



THE CORPORATION OF THE MUNICIPALITY OF SHUNIAH

BY-LAW NO. 2739-14

Being a By-law to restrain certain nuisances and to prohibit certain noises within the Municipality of Shuniah and to repeal By-law No 1438.

Recitals

- a) The Municipality of Shuniah has deemed it necessary to restrain and to prohibit certain nuisances and to prohibit or regulate noises within the Municipality of Shuniah
- b) Council deems it expedient to repeal and replace By-law No 1438.

THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF SHUNIAH HEREBY ENACTS AS FOLLOWS:

1. SHORT TITLE:

This By-law may be referred to as "The Noise By-law".

2. DEFINITIONS:

- 2.1 'Municipality' shall mean the geographic limits of the Municipality of Shuniah.
- 2.2 'Corporation' shall mean The Corporation of The Municipality of Shuniah.
- 2.3 'Noise' shall mean any unwanted sound or vibration at a level that is likely to disturb the persons or inhabitants.
- 2.4 'Powered Property Service Tool' shall mean any powered device (exclusive of hand power) used in the servicing or maintenance of property.
- 2.5 'Vehicle' shall mean a vehicle as defined in The Highway Traffic Act as well as a motorized snow vehicle.
- 2.6 'Vicinity' shall mean the general surrounding area from the centre in which the noise is being generated.

PROHIBITIONS

3. No person shall ring bells, blow horns, shout or make or permit to be made unusual or excessive noises, or noises likely to disturb the inhabitants or any other person in the Municipality.
4. Notwithstanding the generality of the provisions of Section 3, the following are hereby declared to be noises which in the opinion of Council are likely to disturb the inhabitants or any other person in the Municipality and are hereby prohibited and no person shall make, cause or permit any such noises:
 - 4.1 Yelling, shouting, hooting, whistling or singing at any time or place which disturbs or is likely to disturb persons in the vicinity.
 - 4.2 The shouting or crying of peddlers, hawkers and vendors, which disturbs or is likely to disturb persons in the vicinity.
 - 4.3 Any incessant noise made by any animal or bird kept as a domestic pet, which disturbs or is likely to disturb persons in the vicinity.

- 4.4 The noise from or created by any radio receiving set, television receiving set, musical instrument, phonograph, loudspeaker or other machine or device for the producing or reproducing of sound magnetically or electronically or otherwise, at any time between the hours of **23:00** hours of one day and **07:00** hours of the next following day that may be audible at or beyond the lot line of the property from which the noise emanates.
- 4.5 The excessive noise from or created by any radio receiving set, television receiving set, musical instrument, phonograph, loudspeaker or other machine or device for the producing or reproducing of sound, magnetically or electronically or otherwise, in such manner as to disturb or likely disturb persons in the vicinity which projects noise or sound into any street or public place.
- 4.6 The noise from or created by any permitted horn or signalling device on any vehicle or public service vehicle on any street, public lane or private property except when sounded as a danger warning.
- 4.7 The noise from or created by any permitted horn or signalling device on any vehicle on any street, public place or private property for an unnecessary or unreasonable period of time.
- 4.8 The excessive noise caused by any vehicle that is out of repair, loaded, secured or operated in such manner as to create grating, grinding, rattling or other noise.
- 4.9 The noise caused by the operation of a powered property service tool other than snow removal equipment in the outside environment in any residential area between the hours of **23:00** hours of one day and **07:00** hours of the following day unless the following day is a **Sunday** or a **holiday** in which case the time shall be **09:00** hours.
- 4.10 Disturbing or excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers or similar activities that is disturbing or likely to disturb the inhabitants.
- 4.11 The noise from the operation of solid waste bulk lift or refuse compacting disturbing or likely to disturb persons in the vicinity; equipment in any residential area between the hours of **23:00** hours of one day and **07:00** hours of the following day, unless the following day is a Sunday or holiday; in which case the time shall be **09:00** hours provided, however, that this clause shall not prevent the driving or moving of such equipment within such areas.
- 4.12 Any noise that disturbs or is likely to disturb persons in the vicinity arising between the hours of **23:00** hours of one day and **07:00** hours of the next following day from any excavation, quarry or construction work whatsoever, including the erection, demolition, alteration or repair of any building.
- 4.13 Every person, including a firm, partnership, or Corporation, with authority direct or indirect, over equipment or workmen employed on any excavation, quarry or construction whatsoever, shall ensure that such equipment or workmen do not cause or make any of the noises prohibited by this By-law and shall be guilty of an offence under this By-law in the event of such prohibited noise being made or caused by such equipment or workmen.

