

**The Corporation of the Township of North Frontenac**

**By-Law #65-21**

**Being a By-law to Repeal By-law #27-21 and to Control Noise  
in the Township of North Frontenac**

**Whereas** Section 129 of the *Municipal Act, 2001*, permits the Township to pass by-laws to prohibit and regulate with respect to noise;

**Now Therefore Be It Resolved That** Council repeals By-law #27-21 and enacts the attached Schedule "A" as the Noise Control Policy for the Council of the Corporation of the Township of North Frontenac;

**And That** By-law #27-21 is hereby repealed;

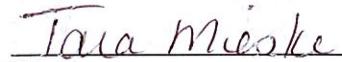
**And That** all Resolutions, By-laws or parts of By-laws, which are contrary to or inconsistent with this by-law, are hereby repealed.

This By-law shall come into force and take effect on the date of final passing.

**Read** a first and second time this 10<sup>th</sup> day of December, 2021

**Read** a third time and passed this 10<sup>th</sup> day of December, 2021

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk

## Schedule "A" To By-law #65-21

### Noise Control Policy

#### 1.0 Short Title

1.1 This By-Law may be cited as the "Noise Control By-Law."

#### 2.0 Definitions

2.1 In this By-Law:

- (a) **"Construction Equipment"** means any equipment or device designed and intended for use in construction, or material handling, including but not limited to, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-highway haulers, trucks, ditchers, compactors and rollers, pumps, concrete mixers, and graders.
- (b) **"Council"** means the Council of the Corporation of the Township of North Frontenac.
- (c) **"Excessive"** means exceeding what is usual or necessary or normal.
- (d) **"Municipal By-law Enforcement Officer"** means the designated by-law enforcement officer(s) of the Township of North Frontenac, or any of them.
- (e) **"Noise"** means a sound that is likely to disturb any person, or that is likely to interfere with the reasonable use and enjoyment of a premises or residential property for example loud music, loud parties, band practice, and loud pets.
- (f) **"Premises"** means a piece of land and any buildings and structures on it, and includes a place of business, highway, and any other location or place.
- (g) **"Property"** means a building or structure or part of a building or structure, and includes the lands appurtenant thereto and all mobile homes, mobile buildings, mobile structures and outbuildings erected thereon.
- (h) **"Residential Property"** means any property that is used or designed for use as a domestic establishment in which one or more persons regularly or occasionally sleep and prepare and serve meals, and includes any land or buildings that are appurtenant to such establishment and all steps, walks, driveways, parking spaces, and fences associated with the dwelling or its yard.
- (i) **"Township"** means the Corporation of the Township of North Frontenac.

- (j) **“Vehicle”** means any type of motor vehicle, recreational vehicle, snowmobile, trailer or other type of vehicle or equipment drawn, propelled or driven by any kind of power.

### **3.0 Noise Control**

- 3.1 No person shall make, cause or permit excessive noise.
- 3.2 In order to respect the quiet solitude of the Township, no person shall make, cause or create noise as to be heard outside the property, including the nature of the neighbourhood and the use of adjoining properties, which is considered excessive and may cause a nuisance to the public generally or to others residing or carrying on business in the vicinity.
- 3.3 Without limiting the generality of section 3.1 of this By-law, the following activities shall be deemed to make, cause or permit noise that is likely to be excessive and disturb any person, or likely to interfere with the reasonable use and enjoyment of a premises or residential property.
- (a) the sounding of any bell, horn, siren or other warning device or the production, reproduction or amplification of any similar sounds by electronic means except where required or authorized by law or in accordance with good safety practices;
  - (b) the sound from the discharge into the open air of the exhaust of any internal combustion engine (including the engine of any vehicle), or pneumatic device without an operating exhaust or muffling device in good working order and in constant operation that prevents noise;
  - (c) the operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electromechanical transducers, and intended for the production, reproduction or amplification of sound;
  - (d) the sound from or created by any, loudspeaker, public address system, equipment or device that emits sound when the same is used or operated for the purpose of advertising or for attracting attention to any performance or sale, show or display of goods or services;
  - (e) the operation of any construction equipment between the hours of 9:00 PM and 7:00 AM on any day;
  - (f) barking, calling, whining or other similar noise made by any domestic pet or any other animals kept or used for any purpose other than agriculture;
  - (g) shouting, yelling the sound from an instrument or radio, or loud parties between 12:00 AM and 7:00 AM that is clearly audible at neighbouring premises or residential properties; or
  - (h) the operation of any powered or non-powered tool for domestic purposes other than snow removal from 9:00 PM to 7:00 AM daily.
- 3.4 The prohibitions described in sections 3.1 and 3.2 do not apply:
- (a) if the noise is the result of measures undertaken in an emergency necessary to ensure the immediate health, safety or welfare of the inhabitants of the Township or other persons, or is necessary to preserve property;

- (b) to the operation of vehicles and equipment by the Township or on behalf of the Township; or
- (c) to activities that are part of a normal farm practice and carried on as part of an agricultural operation.

3.5 Notwithstanding any other provisions of this by-law, any person may make a request to Council to be granted an exemption from any provision of this By-law with respect to any source of noise for which the person might be in violation of this By-law. Council, by Resolution, may grant or refuse to grant any exemption, or may grant an exemption on terms other than those sought by the requester. Any exemption granted by Council shall specify the time period and date(s) during which it is effective and may contain such terms and conditions as Council deems appropriate. The request shall be made in writing to the Clerk and shall contain the name and address of the requester and the property subject to the request; a description of the noise in respect of which the exemption is sought; and the period of time and date(s) for which the exemption is sought.

