

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF
McMURRICH/MONTEITH

BY-LAW #27-2024

Being a By-law to Control Noise
within The Township of McMurrich Monteith

WHEREAS Section 129 of the Municipal Act 2001, S.O. c.25 as amended authorizes the municipality to prohibit, regulate and otherwise control noise;

AND WHEREAS Section 425(1) of the Municipal Act, 2001, S.O. c.25 as amended, states that a municipality may pass By-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence, 2006, c. 32, Sched. A, s. 184.

AND WHEREAS Section 444 of the Municipal Act, 2001, S.O. c.25 as amended, provides that the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity, and any person who contravenes such an order is guilty of an offence;

AND WHEREAS People have a right to and should be ensured an environment free from unusual, unnecessary or excessive noise which may degrade the quality and tranquility of their life or cause nuisance;

AND WHEREAS It is the policy of the Council to reduce and control such noise or vibration;

NOW THEREFORE the Council of the Municipal Corporation of The Township of McMurrich Monteith hereby enacts as follows:

1. DEFINITIONS

"Appliance" means a household device whether fixed or portable;

"Applicant" means a person or persons seeking an exemption of either a temporary or permanent nature from the provisions and requirements of this By-law;

"Construction" includes 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 installation 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 compressors, 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, or other material handling equipment;

"Conveyance" includes a vehicle and any other device employed to transport a person or persons or goods from place to place but does not include any such device or vehicle if operated only within a building;

"Council" means the Council of The Municipal Corporation of The Township of McMurrich Monteith;

"**Domestic Pet**" means any member of the species *canis familiaris* kept as a pet;

"**Excessive Noise**" means noise under human control and of such a nature as to interfere with the peace, comfort and convenience of any person. The person making the complaint must not be in or at the same place where the noise is being emitted;

"**Emergency Vehicles and Equipment**" means any emergency services vehicle including fire trucks, ambulances, police vehicles, utility emergency vehicles, loud speakers or emergency siren and any other method of acquiring the public's attention during an emergency situation or mock disaster practice scenario owned by or operation on behalf of The Township of Armour, the Province of Ontario, the Government of Canada or such agencies including but not limited to Canadian National Railway, Enbridge Gas, or Hydro One;

"**Generator**" means a device which consumes fuel (i.e. propane, diesel, natural gas) to produce electrical power;

"**Highway**" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for, or used by, the general public for the passage of vehicles;

"**Motorized Conveyance**" means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power;

"**Noise**" means unwanted sound and vibrations;

"**Owner**" means the registered owner of the land from which noise originates and also includes a trustee acting on behalf of the registered owner, the estate of a registered owner and a person with a leasehold interest in the land;

"**Point of Reception**" means any place on a property where sound or vibration is heard, the source of which does not originate from same property:

"**Public Park**" means any open space or recreational area, owned or controlled by The Municipal Corporation of The Township of McMurrich Monteith, commission or other authority established under any statute of the Province of Ontario;

"**Service Vehicle**" means a vehicle operated by or on behalf of The Township of McMurrich Monteith or private contractor, while such vehicle is being used in the clearing and removal of snow, sanding or salting;

2. PROHIBITIONS

2.1 No person or owner shall emit, cause or permit the emission of noise, which is clearly audible to a person at a point of reception, resulting from an act listed in Schedule "A" – Prohibitions, within the prohibited time shown for such an act.

2.2 No person or owner shall emit, cause or permit the emission of excessive noise, which disrupts the normal living or working environment of a person at a point of reception, resulting from an act listed in Schedule "A" - Prohibitions, regardless of the prohibited time as listed.

3. GENERAL EXEMPTIONS

3.1 Notwithstanding any other provision of this By-law, it shall be lawful to emit or cause or permit the emission of sound or vibration in connection with emergency measures undertaken:

- a) For the immediate health, safety or welfare of the inhabitants or any of them: or

b) For the preservation or restoration of property; unless such sound or vibration is clearly of a longer duration, or nature more disturbing than is reasonably necessary to accomplish such emergency purpose.

3.2 The operation of service vehicles.

3.3 Audible pedestrian signals.

3.4 Section 2.2 of this By-law shall be deemed not to apply to the following:

a) Reasonably necessary sound or vibration related to industrial or commercial operations.

