R.S.O. 1990*.
- 1.11. **Incidental Noise** means noise generated in association with an authorized event but not as the main feature of the event.
- 1.12. **Noise** means any unwanted sound that disturbs any person.
- 1.13. **Normal Farm Practice** has the same meaning as in the *Farming and Food Production Protection Act, 1998*, or any successor legislation.
- 1.14. **Officer** means a By-Law Enforcement Officer, a Police Officer or other person appointed by Town Council to enforce this by-law.
- 1.15. **Permit** means the same as permitting and is the failure to take action so as to prevent the emission of sound likely to disturb.
- 1.16. **Place of Entertainment** has the same meaning as in the Town's Comprehensive Zoning By-Law.

- 1.17. **Point of reception** means any place on a property where sound is heard, the source of which does not originate from the property.
- 1.18. **Power Outage** means the hydro service normally provided to a property is temporarily unavailable for any reason other than the termination of the service for lack of payment.
- 1.19. **Private Event** means an event held on public or private property with restricted access.
- 1.20. **Property** means a parcel of land or contiguous parcels of land in one ownership.
- 1.21. **Repeated Incidents** means false fire or burglar alarms occurring more than twice per calendar year on a property.
- 1.22. **Restaurant** has the same meaning as in the Town's Comprehensive Zoning By-Law.
- 1.23. **Restricted Access** means admission to the event or participation in the event is restricted to those persons who have previously registered for the event or have been invited to attend the event but does not include the general public.
- 1.24. **School** has the same meaning as in the Town's Comprehensive Zoning By-Law.
- 1.25. **Town** means the Town of Bracebridge.
- 1.26. **Vehicle** includes a motor vehicle, trailer, traction engine, farm tractor, road building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power.

2. GENERAL PROHIBITIONS

- 2.1 No person shall generate any unnecessary noise within 150 metres of a hospital, long-term care facility or retirement home.
- 2.2 No person shall cause or permit the emission of noise which is clearly audible at a point of reception resulting from an act or emanating from a device listed in Schedule "A".
- 2.3 No person shall, within a prohibited time shown in Schedule "B", cause or permit the emission of noise which is clearly audible at a point of reception resulting from an act or emanating from a device listed in Schedule "B".

3. GENERAL EXEMPTIONS

- 3.1 It shall be lawful during an emergency to cause or permit the emission of noise in connection with emergency measures for the immediate health, safety or welfare of the general public or for the preservation or restoration of property, unless such noise is clearly of longer duration or its nature more disturbing than is reasonably necessary for the accomplishment of such emergency purposes.
- 3.2 The provisions of this by-law shall not apply to incidental noise generated or created by:
 - 3.2.1 An authorized event totaling less than three hours in duration between the hours of 7:00 a.m. and 9:00 p.m.
 - 3.2.2 The discharge of a firearm at a hunt camp between the hours of 7:00 a.m. and 9:00 p.m.
- 3.3 The provisions of this by-law shall not apply to noise generated or created by:

- 3.3.1 Any emergency or public service vehicle when responding to a call.
- 3.3.2 The ringing of bells in connection with any place of worship, religious services, or at the historic clock tower located at 49 Manitoba Street.
- 3.3.3 The ringing of fire alarms or burglar alarms. This shall not apply to repeated incidents of false fire alarms or burglar alarms.
- 3.3.4 A manufacturing, processing, fabricating or assembly operation lawfully in existence and in continuous operation since prior to December 23, 2003.
- 3.3.5 The operation of snow plowing or snow removal equipment on public or private property or to the cleaning of streets or sidewalks by Town-owned equipment or equipment being used under contract to the Town.
- 3.3.6 Trains, railways and railway operations subject to regulation by the Government of Canada.
- 3.3.7 Aircraft, airports and airport operations subject to regulation by the Government of Canada.
- 3.3.8 Farming activities recognized as a Normal Farm Practice and carried on as part of an agricultural operation.
- 3.3.9 Continuous barking from an impounded or surrendered dog on the property of the Ontario Society for the Prevention of Cruelty to Animals or a dog owned and used by the Ontario Provincial Police or other police service.
- 3.3.10 A community event, a private event or other activity when a noise exemption has been granted.
- 3.3.11 The operation of a generator during a power outage.
- 3.3.12 Lawn cutting equipment used on the property of a lawfully existing golf course between the hours of 6:00 a.m. and 9:00 p.m. seven days per week.