#### **4.0 Administration and Enforcement**

- 4.1 This By-Law shall be administered by the Chief Administrative Officer, and as directed by the Chief Administrative Officer, enforcement shall be administered by the Municipal By-law Enforcement Officer or any other person appointed by Council to enforce such regulations.
- 4.2 Where an inspection by the Municipal By-law Enforcement Officer reveals that a person is contravening any provision of this By-law; the Township's Chief Administrative Officer or as directed by the Chief Administrative Officer, the Municipal By-law Enforcement Officer may give a written order to any owner, occupant of the property or person alleged to have contravened any provision of this By-law ordering that the owner, occupant or person comply with this By-law.
- 4.3 An order issued under this By-law may set out:
  - (a) The person's name, address and location of the contravention;
  - (b) Sufficient particulars of the contravention to adequately identify the contravention and the location on the property or premises of the contravention;
  - (c) An order to cease the contravention immediately.
- 4.4 An order given by the Township in accordance with any section of this By-law shall be served personally or by registered mail sent to the last known address of the person to whom the order is to be given, in which event the service shall be deemed to have been made on the third day after mailing.
- 4.5 Despite any actions taken in respect to this By-law, the Township shall not be liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the Township in the exercise of its powers under this By-law.
- 4.6 A Municipal By-law Enforcement Officer or any person acting under his/her instructions may at all reasonable times, upon producing proper identification, enter

upon any parcel of land, excluding any building used as a dwelling, for the purpose of conducting an inspection to determine whether there is or has been a contravention of this By-law, or a direction or order issued under this By-law.

- 4.7 A Municipal By-law Enforcement Officer may, as part of his/her inspection:
- (a) Require the owner, occupant or any person the Municipal By-law Enforcement Officer reasonably believes may have information related to the alleged contravention to produce for inspection any document or thing relevant to the inspection;
  - (b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - (c) Require information from any person concerning a matter related to the inspection; and
  - (d) Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 4.8 A Municipal By-law Enforcement Officer who removes any document or thing in accordance with this By-law shall provide the owner, occupant or other person with a receipt for the document or thing and shall return the document or thing once it is no longer required for purposes of enforcement by the Township.
- 4.9 The Township may request an order from a Provincial Judge or Justice of the Peace authorizing a Municipal By-law Enforcement Officer to enter on any property for the purpose of carrying out an inspection for a purpose described in this By-law and to exercise powers described in the order where the Township has been prevented or is likely to be prevented from doing anything set out in this By-law. An order under this subsection:
- (a) Shall state the date on which it expires, which date shall not be later than 30 days after the day the order is issued;
  - (b) May be executed only between 6 a.m. and 9 p.m. unless the order provides otherwise;
  - (c) In the case of an order authorizing an inspection of a room or place actually being used as a dwelling, the occupier must be given notice concerning when the inspection will be carried out; and
  - (d) May be issued on application without notice.
- 4.10 In addition to all other remedies, the Township may charge a fee, to a maximum of 100% of all costs incurred by the Township, for all costs incurred by the Township pursuant to this By-law to remedy any contravention.
- 4.11 All costs incurred by the Township to remedy a contravention of this By-law as provided for herein, shall be due within 30 days from the date of an invoice delivered by the Municipality.
- 4.12 All fees charged to remedy a contravention as provided for herein shall be subject to 1.25% interest per month on the outstanding amount following the date the fee is due.

- 4.13 All fees including any interest thereon and due to the Township in accordance with this By-law may be added to the tax roll of the real property owned by the person(s) that incurred the fees arising from the remedy of the contravention and collected in like manner as municipal taxes.
- 4.14 The Township shall not be liable to the owner or any other person by reason of any work conducted, the storage of any item or any other loss occurring during the exercise of the powers contained within this By-law.

## **5.0 Offences**

- 5.1 Any person who fails to comply with an order issued under this By-Law is guilty of an offence.
- 5.2 Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended
- 5.3 Any person who obstructs or hinders a Municipal By-law Enforcement Officer in the performance of his or her duties under this By-law is guilty of an offence.
- 5.4 Upon conviction of an offence under this By-law, the maximum fine for an individual shall be \$5,000.00 for a first conviction and a maximum of \$10,000.00 for every subsequent conviction under this By-law.
- 5.5 Upon conviction of an offence under this By-law, the maximum fine for a corporation shall be \$10,000.00 for a first conviction and a maximum of \$20,000.00 for every subsequent conviction under this By-law.
- 5.6 If this By-law is contravened and a conviction is entered, the court in which the conviction was entered or any Court of competent jurisdiction may, in addition to any other remedy and to any other penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

## **6.0 Validity**

- 6.1 A decision of a competent court that one or more provisions of this By-law are invalid in whole or in part does not affect the validity, effectiveness or enforce ability of the other provisions or part of provisions of this By-law.

## **7.0 Applicability**

- 7.1 This By-law shall apply to all property within the limits of the Township of North Frontenac.

## **8.0 Effective Date**

- 8.1 This By-law shall come into force and take effect on the date of its passing.