4. GRANT OF EXEMPTION BY COUNCIL

4.1 Notwithstanding anything contained in this By-law, any person may make application to Council to be granted an exemption from any of the provisions of this By-law with respect to any source of sound or vibration for which he/she might be prosecuted. Council, by resolution, may refuse to grant any exemption or may grant the exemption applied for or any exemption of lesser effect. Any exemption granted shall specify the time period, not in excess of six (6) months during which it is effective and may contain such terms and conditions as Council sees fit.

4.2 In deciding whether to grant the exemption, Council shall give the applicant and any person opposed to the application an opportunity to be heard and may consider such other matters as it sees fit.

4.3 Breach by the applicant of any of the terms or conditions of the exemption shall render the exemption null and void.

5. SEVERABILITY

5.1 If any section or sections of this By-law or parts thereof are found by a court of law to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this by-law shall be deemed to be separate and independent there from and to be enacted as such.

6. CONFLICT

6.1 If a provision of this By-law conflicts with an Act or regulation or another By-law the provision that is the most restrictive shall prevail.

7. PENALTY

7.1 Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction, shall be liable to a fine of not more than five thousand (\$5,000.00) dollars, as provided for in the *Provincial Offences Act, R.S.O. 1990, Chapter P. 33*.

8. ADMINISTRATIVE CORRECTIONS

8.1 The Clerk of the Township of McMurrich Monteith is hereby authorized to make any minor modifications or corrections of an administrative, numeric, grammatic, semantic or descriptive nature or kind to the by-law and schedule(s) as may be deemed necessary after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

9. SHORT TITLE

9.1 This By-law may be cited as the "Noise Control By-law"

10. SCHEDULES

10.1 The schedules to this By-law shall be deemed to form part of this By-law.

11. ENACTMENT

11.1 That this By-law shall take effect on the date it is passed.

Read in its entirety, approved,
signed and the seal of the
Corporation affixed thereto and
finally passed in open Council
this 20th day of August, 2024.



Glynn Robinson Mayor



Cheryl Marshall, Clerk

SCHEDULE A - By-law # 27 -2024

The Municipal Corporation of the Township of McMurrich Monteith
Part I Provincial Offences Act
Bylaw # 27- 2024: Noise

	Prohibitions	Prohibited Period of Time
1	The operation of any electronic devices intended for the production, reproduction or amplification of sound.	11:00 p.m. one day to 7:00 a.m. the next day
2	The operation of any auditory signaling device including but not limited to the ringing of bells or gongs and the blowing of horns or sirens or whistles.	11:00 p.m. one day to 7:00 a.m. the next day
3	The operation of any construction equipment or in connection with construction.	9:00 p.m. one day to 7:00 a.m. the next day
4	The operation of a toy, model or replica of a larger device, that has no function other than amusement.	11:00 p.m. one day to 7:00 a.m. the next day
5	The operation of any motorized conveyance other than on a highway or authorized snowmobile trail.	11:00 p.m. one day to 7:00 a.m. the next day
6	The operation of a motorized conveyance resulting in excessive noise.	11:00 p.m. one day to 7:00 a.m. the next day
7	Persistent barking, whining or other similar persistent noise making by a domestic pet.	11:00 p.m. one day to 7:00 a.m. the next day
8	The operation of any powered or nonpowered tool, equipment or appliance for domestic purposes other than snow removal.	11:00 p.m. one day to 7:00 a.m. the next day
9	The operation of solid waste bulk lift or refuse compacting equipment.	11:00 p.m. one day to 7:00 a.m. the next day
10	Yelling, shouting, hooting or hollering.	11:00 p.m. one day to 7:00 a.m. the next day
11	Loud playing of musical instruments.	11:00 p.m. one day to 7:00 a.m. the next day
12	The operation of a motorized conveyance in such a way as to rev the engine beyond what is required for normal operation and maintenance.	11:00 p.m. one day to 7:00 a.m. the next day
13	The operation of a Generator to provide power to a residential dwelling other than during a power outage or other than during the construction phase prior to power being installed in the constructed building.	11:00 p.m. one day to 7:00 a.m. the next day

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
NORTHEAST REGION
159 CEDAR STREET
3rd FLOOR, SUITE 303
SUDBURY, ONTARIO P3E 6A5



CABINET DU JUGE PRINCIPALE RÉGIONALE
COUR DE JUSTICE DE L'ONTARIO
RÉGION DU NORD-EST
159, RUE CEDAR
3^e ÉTAGE, BUREAU 303
SUDBURY (ONTARIO) P3E 6A5
TELEPHONE/TÉLÉPHONE (705) 564-7624
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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. 27-2024 of the Township of McMurrich/Monteith, Parry Sound District, attached hereto is the set fine for that offence. This Order is to take effect October 2, 2024.

