

THE CORPORATION OF THE TOWNSHIP OF ORO-MEDONTE

BY-LAW NO. 2012-167

Being a By-law to provide for the regulation and prohibition of noises likely to disturb the public and/or the prevention of public nuisances and to Repeal By-Law No. 2009-024 (Noise By-law)

WHEREAS Section 23.1(1) of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, authorizes a municipality to delegate its powers and duties under this or any other Act to a person or body subject to the restrictions set out;

AND WHEREAS Section 128(1) of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides that a local municipality may prohibit and regulate with respect to public nuisance, including matters that, in the opinion of Council, are or could become or cause public nuisance;

AND WHEREAS Section 129(1) of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, allows municipalities to prohibit or regulate noise;

AND WHEREAS the Council for The Corporation of the Township of Oro-Medonte deems it necessary and expedient to pass such a by-law;

NOW THEREFORE the Council of the Township of Oro-Medonte enacts as follows:

1. That Appendix “A” and Schedules “A”, “B”, “C” and “D” attached hereto, form part of this By-law.
2. That this By-law may be cited as the “Noise By-law.”
3. That By-law No. 2009-024 is hereby repealed in its entirety.
4. And That this By-law shall come into force and effect on the date of its final passing.

BY-LAW NO. 2012-167, AS AMENDED AND CONSOLIDATED

Appendix “A” to By-law No. 2012-167

1.0 DEFINITIONS:

For the purpose of this By-law, the following definitions shall apply:

“**Applicant**” means a person or corporation having made an Application pursuant to this By-law.

“**Clerk**” means the Clerk of The Corporation of the Township of Oro-Medonte or his or her designate;

“**Construction**” means the 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 structural installation of construction components and materials in any form or for any purpose, and include 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, excavators, cranes, derricks, loaders, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders, or other material handling equipment;

“**Council**” means the Council of The Corporation of the Township of Oro-Medonte;

“**Dwelling Unit**” means one or more habitable rooms designed or intended for use by an individual or family, as independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided, for the exclusive use of such individual or family, with a private entrance from outside the building or from a common hallway or stairway inside the building;

“**Farmer**” means a person who is engaged in the agriculture business by using land which includes the production of crops and/or the raising of poultry, or livestock.”

“**Inhabitants**” means one or more persons who reside in, own or occupy property in the Township.

“**Livestock**” means domestic animals, such as cattle, horses, pigs or poultry raised for home use or for profit, especially on a farm.

“**Noise**” means any unwanted sound that is of such volume or nature that it is likely to disturb the inhabitants that is clearly audible at a point of reception;

“**Officer**” means a Municipal Law Enforcement Officer or Police Officer;

“**Point of Reception**” means any point on the premise of a person, where noise or vibration originated from other than those premises is received;

“**Township**” means The Corporation of the Township of Oro-Medonte.

“**Zoning By-law**” means the prevailing Zoning By-law(s) in force and effect in the Township;

2.0 GENERAL PROHIBITIONS:

- 2.1** No person shall create the emission of noise resulting from an act listed in Schedule “A” of this By-law that disturbs or are likely to disturb any inhabitant of the Township.
- 2.2** No person shall cause the emission of noise resulting from an act listed in Schedule “A” of this By-law that disturbs or are likely to disturb any inhabitant of the Township.
- 2.3** No person shall permit the emission of noise resulting from an act listed in Schedule “A” of this By-law that disturbs or are likely to disturb any inhabitant of the Township.

3.0 EXEMPTION

- 3.1** Section 2 of this By-law does not apply to a person who creates or causes or causes or permits the emissions of noise in connection with any of the activities listed in Schedule “B” of this By-law.

4.0 GRANT OF EXEMPTION BY CLERK:

- 4.1** Notwithstanding Section 2 of this By-law, any person may make application to the Clerk of the Township requesting an exemption from such provisions of this By-law.
- 4.2** The Clerk may grant such exemption, grant an alternative exemption or refuse such exemption. The Clerk may impose specific conditions on any exemption granted pursuant to this By-law.
- 4.3** If the Clerk refuses such exemption as per Section 4.2, the applicant can then request such exemption from Council.
- 4.4** Every person applying for an exemption shall, at least fifteen (15) business days prior to the event, provide the Clerk:
 - 4.4.1** A completed application as set in Schedule “D” of this By-law.
 - 4.4.2** Payment of the appropriate fee for an Application for Noise Exemption as set in Schedule “C” of this By-law.
- 4.5** An exemption granted shall specify the time period, not in excess of one (1) month, during which it is effective and may contain such conditions as set out by the Clerk.
- 4.6** Notwithstanding Section 4.5, all request in excess of one (1) month, shall be considered by Council and may contain such conditions as set out by the Council.
- 4.7** Council shall be notified of the Clerk’s decision for each application prior to the event.
- 4.8** The applicant shall take all reasonable and necessary actions to notify all persons who may be affected by the granting of an exemption prior to the effective date(s).
- 4.9** No person shall breach any of the terms or conditions of an exemption issued by the Township. Where a breach is caused or permitted by the applicant, such breach shall immediately render the exemption null and void.

