

THE CORPORATION OF THE TOWNSHIP OF DORION

BY-LAW NO. 877-16

Being a by-law to regulate or prohibit certain noises within the Township of Dorion.

WHEREAS Section 129 of the *Municipal Act, 2001*, S.O. 2001, c. 25 authorizes municipalities to prohibit and regulate with respect to noise, vibration and other nuisances; and

WHEREAS the Council of the Corporation of the Township of Dorion deems it necessary to pass such a by-law;

THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF DORION ENACTS AS FOLLOWS:

1. **SHORT TITLE:**

This By-law may be referred to as the "Noise By-law".

2. **DEFINITIONS:**

- 2.1 **Construction** means the erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavation, blasting and detonation of explosive devices other than fireworks, 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, including any associated or related work.
- 2.2 **Construction Equipment** means any equipment or device designed and intended for use in construction or material handling, including: 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, graders or other material handling equipment.
- 2.3 **Corporation** means The Corporation of the Township of Dorion, a municipal corporation duly incorporated pursuant to the laws of the Province of Ontario.
- 2.4 **Council** means the elected municipal council of the Corporation.
- 2.5 **Dorion** means the geographic area within the jurisdiction of the Corporation.
- 2.6 **Emergency** means a situation or an impending situation, often dangerous, caused by the forces of nature, an accident, an intentional act or otherwise, which arises suddenly and calls for prompt action.
- 2.7 **Motor Vehicle** means an automobile, bus, truck, motorcycle, motor assisted bicycle and any other vehicle propelled or driven other than by muscular power, but does not include a traction engine, farm tractor, other farm vehicle or road- building machine.
- 2.8 **Municipal Law Enforcement Officer** means any person duly appointed to enforce the provisions of this By-law or any member of the Ontario Provincial Police.
- 2.9 **Municipal Service Vehicle** means a Motor Vehicle operated by or on behalf of the Corporation while the Motor Vehicle is being used for the construction, repair or maintenance of a highway, including the clearing and removing of snow or other municipal purpose.

THE CORPORATION OF THE TOWNSHIP OF DORION
BY-LAW NO. 877-16 (Con't)

- 2.10 **Noise** means sound that is unusual or excessive, or that is reasonably unwanted by or disturbing to persons, in the circumstances within which it occurs.
- 2.11 **Premises** means any land or building which is not a Residence.
- 2.12 **Residence** means a room, suite of rooms, or dwelling, operating as a housekeeping unit that is lawfully used as a domicile.
- 2.13 **Utility** means a system that is used to provide a utility service to the public, including electricity, telephone and communications networks.
- 2.14 **Utility Service Vehicle** means a Motor Vehicle operated by Hydro One, Bell Canada, TBayTel, or any of their subsidiaries or other companies or agencies that supply or manage a Utility within the Township of Dorion, while the Motor Vehicle is being used for the construction, repair or maintenance of that Utility.

3. OFFENCES AND EXEMPTIONS

- 3.1 **General Noise Prohibition:** No person shall cause or permit the making of Noise, or to permit the persistent barking, calling, whining, or making other Noise, by animals within the Township of Dorion that is likely to disturb the persons or inhabitants of Dorion.
- 3.2 **Working Animals:** This By-law does not apply to prohibit persons using hearing-ear dogs, seeing-eye dogs, or other similar working animals, from allowing those animals to make the sounds required of them in the course of their working duties.
- 3.3 **Specific Noise Prohibitions by Time:** No person shall cause or permit the making of Noise within the Township of Dorion that is the result of any of the activities listed in the table in Schedule "A", during the days and between the hours specified in Schedule "A" for that activity, that is audible to:
- (a) A person in a Premises or a Motor Vehicle other than the Premises or Motor Vehicle from which the Noise is originating; or
 - (b) A person in a Residence other than the Residence from which the Noise is originating.
- 3.4 **Compression Brakes:** No person shall cause or permit the making of Noise through the operation of Compression Brakes on highways within the Township of Dorion.
- 3.5 **Exemption for Emergencies:** This By-law does not prohibit Noise reasonably necessary resulting from measures undertaken in an Emergency for the immediate health, safety or welfare of the inhabitants of the Township of Dorion or for preservation or restoration of property.
- 3.6 **Specific Exemptions:** This By-law does not prohibit Noise caused by any one or more of the following activities:
- (a) the operation of Municipal Service Vehicles and related equipment;
 - (b) the operation of Utility Service Vehicles and related equipment;
 - (c) the operation of Emergency Helicopters
 - (d) the authorized use of fireworks;

THE CORPORATION OF THE TOWNSHIP OF DORION
BY-LAW NO. 877-16 (Con't)

- (e) special events that are sanctioned or approved by the Corporation, including: festivals, races, parades, midways, exhibitions, circuses, etc.;
- (f) the operation of bells, chimes, carillons and clocks on churches, schools, or public buildings;
- (g) cultural, recreational, educational and political events in parks or other public areas that are sanctioned or approved by the Corporation;
- (h) neighbourhood events on highways or other municipal property that have been sanctioned or approved by the Corporation;
- (i) activities normally associated with a lawful commercial or industrial use unless specifically prohibited elsewhere in this By-law.
- (j) Temporary exemptions may be issued upon conditions that assist in achieving the desired balance of interests as determined by Council.

