

THE CORPORATION OF THE TOWN OF BANCROFT

BY-LAW NO. 52-2023

Being a By-Law to prohibit and regulate noise within the Town of Bancroft.

WHEREAS Section 129, of The Municipal Act, 2001, S.O. c. 25, provides authority for municipalities to prohibit and regulate noise;

AND WHEREAS Section 391 of the Municipal Act, S.O. 2001, c.25, authorizes Council to pass bylaws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it, and for costs payable by it for services or activities provided or done by or on behalf of any other municipality, or local board;

AND WHEREAS Section 429, subject to subsection (4) of the Municipal Act, 2001, S.O. 2001, c.25 provides that a municipality may establish a system of fines for offences under a bylaw of the municipality passed under this Act;

NOW THEREFORE the Municipal Council of the Corporation of the Town of Bancroft enacts as follows:

1. DEFINITIONS

1.1. "By-Law Enforcement Officer" or "Officer" means any person appointed by the Town to enforce its By-Laws.

1.2. "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 structural installation of construction components and materials in any form or for any purpose, and includes work in connection therewith.

1.3. "Municipal Clerk" means the Clerk, Acting Clerk or their designate, for the Corporation of the Town of Bancroft.

1.4. "Person" shall include a natural individual and their heirs, executors, administrators or other legally appointed representatives, a corporation, partnership, or other form of business association.

1.5. "Provincial Offences Officer" means a person appointed as such by Council pursuant to the authority of the Provincial Offences Act and shall also include a police officer.

1.6. "Time" where any expression of time occurs or where any hour or other period of time is stated, the time referred to shall be Eastern Standard Time.

2. GENERAL PROVISIONS

2.1. The Corporation of the Town of Bancroft, its employees, volunteers, and any other person acting on behalf of the Corporation of the Town of Bancroft shall be exempt from the provisions of this By-Law.

2.2. No person shall ring or cause the same, any bell, blow or sound any horn, shout, or permit any unnecessary noise which disturbs any person within the Town of Bancroft.

2.3. For greater clarity, the following noises or sounds shall be deemed to be unnecessary noise which may disturb persons, and is not an inclusive list:

2.3.1. The sounding of any bell, horn, siren or other signal device on any motor vehicle, motorcycle, bicycle, car, or other vehicle of any kind, except when required by law.

2.3.2. The sounding of any such bell, horn, siren or signal device for an unnecessary or unreasonable period to time.

2.3.3. The sounding or noise from or created by any musical or sound-producing instrument or electronic device of any kind when operated in such manner or with such volume as to annoy or disturb the peace, quiet, comfort or repose of any individual in any dwelling house, apartment house, hotel, or other type of residence.

2.3.4. Any sound made by any animal or bird, under the control of a person, which disturbs the peace, quiet, comfort or repose of any individual in the neighbourhood.

2.3.5. The grating, grinding or rattling noise or sound caused by a condition or disrepair or maladjustment of a motor vehicle, motorcycle, or other vehicle whatsoever or part or accessory thereof.

2.3.6. The blowing of any steam or air whistle attached to or used in connection with any stationary boiler or other machine or mechanism, except for the purpose of giving notice to workmen of the time to commence or cease work or as a warning of danger.

2.3.7. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorcycle, except through a muffler or other device which effectively prevents loud or explosive noises.

2.3.8. Any unnecessary noise arising between the hour of 7:00 p.m. of any day and 7:00 a.m. of the following day from any excavation or construction work whatsoever, including the erection, demolition, alteration or repair of any building, except in the case of urgent necessity, or as approved by the Corporation of the Town of Bancroft.

2.3.9. Any unnecessary noise in the vicinity of any school or court while the same is in session, provided conspicuous signs are displayed in or upon the streets adjoining any such school or court, indicating that loud noises are prohibited in the vicinity.

2.3.10. The noise created by driving any vehicle bearing material, articles or things which are loaded upon such vehicle in such manner as to create such noise.

2.3.11. The noise or sound created by the use or operation of any drum, horn, bell, radio or mechanical loudspeaker, or other instrument or device or sound-producing, or sound transmitting instrument or apparatus for the purpose of advertising or for attracting attention to any performance, show or sale or display of goods, wares or merchandise or which projects noise or sound into any street or other public place.

2.3.12. The noise or sound created by the use or operation of any radio or mechanical loudspeaker or amplifier or other instrument or device or sound-producing/reproducing, sound transmitting instrument or electronic apparatus in or upon any vehicle except for such time and under such conditions as may be permitted or prescribed.

2.3.13. Crying, shouting, or loud speaking in or adjacent to any public street or place.

2.4. None of the provisions of this by-law shall apply to:

2.4.1. 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 meeting, any public celebration or other reasonable gathering, provided express written permission has been granted by the

Corporation of the Town of Bancroft or its Staff.

2.4.2. Any military or other band or of any parade, operating under written permission obtained from the Corporation of the Town of Bancroft or its Staff.

