

THE CORPORATION OF THE TOWN OF GORE BAY

BY-LAW NO. 2012-28

**BEING A BY-LAW TO PROHIBIT AND REGULATE UNUSUAL NOISES OR
NOISES LIKELY TO DISTURB THE INHABITANTS OF THE TOWN OF
GORE BAY AND TO REPEAL BY-LAW NO. 91-57**

WHEREAS Section 9 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 129 of the Municipal Act, 2001 provides that, without limiting Sections 9 and 10 of the Act, a municipality may prohibit or regulate noise within the municipality;

AND WHEREAS the Council of The Corporation of the Town of Gore Bay deems it necessary and desirable to regulate or prohibit public nuisances or noise likely to disturb the health, safety, normal use and enjoyment of the inhabitants of the Town from all properties;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GORE BAY ENACTS AS FOLLOWS:

1.0 SHORT TITLE

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

2.0 INTERPRETATION

2.1 For the purposes of this By-law the following terms shall have the corresponding meanings:

"Town" means The Corporation of the Town of Gore Bay;

"construction equipment" includes a bulldozer, excavator, trencher, jack hammer, crane, loader, scraper, paver, compactor, roller, grader, concrete mixer and the like;

"Council" means the Council of the Town;

"holiday" means any holiday set out as a holiday in the Retail Business Holidays Act, R.S.O. 1990, Chap. R. 30, or any successor thereof;

"noise" means sound that is of such a volume or nature that it is likely to disturb the inhabitants of the Town of Gore Bay;

"area" means all areas within the boundaries of the Town of Gore Bay; and

"person" includes a corporation, organization, association, partnership and the like.

3.0 GENERAL EXEMPTIONS

3.1 This by-law does not apply:

3.1.1. during an emergency involving the health, safety or welfare of the public;

3.1.2. where the Town, its servants, employees, contractors or agents are carrying out Town operations or operating, maintaining or installing

municipally owned infrastructure, facilities or the like, except for detonation of explosives;

- 3.1.3. to noise created by the activity of snow removal;
- 3.1.4. to road races, parades, circuses, entertainment activities in public parks or neighbourhood social activities when such events are approved by Council and such activity or event is in conjunction with the conditions set by Council in approving such activity or event;
- 3.1.5. to sport or recreational events in public parks where a permit has been issued by the Town authorizing such event and the event complies with all of the conditions of such permit; or
- 3.1.6. to the use of implements of husbandry in the operation of agricultural endeavours.

4.0 EXEMPTIONS BY COUNCIL

- 4.1 Despite the provisions of this By-law, any person may apply to Council for an exemption to any provisions of this By-law with respect to any noise to allow such person to emit, cause or permit such noise for the period of time set out in such application, and Council may grant such exemption, grant an alternative exemption or refuse such exemption, and may set out conditions to be met as Council sees fit for any exemptions granted.
- 4.2 Where an exemption is granted by Council, breach of any of the terms or conditions of the exemption shall render the exemption null and void.
- 4.3 Every person applying for an exemption shall, at least 10 business days prior to the Council meeting at which the request for exemption is to be addressed by Council, provide the CAO of the Town:
 - (a) a complete and accurate application form as provided by the Town setting out the particulars respecting the exemption requested; and
 - (b) payment of the exemption processing fee in the amount set by Council and in effect at the time of such exemption request

5.0 GENERAL PROHIBITIONS

- 5.1 No person shall, at any time, emit, cause or permit to be emitted or cause any noise created by:
 - 5.1.1. the persistent barking, calling or whining of any domestic pet or any animal.
 - 5.1.2. the squealing of motor vehicle tires while such vehicle is on property other than a highway as set out in the Highway Traffic Act, R.S.O. 1990, Chap. H. 8, or any successor thereof;
 - 5.1.3. the use of a horn, whistle, alarm, bell, gong or the like, except for an auditory safety or warning device or chimes used in association with a religious establishment;
 - 5.1.4. the detonation of explosives;
 - 5.1.5. the operation of an air conditioner, pool pump or filter, heat pump or the like that is not in proper working order;
 - 5.1.6. the idling of a vehicle motor in excess of 10 minutes, except:
 - (i) when such idling is recommended by the manufacturer of such vehicle and proof of such recommendation is provided by the vehicle operator upon the request of the police officer;
 - (ii) when such idling is necessary to the basic function of the equipment on a vehicle such as a concrete mixer on a concrete mixing truck, a lift platform, a refuse compactor or a heat exchange system; or
 - (iii) when the weather conditions require the vehicle to idle in order to keep in operation a heating or refrigeration system necessary for the welfare or preservation of the cargo of such vehicle;

- 5.1.7. the operation of a combustion engine without an effective exhaust muffling device in proper working order; or
- 5.1.8. the operation of a vehicle radio, stereo or the like.

6.0 PROHIBITIONS BY TIME AND PLACE

- 6.1 No person shall emit, cause or permit to be emitted or caused any noise created by an activity listed in Schedule "A" of this By-law during the time and in the area such noise is prohibited as set out in such Schedule.

7.0 OFFENCE

- 7.1 Every person who contravenes any provision of this By-law is guilty of an offence.

8.0 PENALTY

- 8.1 Every person who is convicted of an offence under any provision of this By-law shall be liable to a penalty as set out in Section 61 of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, or any successors thereof.

9.0 SCHEDULES FORM PART OF BY-LAW

- 9.1 Schedule "A" attached hereto shall form part of this By-law.

10.0 PRIOR BY-LAWS REPEALED

- 10.1 By-law Number 91-57 is hereby repealed as of the date and time of this By-law coming into effect.

11.0 EFFECTIVE DATE OF BY-LAW

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

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 13th DAY OF AUGUST, 2012.



.....
MAYOR



.....
CLERK

SCHEDULE 'A'

To By-law Number 2012- 28
The Noise Control By-law

"NOISE" CREATED FROM THE FOLLOWING ACTIVITIES IS PROHIBITED	PROHIBITED TIME OF DAY	PROHIBITED AREA
The operation of a radio, television, stereo or other electronic device including any amplification device, or any musical or other sound producing instrument.	At all times.	All areas within the municipal boundaries of the Town.
Yelling, shouting or the like.	9:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays, Sundays and holidays)	All areas within the municipal boundaries of the Town.
The venting or release of steam, the operation of a generator or air filtration system, noise from grinding, milling, the operation of machinery, or the like.	9:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays, Sundays and holidays)	All areas within the municipal boundaries of the Town.
The operation of waste collection machinery or refuse compacting equipment.	9:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays, Sundays and holidays)	All areas within the municipal boundaries of the Town.
Loading, unloading, packing, delivering or otherwise handling any container, product or material unless necessary for the maintenance of essential services or for the moving of private household effects.	9:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays, Sundays and holidays)	All areas within the municipal boundaries of the Town.
The operation of any tool including a hammer, saw, nail gun, lawnmower, staple gun, hedge trimmer, drill, or the like.	9:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays, Sundays and holidays)	All areas within the municipal boundaries of the Town.
The operation of a combustion engine for a toy or a replica of a larger device such as a remote controlled toy airplane.	9:00 p.m. to 9:00 a.m.	All areas within the municipal boundaries of the Town.
The operation of a dirt bike, all terrain vehicle, snowmobile, go-cart, dune buggy, or like conveyance.	9:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays, Sundays and holidays)	All areas within the municipal boundaries of the Town.
The operation of construction equipment.	9:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays, Sundays and holidays)	All areas within the municipal boundaries of the Town.