5.0 POWER OF ENTRY:

- 5.1** In accordance with Section 436(1) of the *Municipal Act, 2001, S.O. 2001*, as amended, an Officer may enter upon land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the provisions of this By-law are being complied with.

6.0 ENFORCEMENT:

- 6.1** The enforcement of this By-law shall be conducted by an Officer upon receipt of a complaint.

7.0 OFFENCES

- 7.1** No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law. Any person who is alleged to have contravened any of the provision of this By-law shall identify themselves to the Officer upon request. Failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of their duties.

- 7.2** Every person who contravenes any provisions of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, and/or the *Provincial Offences Act, R.S.O., 1990, Chapter p.33*, as amended.

8.0 SEVERABILITY:

- 8.1** If a court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of Council that the remainder of the By-law shall remain in force.

Schedule “A” to By-law No. 2012-167

The following are Noise Prohibitions as per Section 2 of this By-law:

- A. Persistent, howling, calling, whining or other similar persistent noise making by any domestic pet or any other animal kept or used for a purpose, other than livestock.
- B. Noise made by yelling, shouting, hooting, singing or other boisterous activity after 11:00 p.m. and prior to 6:00 a.m. of the following day.
- C. The operation of any construction equipment without an effective exhaust or intake muffling device.
- D. Noise caused by the erection, demolition, alteration or repair of a building or by construction or construction equipment working upon a site within 500 feet of an occupied dwelling unit on any day between the hours 10:00 p.m. and 6:00 a.m. the next day.
- E. Noise or sound made or created between the hours of 11:00 p.m. and 7:00 a.m. the following day by any radio, stereo, phonograph, public address system, sound equipment, loud speaker, musical instrument, electronic device designated to amplify sound 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.

Schedule “B” to By-law No. 2012-167

The following are pursuant to Section 3.1 of the By-law:

- A. Any event where an approved noise exemption has been granted prior to the event.
- B. Municipal operations, including, but not limited to, snow clearing, street cleaning, garbage collection, and emergency services, undertaken by or on behalf of the Township.
- C. Snow removal, making or grooming that is essential for the normal and safe operation of a business or residence.
- D. Noise caused by a farmer performing any agricultural operation.
- E. Discharging of fireworks as per the Township’s Fireworks By-law.
- F. Any special event that has an approved Special Events Permit where the type of noise has been identified and the points of reception have been established as provided in the Township’s Special Events By-law.
- G. Operation of equipment in conjunction with the Township’s Pits and Quarry By-law.

Schedule “C” to By-law No. 2012-167

NOISE EXEMPTION FEE

- Application for Noise Exemption \$50.00

Schedule “D” to By-law No. 2012-167



APPLICATION FOR NOISE EXEMPTION

EXEMPTION APPLICATION

No.: _____

Include with completed application:

- Application fee payment of \$50.00
- Written permission from the property owner.
- Site Plan Drawing/Description of Event

Approvals (office use only)

Fire: _____ Date: _____
 Planning: _____ Date: _____
 Transportation: _____ Date: _____

| | | |
|------------------|------------|----------|
| Date(s) of Event | Start Time | End Time |
| | | |

Applicant Information (Please print)

| | |
|------------|-----------|
| First Name | Last Name |
| | |

| | | |
|---------------------------------------|------|-------------|
| Home Address (Street Number and Name) | City | Postal Code |
| | | |

| | | |
|------------------|------------|---------------|
| Telephone Number | Fax Number | Email Address |
| | | |

| | |
|-------------------------------|---|
| Proposed Location of Event(s) | Owner of Land (if different than applicant) |
| | |

Reason for Exemption:

Statement of Fact – Important – Please read carefully

I make the following statement of fact:

1. The information set forth in this application is true, accurate and in all material respects complete.
2. I am aware that if an exemption is granted I will comply with the requirements of By-law No. 2012-167 and any other relevant statute or act.
3. I am aware that a false Statement of Fact may result in the application for an exemption being refused.

This Statement of Fact was made on this _____ day of _____, 20_____.

Signature of Applicant _____