

THE CORPORATION OF THE TOWN OF MONO
BYLAW NUMBER 2026 - 8

BEING A BYLAW TO PROHIBIT AND REGULATE NOISE WITHIN THE TOWN OF MONO

WHEREAS Section 128 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended hereinafter referred to as the "*Municipal Act*" provides authority for a municipality to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS, Section 129 of the *Municipal Act* provides authority for a municipality to prohibit and regulate noise and vibration;

AND WHEREAS, Section 431 of the *Municipal Act* authorizes that where any by-law of a municipality under the *Municipal Act* is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted and requiring the person convicted to correct the contravention; and

WHEREAS section 436 of the *Municipal Act* authorizes a municipality to pass a by-law providing that the municipality may enter on land to conduct inspections; and

WHEREAS sections 444 and 445 of the *Municipal Act* authorizes a municipality to make orders to discontinue, or to correct, the contravention of a by-law;

NOW THEREFORE the Council of the Corporation of the Town of Mono hereby enacts as follows:

1. DEFINITIONS

1.1 In this By-law:

“**Applicant**” means a **person** who files an application for an exemption to this By-law;

“**Construction**” includes the erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, blasting, rock crushing, the laying of pipe and conduit, highway building, concreting, equipment installation and alteration and structural installation of construction components and materials in any form or for any purpose, and includes works in connection therewith;

“**Construction Equipment**” includes any equipment, device or **vehicle** designed or intended for use in **construction**, or material handling, including but not limited to air compressors, power saws, belt sanders, powered drills, jack hammers, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders, combustion engine, pneumatic device, or other material handling equipment and any other similar equipment;

“**Clerk**” means the Clerk for the **Town** or any **person** designated by the Clerk;

“**Council**” means the Council of the **Town**;

“**Domestic Tool**” includes any tool, equipment or device designed or intended for use for **construction** but not limited to air compressors, electric power tools, manual hammers and similar tools but does not include **Lawn Maintenance Equipment**;

“**Lawn Maintenance Equipment**” includes any equipment, which uses a combustion or electric motor for the purposes of yard maintenance or repair and includes chain saws, lawn mowers, leaf blowers, grass trimmers, hedge trimmers, whipper-snippers, power washers, power assisted sweepers, vacuums or any other similar equipment;

“**Motor Vehicle**” includes an automobile, a motorcycle, a motor assisted bicycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine;

“**Noise**” means a sound or vibration that at the **point of reception** by its volume or nature is likely to disturb the inhabitants;

“**Normal Farm Practice**” has the same meaning as contained in the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1;

“**Town**” means the Corporation of the Town of Mono its land within the geographic limits of the Town or Mono as the context requires;

“**Off-Road Vehicle**” means a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel,

(a) on not more than three wheels, or

(b) on more than three wheels and being of a prescribed class of vehicle;

“**Officer**” means a police officer, municipal law enforcement officer, or any other **person** appointed by by-law to enforce the provisions of this By-law;

“**Person**” includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative;

“**Point of Reception**” means any point on the premise of a **person** where **noise** originating from other than that premise is received;

“**Special Event**” means public entertainment, festival or parade that operates independently from **Town** programming and is held outdoors;

“**Vehicle**” includes a **motor vehicle**, **off-road 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, but does not include a motorized snow vehicle or a street car.

2. TITLE

2.1 The Short Title of this By-law is the “Noise By-law”.

3. GENERAL PROHIBITION

3.1 No **person** shall emit, make, permit or cause to be emitted or made **noise**.

3.2 No **person** shall emit, make, permit or cause to be emitted or made **noise** resulting from any activity listed on Schedule A of this By-law.

3.3 No **person** shall emit, make, permit or cause to be emitted or made **noise** from a **vehicle**.

3.4 No **person** shall fail to comply with the conditions of an exemption approval.

4. PROHIBITIONS BY TIME AND PLACE

4.1 No **person** shall emit, make, permit or cause to be emitted or made **noise** resulting from any activity set out in Column 1 on the days and times set out in Columns 2 and 3 on Schedule B of this By-law.

5. GENERAL EXCEPTIONS

5.1 This By-law shall not apply to a **person** who emits, makes or permits or causes to be emitted or made **noise** resulting from activities listed on Schedule C of this By-law.

6. EXEMPTION APPLICATION AND FEES

6.1 A **person** may file an application to request an exemption from the provisions of this By-law.

- 6.2 A **person** making an application for an exemption to this By-law shall submit to the satisfaction of the **Clerk** sixty (60) days prior to the event:
- (a) a complete application in the form provided by the **Town**;
 - (b) the applicable exemption fee in accordance with the **Town's** current User Fees and Charges By-law;
 - (b) any other documents or approvals as may be required by the **Clerk**.

