

**BY-LAW NUMBER 072 – 2011
OF THE
CORPORATION OF THE MUNICIPALITY OF MEAFORD**

**BEING A BY-LAW TO PROHIBIT AND REGULATE NOISES WITHIN
THE MUNICIPALITY**

WHEREAS the Council of the Corporation of the Municipality of Meaford deems it in the public interest to pass a By-law to prohibit and regulate noises within the municipality likely to disturb inhabitants; and

WHEREAS Section 129 of the *Municipal Act, 2001, R.S.O. c. 25* as amended, enables councils to pass by-laws for noises likely to disturb inhabitants;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF MEAFORD ENACTS AS FOLLOWS:

1. That the following definitions apply to this by-law:

“Authorized Emergency Vehicle” means an ambulance, vehicle of the fire service, vehicle of the municipal provincial or federal police, armored cars while carrying cash or securities, equipment, facilities or vehicles operated by or for a public utility company while actively engaged in the construction, maintenance or repair of any highway, and any equipment, facilities or vehicles operated by or for the Town, Bell Canada, Canada Post or the Ministry of Transportation;

“Council” shall mean council of The Corporation of The Municipality of Meaford.

“Construction” means the erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, the laying of pipe and conduit whether above or below ground level, street and highway building, concreting, equipment installation and alteration and the structural installing of construction components and materials in any form or for any purpose, and includes any work in connection therewith

“Construction Equipment” means any equipment or device designed and intended for use in construction or material handling, including but not limited to, air compressor, pile driver, 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, or other material handling equipment.

“Domestic Animal” means an animal that is housed and fed by a person and which actually lives in physical proximity to humans, including but not limited to pets such as dogs, cats and birds and guard animals. This does not include animals or birds possessed for farming or agricultural purposes.

“Enforcing Officer” shall mean a police officer who is a member of the Ontario Provincial Police.

“Holiday” means any holiday set out as a holiday in the Retail Business Holidays Act, R.S.O. 1990, Chap. R. 30, or any successor thereof.

“Motor Vehicle” means any motorized conveyance and includes any automobile, motorcycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicle running only upon rails, or an motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine.

“Municipality” shall mean The Corporation of The Municipality of Meaford.

“Noise” means unwanted sound that is of such a volume or nature that it is to disturb the inhabitants of The Municipality of Meaford.

“Person” means any individual, corporation, partnership, company, association or party and the heirs, executors, administrators of other legal representative of such person to whom the context can apply according to laws; shall include any group

of persons comprising a society or other organization and shall include the plural wherein the context requires.

“Street” shall mean a road allowance and/or highways, thoroughfares, roads, lanes, alleys, avenue, streets, bridges, courts, court yards, common and public squares, public places, sidewalks, and any other structure constructed thereon by the Municipality or within the Municipality.

“Vehicle” shall mean any mode of conveyance drawn, propelled or driven by any kind of power, including muscular power.

2. THAT no person shall make noise or cause noise to be made or permit noise to be made that would be likely to disturb the inhabitants of the municipality.
3. THAT for the purposes of Section 2, the following noises or sounds, among others, shall be deemed likely to disturb the inhabitants of the municipality:
 - (a) The sound or noise from, or created by, any radio, television, phonograph, or any other electronic device, or any musical or sound producing instrument of whatsoever kind when such radio, television, phonograph, device or instrument is played or operated in such a manner likely to disturb the peace, quiet, comfort or repose of any inhabitant within, or having quiet enjoyment of the lands upon which is located, any dwelling unit, apartment building, hotel, motel, or any other type of residence.
 - (b) No person shall ring any bell, blow any horn, shout or make any unusual noise, or noise calculated to disturb the inhabitants provided, that nothing herein contained shall prevent the ringing of bells in connection with any church, chapel, meeting house or religious service, or the ringing of fire bells or fire alarms, or the making of any other noise for the purpose of giving notice of fire or any other danger.
 - (c) The operation of construction vehicles or the act of construction between the hours of 20:00 hours of any weekday to 07:00 hours of the next weekday save and except Saturday from 08:00 hours to 17:00 hours which is likely to disturb the peace, quiet, comfort or repose of any other inhabitant within, or having quiet enjoyment of the lands upon which is located, any dwelling unit, apartment building, hotel, motel or any other type of residence, unless written permission to specifically extend or alter the hereinbefore mentioned time periods has been given in writing by Council.
 - (d) The sound from the operation of any powered or non-powered tool, (other than snow removal) which is operated in such a manner likely to disturb the peace, quiet, comfort or repose of any inhabitant within, or having quiet enjoyment of the lands upon which is located, any dwelling unit, apartment building, hotel, motel or any other type of residence, between the hours of 23:00 hours of one day to 07:00 hours of the next day (09:00 hours on Sundays).
 - (e) The persistent noise made by any domestic pet, or any animals kept for commercial purposes, likely to disturb the peace, quiet, comfort, or repose of any inhabitant in the same building or in the neighbourhood, at any time.
 - (f) The grating, grinding, rattling noise or any other noise caused by a condition of disrepair or maladjustment of any motor vehicle or other vehicle whatsoever or part or accessory thereof likely to disturb the peace, quiet, comfort or repose of any other inhabitant within the municipality.
 - (g) No person shall set fire to any fireworks or fire crackers within the Municipality of Meaford unless specially authorized by Council, except for a twenty-four (24) hour period before and after a holiday, as defined in this by-law.
 - (h) No person operating a motorcycle, off-road vehicle, motorized snow vehicles or trail bikes shall make any unnecessary noise in which operations disturb or tend to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood, or of persons in the vicinity.