4. ENFORCEMENT & PENALTIES

4.1 **Enforcement:** This By-law may be enforced by the Municipal By-Law Enforcement Officer, or by way of private information sworn in accordance with the *Provincial Offences Act*.

4.2 **Penalties:** Every person who contravenes any provision of the 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*.

5. ENACTMENT

This By-law shall come into force and take effect on:

5.1 Schedule "B" to this By-law being forwarded to and approved by the Senior Regional Justice of Ontario Court of Justice;

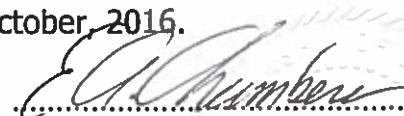
5.2 That this By-law shall come into force and take effect upon the final passing thereof.

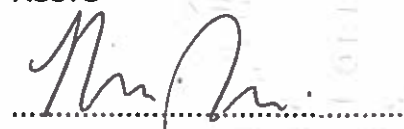
Read a first and second time this 4th day of October, 2016.


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Reeve


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Clerk-Treasurer

Read a third time and finally passed this 4th day of October, 2016.


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Reeve


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Clerk-Treasurer

THE CORPORATION OF THE TOWNSHIP OF DORION
BY-LAW NO. 877-16 (Con't)

Schedule "A"

Prohibitions During Specific Times

Noise-Causing Activity	Prohibited Times
1. Make, cause or permit the making of Noise through Construction, including the operation of Construction Equipment during prohibited time.	From 11:00 p.m. any day until 7:00 a.m. the following day, unless the following day is a Sunday or a statutory holiday, in which case the prohibition continues until 9:00 a.m.
2. Make, cause or permit the making of Noise through the operation of any device or group of connected devices intended for the production, reproduction, or amplification of voices or sound during prohibited time.	From 11:00 p.m. any day until 7:00 a.m. the following day, unless the following day is a Sunday or a statutory holiday, in which case the prohibition continues until 9:00 a.m.
3. Make, cause or permit the making of Noise through the operation of a Motor Vehicle other than on a place intended for its operation during prohibited time.	From 11:00 p.m. any day until 7:00 a.m. the following day, unless the following day is a Sunday or a statutory holiday, in which case the prohibition continues until 9:00 a.m.
4. Make, cause or permit the making of Noise through the outdoor operation of any powered or non-powered tool for domestic purposes other than snow removal during prohibited time.	From 11:00 p.m. any day until 7:00 a.m. the following day, unless the following day is a Sunday or a statutory holiday, in which case the prohibition continues until 9:00 a.m.
5. Make, cause or permit the making of Noise through the operation of a pit or quarry during prohibited time.	From 11:00 p.m. any day until 7:00 a.m. the following day, and all day on Sundays and statutory holidays.
6. Make, cause or permit the making of noise through yelling, shouting, hooting, whistling, singing or the playing of musical instruments, including percussion instruments during prohibited time.	From 11:00 p.m. any day until 7:00 a.m. the following day, unless the following day is a Sunday or a statutory holiday, in which case the prohibition continues until 9:00 a.m.
7. Make, cause or permit the making of noise through the operation of an approved shooting range / sport clay shooting range during prohibited time.	Everyday, excluding Saturdays From 10:00 a.m. to 4:00 p.m. (year round), and Everyday, excluding Wednesday and/or Thursday evenings From 5:00 p.m. to 8:00 p.m. – April 1 to September 15

THE CORPORATION OF THE TOWNSHIP OF DORION
BY-LAW NO. 877-16 (Con't)

Schedule "B"

THE CORPORATION OF THE TOWNSHIP OF DORION
PART I PROVINCIAL OFFENCES ACT
BY-LAW NUMBER 877-16: NOISE REGULATION

Item #	Short form Wording	Provision Creating or Defining	Set fines
1.	Cause noise likely to disturb inhabitants.	Section 3.1	\$110.00
2.	Permit noise by animals likely to disturb inhabitants.	Section 3.1	\$110.00
3.	Cause noise by construction during prohibited time.	Section 3.3 and Schedule A, Section	\$110.00
4.	Cause noise by sound production, reproduction or amplification during prohibited	Section 3.3 and Schedule A, Section 2	\$110.00
5.	Cause noise by the operation of a motor vehicle during prohibited	Section 3.3 and Schedule A, Section	\$110.00
6.	Cause noise by use of domestic tool during prohibited time.	Section 3.3 and Schedule A, Section	\$110.00
7.	Cause noise by the operation of a pit or quarry during prohibited	Section 3.3 and Schedule A, Section	\$110.00
8.	Cause noise by yelling, shouting, hooting, whistling, singing or playing of musical instruments during prohibited time.	Section 3.3 and Schedule A, Section 6	\$110.00
9.	Cause noise through the operation of an approved shooting range / sport clay shooting range during prohibited time	Section 3.3 and Schedule A, Section 7	\$110.00

Note: the general penalty provision for the offences listed above is section 4.2 of By-law 877-16, a certified copy of which has been filed.