7. NOTICE OF COUNCIL CONSIDERATION OF EXEMPTION APPLICATION

- 7.1 On receipt of an application for an exemption to this By-law, the **Clerk** shall:
- (a) include the exemption application on the next available **Council** agenda for consideration; and
 - (b) advise the **applicant** when the matter will be considered by **Council**.
- 7.2 Posting on the **Town's** website the **Council** agenda that includes the exemption application shall be deemed to be notice to the public of the exemption application.
- 7.3 An **Applicant** shall provide written notice of the exemption application to the owners' of property adjacent to the property subject to the exemption application as determined by the **Clerk**.

8. COUNCIL CONSIDERATION OF EXEMPTION APPLICATION AND DECISION

- 8.1 **Council** may refuse, grant or grant with conditions an exemption to this By-law.
- 8.2 **Council** in making a decision to refuse, grant or grant with conditions an exemption to this By-law shall consider any submissions made by the **applicant** and any other **person** who may have an interest in the matter.
- 8.3 As a condition of an exemption approval, **Council** may require an **Applicant** to enter into an agreement with the **Town**.
- 8.4 The decision of **Council** shall be final and binding.
- 8.5 Where a **person** fails to comply with any conditions of an exemption approval or the terms of an agreement, the exemption approval and the agreement is immediately rendered null and void and deemed to be a contravention of this By-law.

9. ORDERS

- 9.1 If an **Officer** has reasonable grounds to believe that a contravention of this By-law or the terms and conditions of an exemption approval or the terms of an agreement have not been complied with, the **Officer** may make an Order requiring the **person** who contravened this By-law or the conditions of an exemption or terms of an agreement, or who caused or permitted the contravention to occur to:
- (a) discontinue the contravening activity; and/or
 - (b) do work or take action to correct the contravention.
- 9.2 An Order under section 9.1 shall set out:
- (a) reasonable particulars of the contravention adequate to identify the contravention;
 - (b) the location of the premise on which the contravention occurred; and
 - (c) either:
 - (i) in the case of an Order under section 9.1 (a), the date by which there must be compliance with the Order; or
 - (ii) in the case of an Order under section 9.1 (b), the action to be done and the date by which the action must be done.
- 9.3 An Order made under this By-law may be served personally, ordinary mail to the last known address or by email transmission to:
- (a) the **person** the **Officer** believes contravened this By-law or the conditions of an exemption approval or the terms of an agreement; and
 - (b) such other **persons** affected by the Order as the **Officer** making the Order determines.
- 9.4 The Order shall be deemed to have been served on the seventh (7th) day after the date of mailing or on the date of personal service or on the date of email transmission.
- 9.5 An **Officer** who is unable to effect service of an Order pursuant to this By-law shall place a placard containing the Order in a conspicuous place on the premise and the placing of the placard shall be deemed to be sufficient service. The placing of the placard of the Order shall be deemed to be served on the date of placing the placard.

10. ENFORCEMENT AND PENALTY PROVISIONS

- 10.1 The enforcement of this By-law shall be conducted by an **Officer**.
- 10.2 An **Officer** may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the By-law or an Order issued pursuant to this By-law is complied with.
- 10.3 Every **person** who contravenes any provision of this By-law, including failing to comply with an order made under this By-law, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, and the Municipal Act, as amended.
- 10.4 Any **person** who is charged with an offence under this By-law or an Order issued pursuant to this By-law or every director or officer of a corporation, who knowingly concurs in the contravention by the laying of an information under Part III of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended, is guilty of an offence and if found guilty of the offence is liable pursuant to the Municipal Act, as amended, to the following:
- (a) on a first offence, to a fine not more than \$50,000.00; and
 - (b) on a second offence and each subsequent offence, to a fine of not more than \$100,000.00; and
 - (c) in the case of continuing offence, for each day or part of a day that the offence continues, the maximum fine shall be \$10,000.00 per day for every day in contravention and the total of all daily fines for the offence is not limited to \$100,000.00.
- 10.5 Every **Person** who is issued a Part 1 offence notice or summons upon conviction is guilty of an offence under this By-law shall be subject to a fine, to a maximum as provided for in the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.
- 10.6 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.
- 10.7 Every **Person** who is alleged to have contravened any of the provisions of this By-law, shall identify themselves to an **Officer** upon request, failure to do so shall be deemed to have hindered or obstructed an **Officer** in the execution of his or her duties.

10.8 Upon conviction any penalty imposed under this By-law may be collected under the authority of the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.

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

11. SEVERABILITY

11.1 If a court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of **Council** that the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

12. INTERPRETATION

12.1 References in this By-law to any statute or statutory provision include references to that statute or statutory provision as it may from time to time be amended, extended or re-enacted.

12.2 In this By-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.

13. FORCE AND EFFECT

13.1 This by-law shall take force and effect upon the passage hereof.

13.2 Schedule "D" to the By-law shall be effective upon the approval and/or amendment by the Regional Senior Justice of the Ontario Court of Justice.

14. REPEAL

14.1 That By-law 2004-16 is hereby repealed.

Read a first time this 14th day of May 2024.

Read a second time this 10th day of February 2026.

Read a third time and finally passed this 10th day of February 2026.