5. EXEMPTIONS:

None of the provisions of this By-law shall apply to the following:

- 5.1 The use in a reasonable manner of any apparatus or mechanism for the amplification of the human voice or of music in a public park or any other commodious space in connection with any public election, public celebration; provided written permission of the Council of the said Corporation has first been obtained.

- 5.2 Any military or other band or any parade, for which the person responsible for or in charge thereof has obtained written permission from the Corporation of the Municipality of Shuniah.
- 5.3 Any fair or similar event that has received written permission from the Council of The Corporation of the Municipality of Shuniah.
- 5.4 Any vehicle of the Police or Fire Department or any ambulance or any public service or emergency vehicle while answering a call.
- 5.5 Any sound from any private radio in a motor vehicle installed for the sole benefit or entertainment of the operator and occupants of such vehicle when same is not audible at a distance of eight (8) metres from such vehicle.
- 5.6 Any sound from the operation of any railway which operates under The Railway Act of Canada or work in connection with any such railway.
- 5.7 Any case of public necessity.

6. OFFENCES

- 6.1 Every person who contravenes or fails to comply with the sections herein has committed an offence and upon conviction may be liable to a fine provided for in Schedule "A" to this By-law, pursuant to the Provincial Offences Act, R.S.O. 1990.
- 6.2 If any section, subsection, paragraph, sentence, clause, or provision of this By-law be declared by a Court of competent jurisdiction to be invalid, illegal or ultra vires for any other reason, all other provisions of this By-law shall remain and continue in full force and effect and shall remain valid and binding.

7. ENACTMENT

This By-law shall come into force and take effect on:

- 7.1 Schedule "A" to this By-law being forwarded to and approved by the Senior Regional Justice of Ontario Court of Justice;
- 7.2 The Third and Final reading thereof

8. REPEALS

Upon passage of this By-law No. 1423 is hereby repealed.

- 9. That this By-law shall come into force and take effect upon the final passing thereof.

READ A FIRST AND SECOND TIME THIS

10th

DAY OF February 2014

Ernie Harsanyi
Reeve

Nadere Henley Johnson
Clerk

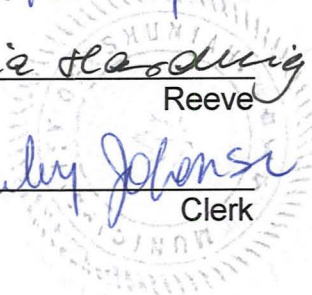
READ A THIRD TIME AND FINALLY PASSED THIS

10th

DAY OF February 2014

Ernie Harsanyi
Reeve

Nadere Henley Johnson
Clerk



**Municipality of Shuniah
Part 1 Provincial Offences Act**

**SCHEDULE "A"
To By-law No. 2739-14
Being a By-law to restrain certain
nuisances and to-prohibit certain noises**

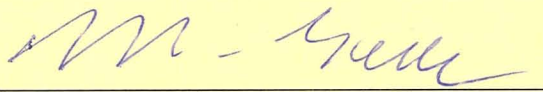
Item	Short Form Wording	Provision Creating or defining offence	Set Fine
1	Causing or permitting unusual or excessive noise by ringing bells, blowing horns, or shouting.	Section 3	\$125.00
2	Causing or permitting excessive noise by yelling, shouting, hooting, whistling or singing.	Section 4.1	\$125.00
3	Shouting or crying by Peddler, Hawker or Vendor which disturbs the inhabitants	Section 4.2	\$125.00
4	Causing or permitting incessant noise made by any animal or bird kept as a domestic pet.	Section 4.3	\$125.00
5	Causing or permitting noise between 23:00 and 07:00.	Section 4.4	\$125.00
6	Causing or permitting excessive noise from a radio, television, musical instrument, phonograph, loudspeaker or other machine or device.	Section 4.5	\$125.00
7	Causing or permitting noise from a permitted horn or signalling device except when sounded as a danger warning;	Section 4.6	\$125.00
8	Causing or permitting noise from a permitted horn or signalling device for an unnecessary or unreasonable period of time.	Section 4.7	\$125.00
9	Causing or permitting noise by vehicle that is out of repair, loaded, secured or operated.	Section 4.8	\$125.00
10	Causing or permitting noise by a powered property service tool between 23:00 and 07:00 or a Sunday or a holiday before 09:00.	Section 4.9	\$125.00
11	Causing or permitting noise from loading or unloading a vehicle.	Section 4.10	\$125.00
12	Causing or permitting noise from solid waste bulk lift or refuse compacting equipment between 23:00 and 07:00 or a Sunday or a holiday before 09:00.	Section 4.11	\$125.00
13	Causing or permitting noise from excavation, quarry or construction work, between 23:00 07:00.	Section 4.12	\$125.00
14	Causing or permitting prohibited noise from any equipment or workmen by person with the authority direct or indirect.	Section 4.13	\$125.00

Note: The general penalty provisions for the offences listed above are Section 6 of By-law No. 2739-14 a certified copy of which has been filed and s. 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33".