4. THAT this By-law does not affect:
 - a) Any bona fide agricultural use or practice engaged in by a bona fide farmer or employee thereof.
 - b) The operation of snow-removal equipment.
 - c) The operation or use of emergency vehicles or emergency services.
 - d) The operation or use of public maintenance vehicles.
 - e) The operation of gun clubs, approved by the Ministry of the Solicitor General.
 - f) All operations at the Meaford Land Forces Training Centre.
 - g) All noises or sounds authorized by the municipality.
5. THAT every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a penalty as provided in the *Provincial Offences Act*, as amended or its successor.
6. THAT in addition to the fine amounts set out in Schedule A, for each day or part of a day that an offence continues the maximum fine shall be as set out in the *Provincial Offences Act*, as amended, or its successor.
7. THAT should any section, clause or provision of this By-law be declared by a court of a competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or in part hereof, other than the part which was declared to be invalid.
8. THAT this By-law shall be enforced by Police Officers of the Ontario Provincial Police.
9. THAT this By-law replace and rescind any existing by-laws or provisions of by-laws in effect dealing with noise restrictions.
9. THAT Schedule "A" forms part of this by-law.
10. THAT this By-law shall come into force and take effect upon receiving approval of Set Fines from the Province.

READ a FIRST, SECOND and THIRD time and finally passed this 26th day of September, 2011.

Original signed by

Francis Richardson, Mayor

Original signed by

Pamela Fettes, Clerk

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

80 DUNDAS STREET, 10th FLOOR, UNIT L
LONDON, ONTARIO N6A 6A8



Amended by 65-2012
Amended by 45-2015
CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'OUEST

80, RUE DUNDAS, 10^e ÉTAGE, UNITÉ L
LONDON (ONTARIO) N6A 6A8

TELEPHONE/TÉLÉPHONE (519) 660-2292
FAX/TÉLÉCOPIEUR (519) 660-3138

Municipality of Meaford
Received

FEB 29 2012

February 24, 2012

Ms. Pamela Fettes, B.A., CMO
Clerk
The Corporation of the Municipality of Meaford
21 Trowbridge Street West
Meaford, Ontario N4L 1A1

Dear Ms. Fettes:

Re: Set Fines - Provincial Offences Act - Part I
By-law Number 072-2011 of the Municipality of Meaford

Enclosed herewith is the Order, and the schedule of set fines for the above referenced By-Law, the By-law indicated in the schedule.

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

I have forwarded copies of the Order and the schedule of set fines to the Provincial Offences Court in Owen Sound, together with a certified copy of the By-law.

Yours truly,

A handwritten signature in black ink, appearing to read "K. McGowan".

Kathleen E. McGowan
Regional Senior Justice
West Region

Enclosures
/es

ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART I

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 each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 072-2011, of the Municipality of Meaford, attached hereto are the set fines for those offences. This Order is to take effect February 24, 2012.

Dated at London this 24th day of February 2012.

A handwritten signature in black ink, appearing to read 'K. McGowan', with a long horizontal flourish extending to the right.

Kathleen E. McGowan
Regional Senior Justice
West Region

Set Fine Schedule

Municipality of Meaford

PART I *Provincial Offences Act*

By-law 072 – 2011 To Prohibit and Regulate Noises within the Municipality

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence creating provision or Defining Offence	COLUMN 3 Set Fine
1.	To make, cause or permit electronic device to cause disturbance	3 (a)	\$250.00
2.	To make, cause or permit ringing bell, shouting, or blowing horn	3 (b)	\$250.00
3.	Noise from the unauthorized operation of construction vehicles or equipment	3 (c)	\$250.00
4.	Noise from the unauthorized operation of any powered or non-powered tool	3 (d)	\$250.00
5.	To cause or permit barking, whining or other persistent noise-making of any domestic pet	3 (e)	\$250.00
6.	To make, cause or permit noise caused by disrepair or maladjusted motor vehicle	3 (f)	\$250.00
7.	Unauthorized operation of fireworks	3 (g)	\$250.00
8.	To make, cause or permit the unnecessary noise from the operation of a motorcycle, off – road vehicle, motorized snow vehicle or trail bike	3 (h)	\$250.00

Note: The penalty provision for the offences indicated above is section 61 of the *Provincial Offences Act*, R.S.O. 1990, c.P.33

Amended by 65-2012
Amended by 45-2015