Dated at the City of Greater Sudbury, this 2nd day of October, 2024.

A handwritten signature in cursive script that reads "Karen Lische".

KAREN LISCHÉ
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

The Corporation of the Township of McMurrich/Monteith

By-Law #27-2024

Being a By-Law to Control Noise Within
the Township of McMurrich/Monteith

PART 1 – PROVINCIAL OFFENCES ACT

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Permitting noise from electronic device during prohibited time	Section 2.1, schedule A (1)	\$300.00
2	Permitting excessive noise from electronic device at any time	Section 2.2, schedule A (1)	\$300.00
3	Permitting noise from auditory signaling device during prohibited time	Section 2.1, schedule A (2)	\$300.00
4	Permitting excessive noise from auditory signaling device at any time	Section 2.2, schedule A (2)	\$300.00
5	Permitting noise from construction equipment during prohibited time	Section 2.1, schedule A (3)	\$300.00
6	Permitting excessive noise from construction equipment at any time	Section 2.2, schedule A (3)	\$300.00
7	Permitting noise from a toy, model or replica during prohibited time	Section 2.1, schedule A (4)	\$300.00
8	Permitting excessive noise from a toy, model or replica at any time	Section 2.2, schedule A (4)	\$300.00
9	Permitting noise from a motorized conveyance other than on a highway or authorized snowmobile trail during prohibited time	Section 2.1, schedule A (5)	\$300.00
10	Permitting excessive noise from a motorized conveyance other than on a highway or authorized snowmobile trail at any time	Section 2.2, schedule A (5)	\$300.00
11	Permitting noise from a motorized conveyance during prohibited time	Section 2.1, schedule A (6)	\$300.00
12	Permitting excessive noise from a motorized conveyance at any time	Section 2.2, schedule A (6)	\$300.00
13	Permitting persistent noise from a domestic pet during prohibited time	Section 2.1, schedule A (7)	\$300.00
14	Permitting excessive noise from a domestic pet at any time	Section 2.2, schedule A (7)	\$300.00
15	Permitting noise from any tool, equipment or appliance during prohibited time	Section 2.1, schedule A (8)	\$300.00

K. H. [Signature]

16	Permitting excessive noise from any tool, equipment or appliance at any time	Section 2.2, schedule A (8)	\$300.00
17	Permitting noise from solid waste bulk lift or refuse compacting	Section 2.1, schedule A (9)	\$300.00
18	Permitting excessive noise from solid waste bulk lift or refuse compacting at any time	Section 2.2, schedule A (9)	\$300.00
19	Permitting noise by yelling, shouting, hooting or hollering during a prohibited time	Section 2.1, schedule A (10)	\$300.00
20	Permitting excessive noise by yelling, shouting, hooting or hollering at any time	Section 2.2, schedule A (10)	\$300.00
21	Permitting noise from loud playing of musical instruments during prohibited time	Section 2.1, schedule A (11)	\$300.00
22	Permitting excessive noise from loud playing of musical instruments at any time	Section 2.2, schedule A (11)	\$300.00
23	Permitting noise from the operation of a motorized conveyance in such a way to rev the engine during prohibited time	Section 2.1, schedule A (12)	\$300.00
24	Permitting excessive noise from the operation of a motorized conveyance at any time	Section 2.2, schedule A (12)	\$300.00
25	Permitting noise from a domestic generator during prohibited time	Section 2.1, schedule A (13)	\$300.00
26	Permitting excessive noise from a domestic generator at any time	Section 2.2, schedule A (13)	\$300.00

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Note: The penalty provision for the offences indicated above is Section 7.1 of By-Law #27-2024,
a certified copy of which has been filed, and section 61 of the Provincial Offences Act, R.S.O. 1990,
c. P. 33, as amended.