4. NOISE EXEMPTIONS

- 4.1 Notwithstanding the prohibitions contained in this by-law, any person may submit a noise by-law exemption application to Council. Council may grant or refuse to grant any such exemption request and may grant a conditional exemption subject to any restrictions as Council deems appropriate. Any noise exemption granted by Council shall specify the time period and dates during which the exemption is in effect.
- 4.2 An application for a noise by-law exemption shall be made in writing to the Director of Corporate Services/Clerk and shall be accompanied by an application fee as outlined in the Town Fees and Charges By-Law currently in effect. The application shall contain:
 - 4.2.1 the name and address of the applicant;
 - 4.2.2 a description of the noise in respect of which the exemption is being sought;
 - 4.2.3 the period of time and date(s) for which the exemption is being sought.
- 4.3 The Director of Corporate Services/Clerk is hereby authorized to grant exemptions to the provisions of this By-Law for noise generated by any of the following activities provided

such exempted noise does not take place between the hours of 12:01 a.m. and 6:00 a.m. and the event does not exceed a span of three calendar days in total duration:

- 4.3.1. Community Events as defined in the Noise By-Law;
- 4.3.2. Private Events as defined in the Noise By-Law when such event has previously been granted a noise exemption by Council and the nature and scope of the event has not significantly changed from previous years;
- 4.3.3. A band or parade;
- 4.3.4. Cinematographic or photographic purposes;
- 4.3.5. Wedding celebrations.

5. ADMINISTRATION AND ENFORCEMENT

5.1 ENTRY AND INSPECTION

An Officer may, at all reasonable times, enter upon land for the purpose of carrying out an inspection to determine compliance with this by-law.

5.2 OBSTRUCTION

No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-Law. Any person who is alleged to have contravened any of the provisions of this By-Law shall identify themselves to the Officer upon request. Failure to identify upon request shall be deemed as obstruction of the Officer.

5.3 PENALTIES

- 5.3.1 Any person who contravenes any provision of this by-law is guilty of an offence and is, upon conviction, liable to any penalty provided under the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.
- 5.3.2 Every person guilty of an offence under this By-Law may, if permitted under the Provincial Offences Act, pay a set fine; and the Chief Justice of the Ontario Court of Justice shall be requested to establish set fines in accordance with Schedule "C" of this By-Law.

5.4 VALIDITY AND SEVERABILITY

Every provision of this By-Law is declared severable from the remainder and if any provision of this By-Law shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of the By-Law.

5.5 FORCE AND EFFECT

This By-Law shall come into force and effect on the date the set fines are approved by the Chief Justice of the Ontario Court of Justice.

5.6 **REPEAL**

On the date this By-Law comes into force and effect, By-Law 2016-021 and amendments thereto, be repealed.

5.7 **SHORT TITLE**

This by-law may be referred to as the "Noise By-Law".

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 29TH DAY OF JUNE 2022.

Deputy Mayor, Rick Maloney

Director of Corporate Services/Clerk,
Lori McDonald

SCHEDULE "A"**PROHIBITED ACTS AND DEVICES**

1. A radio, phonograph, television, public address system, sound equipment, loud speaker, musical or sound producing instrument and all similar devices other than on the premises of a restaurant, place of entertainment or assembly hall as set out on Schedule "B".
2. A car radio or stereo which is audible at a distance of 9 metres (30 feet) from such motor vehicle.
3. An auditory signaling device including but not limited to the ringing of bells, repeated incidents of false alarms, gongs, sirens, horns, whistles and the production or reproduction of any similar sound by electronic means except where authorized or required by law.
4. The detonation of fireworks at all times other than on Victoria Day and Canada Day or the one day immediately preceding and following those holidays.
5. The detonation of explosive devices except when used in construction or approved by the Town.
6. Continuous barking.
7. The use of any drum, horn, bell, radio or mechanical loudspeaker or other instrument, device or apparatus for the purpose of advertising or attracting attention to any performance, show, sale of goods, wares or merchandise.
8. The operation of an engine or motor in, or on, any motor vehicle or item of attached auxiliary equipment for a continuous period exceeding 15 minutes while such vehicle is stationary, unless:
 - 8.1 The vehicle is in an enclosed structure so as to effectively prevent excessive noise emission;
 - 8.2 The operation of such engine or motor is essential to a basic function of the vehicle or equipment including but not limited to, operation of ready-mix concrete trucks, lift platforms, refuse compactors and heat exchange systems;
 - 8.3 Weather conditions justify the use of heating or refrigeration systems powered by the motor or engine for the health and safety of animals or the preservation of perishable cargo.
9. The discharge of a firearm for other than hunting purposes or the protection of persons or property.