2.4.3. Any peddler, hawker, or petty tradesman in the course of their employment, when done so legitimately and moderately.

2.4.4. Any vehicle of the police or fire department, ambulance, public service, or emergency vehicle while answering a call for service.

2.4.5. Any sound from any private radio in a motor vehicle, installed for the sole benefit or entertainment of the operator or occupants of such vehicle, when the same is not audible at a distance of twenty-five feet from such vehicle.

2.4.6. Any case of public necessity.

2.4.7. The operation of any religious ceremony or gathering.

2.5. No person shall obstruct or attempt to obstruct the officer or any person acting under the officer's instructions in the exercise of any power pursuant to this By-law.

3. GRANT OF EXEMPTION BY COUNCIL

3.1. Any person may make a request to Council to be granted an exemption from any of the provisions of this By-Law with respect any source of noise or vibration for which they might be prosecuted and Council, by resolution, may deny or grant the exemption.

3.2. Any person may request that Council grant an exemption of the provisions of this bylaw by submitting a request in writing to the Municipal Clerk. The request shall be included as a business item in the next meeting, which is deemed to be appropriate, at the discretion of the Municipal Clerk.

3.3. A breach by the applicant of any of the terms or conditions as set out by Council shall render the exemption null and void and may result in penalties.

4. SCHEDULES

4.1. All schedules referred to in this By-Law and attached hereto are deemed to be part of this By-Law.

5. ENFORCEMENT PROVISIONS

5.1. This By-Law shall be enforced by the Municipal By-Law Enforcement Officer or their designate.

6. ADMINISTRATIVE PENALTIES

6.1. An Officer who finds that a person has contravened any provision of this By-Law may issue a penalty notice addressed to that person.

6.2. Any person who contravenes any provision of this By-Law, upon issuance of a penalty notice pursuant to Section 5 of the Administrative Penalty System By-Law 93-2022, shall be liable to pay to the Municipality an administrative penalty as set out in Schedule "A"

6.3. The penalty notice shall be given to the person to whom or to which it is addressed as soon as reasonably practicable and shall include the following information:

6.3.1. Particulars of the contravention, including to which property it applies;

- 6.3.2. The amount of the administrative penalty; and
- 6.3.3. A statement advising that an administrative penalty will constitute a debt to the Municipality.
- 6.3.4. A person who has been issued a penalty notice shall pay the administrative penalty within fifteen (15) days from the date the notice was issued.
- 6.3.5. An administrative penalty that is deemed to be confirmed constitutes a debt to the Municipality and may be added to the tax roll of the owner's property.

7. SERVICE OF DOCUMENTS

7.1. The Municipality may serve any document under this By-Law, including but not limited to a penalty notice, personally to the person named on the notice, by registered or regular mail addressed to the person to whom the document is to be given at the person's last known address.

7.2. Service by registered or regular mail under subsection 10.1 shall be deemed to have been made on the fifth day after the day of mailing.

7.3. A person's last known address includes the address provided by the person to the Municipality as identified in the property tax file.

8. OFFENCE & PENALTY PROVISIONS

8.1. Every person who contravenes any provision of this By-Law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

8.2. If this By-Law is contravened and a conviction entered, the court in which the conviction has been entered and any 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.

9. SEVERABILITY

9.1. If a court of competent jurisdiction should declare any section or part of a section of this By-Law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the By-Law and it is hereby declared that the remainder of the By-Law shall be valid and shall remain in force.

10. SHORT TITLE

10.1. This By-Law shall be referred to as the "Noise By-Law"

11. INTERPRETATION

11.1. Any reference in this By-Law to any statutes, regulations or By-Laws shall be deemed to be a reference to such statutes, regulations, or By-Laws, as amended, restated, or replaced from time to time.

12. GENDER

12.1. In this By-Law any words imparting the masculine gender shall include the feminine gender and neutral gender and vice versa and words imparting the singular shall include the plural where the context requires.

13. HEADINGS

13.1. The headings used in this By-Law are included solely for the convenience of reference and are not to be considered part of this By-Law and are not intended to be full or accurate descriptions of the contents of any section, clause or provision of this By-Law.

14. EFFECTIVE DATE

14.1. **THAT** this By-Law is enacted upon the third and final reading hereof and that all former By-Laws governing such allowance are hereby repealed with exception to the Canine Control By-Law 85-2022.

15. **AUTHORIZATION**

15.1. **THAT** the Mayor and Clerk be and are hereby authorized to sign this By-Law and affix the corporate seal thereto.

Read a first, second and third time, and be finally passed, signed, sealed, and numbered By-Law 52-2023, on this 6th day of July 2023.

Original Signed Copy on File

PAUL JENKINS, MAYOR

Original Signed Copy on File

JENNIFER PEPLINSKI, ACTING CLERK

**Schedule "A" – By-Law 52-2023
Administrative Monetary Penalty System Penalties**

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1.	Failure to Comply: General	2.2 - 2.3.13 Inclusive	\$150.00
2.	Obstructing an Officer	2.5	\$250.00