

**THE CORPORATION OF THE MUNICIPALITY
OF OLIVER PAIPOONGE**

BY-LAW NO. 874 - 2015

A By-law to regulate or prohibit unusual noises likely to disturb the inhabitants of the Municipality of Oliver Paipoonge.

WHEREAS the Municipal Act, RSO 2001, c. 25 Clause 129(a) provides that a local municipality may prohibit and regulate with respect to noise, vibration, odour and dust; and

WHEREAS Clause 129(b) of the said Act provides that a local municipality may prohibit the matters described in clause 129(a) unless a permit is obtained from the municipality for those matters and may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans;

WHEREAS the Council of The Corporation of the Municipality of Oliver Paipoonge deems it necessary to pass such a by-law;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF OLIVER PAIPOONGE ENACTS AS FOLLOWS:

1. In this By-law,

“Public Address System” means any system of loud speakers, amplifiers, microphones or reproducers or combination of such equipment used in the reproduction or amplification of music, speech or other sounds, when used for communication to or otherwise addressing or entertaining groups of people, whether the same is mounted on the exterior of a building or other structure or directed to the exterior of a building or structure located upon the ground or mobile.

2. No person shall within the Corporate limits of the Municipality of Oliver Paipoonge, ring any bell, blow or sound any horn, shout or make any unusual noise or noise likely to disturb the inhabitants of the Municipality of Oliver Paipoonge or cause or permit the same to be made.

3. (1) No person shall carry out, cause or permit any external construction, demolition or excavation work including the erection, demolition, alteration or repair of any building structure, between the hours of 10:00pm of any day and 7:00am of the next following day, except in the case of urgent necessity involving the safety of persons or the preservation of property.

(2) During the period between April 1st and October 31st both inclusive in any year, the prohibited hours shall be between 10:30pm of any day and 6:30am of the next following day.

4. No person shall cause or permit a radio, phonograph, cassette player, compact disc player, musical instrument or public address system to be used between the hours of 11:00pm of any day and 7:00am of the next following day so as to disturb the peace and comfort of the neighbourhood or of any person in any dwelling house, apartment, room or other type of residence separate from the dwelling house, apartment, room or residence in which the aforementioned equipment or instruments are used.

5. No person shall cause or permit, without the written permission of the Council of the Municipality, the use of any Public Address System for the projection of sound onto a street or other public place from any building, provided that nothing in this Section shall apply to the use of amplifiers in a reasonable manner in a public park or other such commodious space for the purpose of election meetings or other reasonable gatherings; and provided further that if for any reason the Council is not satisfied that written permission is to be granted, he or she shall report the application to Council which may grant or withhold such permission.
6. No person shall cause or permit the operation of any public address system during school hours within 100 feet of any school.
7. (1) No person shall, within the Municipality, keep any birds or animals, the sounds or cries of which are likely to disturb the inhabitants of the Municipality.

(2) This Section shall not apply to any lawful farming, farm related or agricultural operation conducted within an area zoned for such purposes under the Municipality's Zoning By-law.
8. No person shall operate any motor vehicle or any equipment, sound system or noise making device thereon in such manner that the sound therefrom is likely to disturb the inhabitants of Municipality.
9. None of the provisions of this By-law shall apply to:
 - a) 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, public celebration or other reasonable gathering, provided written permission of Council, is first obtained.
 - b) Any military or other band or any parade, operating under a permit obtained from the By-law Enforcement Officer or Council.
 - c) Any vehicle of a police or fire department or any ambulance or any public service or emergency vehicle.
 - d) 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 auditable at a distance of 10 metres from such vehicle.
 - e) Any noise from farming, husbandry or agricultural operations carried on in the ordinary course within an area zoned for such purposes under the Municipality's Zoning By-law
10. 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.I. 1990, c. P. 33., in addition to any other remedies provided under the Municipal Act or Provincial Offences Act.
11. By-law 474-2007 of The Corporation of the Municipality of Oliver Paipoonge is hereby repealed.

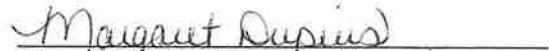
4. This by-law shall come into force and take effect on the date of passing.

Enacted and passed this 8th of November, A.D. 2015 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

THE CORPORATION OF THE
MUNICIPALITY OF OLIVER PAIPOONGE



Mayor Lucy Kloosterhuis


Margaret Dupuis, CAO/Clerk