Original signed by:

John Creelman, Mayor

Fred Simpson, Clerk

SCHEDULE A
to By-law 2026-8 Noise Bylaw

PROHIBITIONS

1. In accordance with Section 3.2 of this By-law, the activities that make, emit, permit or cause **noise** are prohibited:
 - a) the operation of a stereo or other electronic device designed to amplify sound, in or on, a **vehicle** in such a way that the **noise** can easily be heard outside the **vehicle**;
 - b) persistent barking, calling, or whining of other similar persistent **noise** made by any domestic pet or any other animal kept or used for any purpose other than agricultural or a kennel licensed in accordance with the **Town's** By-law for the keeping, control and licensing of dogs, as may be amended or replaced;
 - c) the operation of **construction equipment** without an exhaust or intake muffling device in good working order and in constant operation;
 - d) racing of a **vehicle** other than in a lawful racing event;
 - e) the operation of a **vehicle** or a **vehicle** with a trailer resulting in the banging, clanging, squealing or other like sounds due to improperly secured load or equipment, or inadequate maintenance;
 - f) the operation of a **vehicle** horn or other warning device except where required by law or in accordance with good safety practices;
 - g) the operation of an air conditioner, water pump, heat pump or other mechanical device that is not in proper working order;
 - h) ringing of bells, blowing and sounding of any horn, yelling, shouting, hooting, whistling or singing;
 - i) The operation of any electronic device or a group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers, and intended for the production, reproduction or amplification of sound, other than a security alarm.

**SCHEDULE B
to By-law 2026-8 Noise Bylaw**

PROHIBITIONS BY TIME

2. In accordance with Section 4.1 of this By-law the activities that make, emit, permit or cause **noise** set out in Column 1 are prohibited during the days and times set out in Columns 2 and 3:

Column 1 – Activity	Column 2 – Day	Column 3 – Prohibited Times
Construction and the operation of Construction Equipment	All Days	10 p.m. to 7 a.m. the next morning
The operation of Domestic Tools	All Days	10 p.m. to 7 a.m. the next morning
The operation of Lawn Maintenance Equipment	All Days	10 p.m. to 7 a.m. the next morning

SCHEDULE C
to By-law 2026-8 Noise Bylaw

1. In accordance with Section 5.1 of this By-law the activities set out below are exceptions to the **noise** regulations of this By-law:
 - a) a **special event** when a license has been issued by the **Town** in accordance with the **Town's** By-law to regulate the holding of public entertainment, festivals and parades, as may be amended or replaced;
 - b) an exemption granted by **Council** subject to any imposed conditions;
 - c) for a generator in operation during a power outage;
 - d) snow removal equipment or activities while engaged in the process of removing snow;
 - e) the ringing of bells, chimes or clocks associated with religious or public buildings or uses;
 - f) to **Town** operations, services or activities;
 - g) to a public utility, the County of Dufferin, the provincial or federal government;
 - h) where a Certificate of Approval has been issued by the applicable provincial ministry (i.e. Ministry of Environment, Conservation and Parks) and the **noise** is in compliance with the said Certificate of Approval.
 - i) Normal Farm Practices, including operation of farm equipment or machinery for cultivating, seeding, crop maintenance, or harvesting on any lands zoned Rural (A) in the Town's Zoning Bylaw 78-1.

SCHEDULE D
to By-law 2026-8 Noise Bylaw
Part I Provincial Offences Act

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1	Emit, make, permit Noise from stereo or other electronic device in vehicle	3.1 Schedule A a)	\$250.00
2	Persistent barking of domestic pet	3.2 Schedule A b)	\$250.00
3	Emit, make, permit Noise from operation of construction equipment without exhaust or intake muffling device in good working order	3.2 Schedule A c)	\$250.00
4	Emit, make, permit Noise from racing of a vehicle	3.2 Schedule A d)	\$250.00
5	Emit, make, permit Noise from vehicle due to improperly secured load or inadequate maintenance	3.2 Schedule A e)	\$250.00
3	Emit, make, permit Noise from operation of vehicle horn	3.2 Schedule A f)	\$250.00
4	Emit, make, permit Noise from operation of mechanical device not in proper working order	3.2 Schedule A g)	\$500.00
5	Emit, make, permit Noise from ringing of bells, sounding of horn, yelling, shouting, hooting, whistling or singing	3.2 Schedule A h)	\$500.00
6	Emit, make, permit Noise from loudspeakers	3.2 Schedule A i)	\$500.00
7	Fail to comply with conditions of an exemption	3.4	\$750.00
8	Emit, make, permit Noise from construction equipment	4.1 Schedule B a)	\$500.00
9	Emit, make, permit Noise from domestic tools	4.1 Schedule B a)	\$250.00
10	Emit, make, permit Noise from lawn maintenance equipment	4.1 Schedule B a)	\$250.00
8	Obstruct or hinder Bylaw Officer	10.3	\$750.00

NOTE: The general penalty provision for the offences indicated above is Section 3.1 of the By-law 2026-8, a certified copy of which has been filed and s. 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.