

THE CORPORATION OF THE TOWN OF SMOOTH ROCK FALLS

BY-LAW NUMBER 2008-07

**BEING A BY-LAW TO PROHIBIT OR
REGULATE NOISES WITHIN THE TOWN OF
SMOOTH ROCK FALLS**

WHEREAS Sections 9 & 129 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that the Councils of local municipalities may pass by-laws to prohibit and regulate with respect to noise and vibration.

NOW THEREFORE the Council of the Corporation of the Town of Smooth Rock Falls enacts as follows:

1. **Definitions:**

a) Dwelling House

A “dwelling house” includes an apartment house, hotel or any other type of permanent or temporary residence.

b) Person

A “person” includes a corporation.

c) Emergency Vehicle

An “emergency vehicle” includes a police car, ambulance, fire truck or other vehicle responding to an emergency call pursuant to a call for service.

2. **General – Likely to Disturb**

No person shall within the limits of the Corporation of the Town of Smooth Rock Falls make or permit any noise and/or vibration likely to disturb the inhabitant thereof.

3. Without limiting the generality of Section 2, the following noises or sounds shall be deemed to be noises likely to disturb the inhabitants of the municipality:

a) Radio – Loud Speaker

The noises or sound made or created by any radio, phonograph, public address system, sound equipment, loud speaker, musical instrument or other sound-producing equipment, when the equipment is played or operated in such a manner that the sound or noise made or created thereby disturbs the peace, comfort, or repose of any person in a dwelling house shall be deemed to be noises likely to disturb.

b) Amplifier – Loud Speaker

The noise or sound caused or made by an amplifier or loud speaker carried in or attached to a motor vehicle being operated or standing on a public highway shall be deemed to be noises likely to disturb.

c) Animal

The sound made by an animal (dog, cat, bird, etc.) under the care of an individual and/or individuals which disturbs the peace, comfort or repose of any person in a dwelling house shall be deemed to be noises likely to disturb.

d) Motor Racing – Standing Motor Vehicle

The noise caused by the unnecessary racing of the motor of a standing motor vehicle shall be deemed to be noises likely to disturb.

e) Construction – Demolition, Repair, Restrictions

The noise caused by the erection, demolition, alteration or repair of a building or by construction of earth-moving equipment working upon such site situated within 500 feet of an occupied dwelling house on any day, between the hours of 9:00 o'clock p.m. and 5:00 o'clock a.m. of the following day.

f) Lawnmower – Times of Day

The noise made by a power lawn mower within 100 feet of an occupied dwelling house on any day between the hours of 10:00 o'clock p.m. and 8:00 a.m. of the following day.

4. **Exceptions:**

None of the provisions of this bylaw shall apply to prevent:

a) **Parades, Fairs, Public or Fundraising Functions**

The noise caused by a lawful parade, fair, public function or fundraising function, which has been duly authorized by a Resolution of Council.

b) **Church Bells – Chimes**

The noise caused by the sound of a church bell or chime.

c) **Public Utility Work**

The noise caused by works done upon a site or highway when such work is undertaken by forces of the Corporation of the Town of Smooth Rock Falls, Hydro One, the Ministry of Transportation, any other public utility, or any Contractor providing services on their behalf, with the Corporation of the Town of Smooth Rock Falls.

d) **Traffic Control Devices**

The noise created as part of traffic control devices, including those at traffic signal locations and railway crossings.

e) **Warning Safety Devices – Vehicles**

The noise created as part of a vehicle's warning devices where required for authorized bylaw or in accordance with good safety practices, including a vehicle's back-up alarm.

f) **Snow Removal Equipment**

The noise created by the operation of snow removal equipment while in operation of snow removal.

g) **Emergency Vehicle Sirens**

The noise created by the sound of a siren on an emergency vehicle.

5. **Grant Exceptions by Council:**

a) **Exceptions**

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

b) **Breach**

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

6. **Fines and Enforcement**

a) **Penalties**

Any person who contravenes any provision of this bylaw is guilty of an offence and is liable to a fine of fifty dollars (\$50.00) per occurrence upon conviction, and is recoverable under the terms of the Provincial Offences Act.

b) **Enforcement**

This bylaw shall be enforced by a Police Officer, Municipal Law Enforcement Officer, Provincial Offences Officer, Bylaw Enforcement Office or any other person appointed by the Council of the Corporation of the Town of Smooth Rock Falls.

7. **General and Repeal of former By-Law**

a) If any provision of this by-law is declared invalid for any reason by a Court of competent jurisdiction, the remainder of the by-law shall continue in force.

b) This By-law shall come into force and effect upon the repeal of By-law Number 90-11.

- c) This By-law shall come into force and effect immediately upon the passing thereof.

READ a first and second time this 4th day of February 2008.



MAYOR – Kevin Somer



CLERK – Michelle Larose

READ this third time and finally passed this 4th day of February 2008.



MAYOR – Kevin Somer



CLERK – Michelle Larose