SCHEDULE "B"**PROHIBITED ACTS AND DEVICES BY TIME AND PLACE**

1. Construction or the operation of any construction equipment whatsoever except in the case of emergency or as otherwise authorized by the Town between 9:00 p.m. and 7:00 a.m.
2. The operation or use of any power tool, non-power tool or equipment for domestic purposes other than for snow removal between 9:00 p.m. and 7:00 a.m. Monday through Saturday unless a holiday, and between 9:00 p.m. and 9:00 a.m. on Sundays and holidays.
3. The operation of a commercial car wash with air drying equipment between 9:00 p.m. and 7:00 a.m. Monday through Saturday unless a holiday, and between 9:00 p.m. to 9:00 a.m. on Sundays and holidays.
4. The operation of a combustion engine which is, or is intended for use in, a toy, a model or a replica which has no function other than amusement and which is not a motor vehicle between 9:00 p.m. and 7:00 a.m.
5. The venting, release or pressure relief of air, steam or other gaseous material, product or compounds from any autoclave, boiler, pressure vessel, pipe, valve, machine, device or system between 9:00 p.m. and 7:00 a.m.
6. The operation of sound emitting pest control device between 7:00 p.m. and 7:00 a.m.
7. A radio, phonograph, television, public address system, sound equipment, loud speaker, musical or sound producing instrument and all similar devices on the premises of a restaurant, place of entertainment or assembly hall between 11:00 p.m. and 9:00 a.m.
8. Yelling, shouting, hooting or similar noises made by a human between the hours of 11:00 p.m. and 7:00 a.m.
9. The operation of a stationary and/or moving motor vehicle on a property for a period exceeding 15 continuous minutes or a period exceeding 15 intermittent minutes in any one hour period of time between 9:00 p.m. and 7:00 a.m.

SCHEDULE "C"**PROPOSED SET FINES**

Item	Offence	Section	Proposed Set Fine
1	Generate unnecessary noise in vicinity of a hospital/nursing home/senior's rest home	2.1	\$350.00
2	Emitting/permitting noise by electronic devices	2.2 and Schedule A, Section 1	\$350.00
3	Emitting/permitting noise from car stereo	2.2 and Schedule A, Section 2	\$350.00
4	Emitting/permitting noise from auditory signaling device	2.2 and Schedule A, Section 3	\$350.00
5	Emitting/permitting noise from fireworks on other than permitted day	2.2 and Schedule A, Section 4	\$350.00
6	Emitting/permitting noise from explosive devices not approved by Town	2.2 and Schedule A, Section 5	\$350.00
7	Permitting noise from continuous barking	2.2 and Schedule A, Section 6	\$350.00
8	Emitting /permitting noise from instrument/speaker or other device for advertising purposes	2.2 and Schedule A, Section 7	\$350.00
9	Emitting/permitting noise from operation of an engine for period exceeding 15 minutes	2.2 and Schedule A, Section 8	\$350.00
10	Emitting/permitting noise from the discharge of a firearm	2.2 and Schedule A, Section 9	\$350.00
11	Emitting/permitting noise from construction equipment during prohibited times	2.3 and Schedule B, Section 1	\$350.00
12	Emitting/permitting noise from tools during prohibited times	2.3 and Schedule B, Section 2	\$350.00
13	Emitting/permitting noise from commercial car wash during prohibited times	2.3 and Schedule B, Section 3	\$350.00
14	Emitting/permitting noise from operation of an engine used for amusement during prohibited times	2.3 and Schedule B, Section 4	\$350.00
15	Emitting/permitting noise from pressure relief of air/steam/gaseous materials during prohibited times	2.3 and Schedule B, Section 5	\$350.00
16	Emitting/permitting noise from pest control device during prohibited times	2.3 and Schedule B, Section 6	\$350.00
17	Emitting/permitting noise from electronic devices/musical instrument or similar device during prohibited times	2.3 and Schedule B, Section 7	\$350.00
18	Emitting/permitting noise by yelling/shouting/hooting/similar noise	2.3 and Schedule B, Section 8	\$350.00

Item	Offence	Section	Proposed Set Fine
19	Emitting/permitting noise from motor vehicle on property for period exceeding 15 continuous/intermittent minute period during prohibited times	2.3 and Schedule B, Section 9	\$350.00
20	Obstructing Officer performing duty	5.2	\$500.00