PROVINCIAL OFFENCES ACT

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite the offences in the attached schedules of offences under the Provincial Statutes and Regulations thereunder and By-law No. 2739-14, Part I, of the Municipality of Shuniah, Thunder Bay District, attached hereto are the set fines for these offences, to take effect February 27th, 2014.

Dated at Thunder Bay this 27th day of February, 2014.



The Honourable Marc L. Bode
Regional Senior Justice
Northwest Region

OFFICE OF THE REGIONAL SENIOR JUSTICE
NORTHWEST REGION
ONTARIO COURT OF JUSTICE

COURTHOUSE
1805 EAST ARTHUR STREET
THUNDER BAY, ONTARIO P7E 2R6



CABINET DU JUGE PRINCIPAL RÉGIONAL
RÉGION DU NORD-OUEST
JUGE DE LA COUR DE JUSTICE DE L'ONTARIO

PALAIS DE JUSTICE
1805, RUE ARTHUR EST
THUNDER BAY (ONTARIO) P7E 2R6

TELEPHONE/TÉLÉPHONE (807) 625-1625
FAX/TÉLÉCOPIEUR (807) 625-1601

February 27th, 2014

Municipality of Shuniah
420 Leslie Avenue
Thunder Bay, Ontario
P7A 1X8

Attention: Nadene Hunley, Deputy Clerk

Dear Ms. Hunley:

RE: Municipality of Shuniah, Thunder Bay District
Part I Provincial Offences Act, Bylaw 2739-14: Noise

Enclosed herewith is the original Order with original schedule of set fines for By-Law Number 2739-14, the Bylaws indicated in the schedules for the Municipality of Shuniah, Thunder Bay District, together with your certified copy of the By-law Number 2739-14.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

A copy of the Order and the schedule of the set fines are being held in the Office of the Regional Senior Justice at Ontario Court of Justice in Thunder Bay.

Yours truly,

A handwritten signature in blue ink, appearing to read "M. Bode".

The Honourable Marc L. Bode
Regional Senior Justice
Northwest Region

MLB:mz
Encls.

cc: Ms. Kerry-Lee Thompson, Crown Law Office, Toronto
Ms. Kathy Dallaire, POA Supervisor, Thunder Bay

MAR 12 2014

Per 

OFFICE OF THE REGIONAL SENIOR JUSTICE
NORTHWEST REGION
ONTARIO COURT OF JUSTICE

COURTHOUSE
1805 EAST ARTHUR STREET
THUNDER BAY, ONTARIO P7E 2R6



CABINET DU JUGE PRINCIPAL RÉGIONAL
RÉGION DU NORD-OUEST
JUGE DE LA COUR DE JUSTICE DE L'ONTARIO

PALAIS DE JUSTICE
1805, RUE ARTHUR EST
THUNDER BAY (ONTARIO) P7E 2R6

TELEPHONE/TÉLÉPHONE (807) 625-1625
FAX/TÉLÉCOPIEUR (807) 625-1601

February 27th, 2014

Ms. Kerry Lee Thompson
Crown Counsel, Crown Law Office
Ministry of the Attorney General
9th Floor, 720 Bay Street
Toronto, Ontario
M5G 2K1

Dear Ms. Thompson:

RE: Municipality of Shuniah, Thunder Bay District
Part I Provincial Offences Act, Bylaw 2739-14: Noise

I have enclosed the following for your information:

1. Copy of signed Order and accompanying schedule of set fines for Bylaw 2739-14 – Noise.
2. Copy of letter to Nadene Hunley, Deputy Clerk, Municipality of Shuniah.

Please note that a copy of the Order and the schedule of the set fines are being held in the Office of the Regional Senior Justice at Ontario Court of Justice in Thunder Bay. The original Order and schedule of set fines have been forwarded to the Municipality of Shuniah, Thunder Bay District.

Yours truly,

A handwritten signature in black ink, appearing to read "M. Bode".

The Honourable Marc L. Bode
Regional Senior Justice
Northwest Region

MLB:mz

Encls.

cc:

Ms. Kathy Dallaire, POA Supervisor, Thunder Bay
✓Nadene Hunley, Deputy Clerk, Municipality of Shuniah