

THE CORPORATION OF THE TOWNSHIP OF SABLES-SPANISH RIVERS

BYLAW NUMBER 2021 - 09

A Bylaw to Regulate and Prohibit Noise  
in the Township of Sables-Spanish Rivers

WHEREAS Section 10(2) of the Municipal Act, 2001 provides for a municipality to pass bylaws respecting the health, safety and well-being of person;

WHEREAS Section 129 of the Municipal Act, 2001 authorizes a local municipality to regulate and prohibit with respect to noise;

AND WHEREAS it is in the public interest to regulate the noise level in the Township of Sables-Spanish Rivers and to promote and protect public health, safety, welfare and the peace and quiet of the inhabitants of the Township.

NOW THEREFORE the Council of the Township of Sables-Spanish Rivers ENACTS AS FOLLOWS:

1. DEFINITIONS

In this bylaw,

- a) "bylaw enforcement officer" means the Bylaw Enforcement Officer for the Corporation of the Township of Sables-Spanish Rivers;
- b) "construction" includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavation, the laying of pipe and conduit whether above or below the 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 associated or related work;
- c) "construction equipment" means any equipment or device designed or intended to be used 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, trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders and other material handling equipment;
- d) "council" means the Council of the Corporation of the Township of Sables-Spanish Rivers
- e) "emergency vehicle" means a land ambulance, fire department vehicle, police services vehicle and any other motor vehicle being used to respond to an emergency;
- f) "motor vehicle" includes an automobile, bus, truck, motorcycle, motor assisted bicycle and any other vehicle propelled or driven other than muscular power;
- g) "municipal services vehicle" means a vehicle operated by or on behalf of the Township or a contractor retained by the Township while the vehicle is being used for the construction, repair or maintenance of the highway including the clearing and removal of snow, construction repair maintenance of a municipal utility, or the collection or transportation of waste or other municipal purpose;
- h) "noise" means any sound which is of such volume or nature that it does, or is likely to disturb any inhabitants of the Township; and
- i) "point of reception" is any point on any property or premises other than the property or premises on which the noise originates.

2. REGULATED NOISE

No person shall, during the times specified in Schedule A to this bylaw, make, cause or permit the making of noise that is likely to disturb an inhabitant within the Township that is the result of any of the activities described in Schedule A that is audible at the point of reception.

3. **EXEMPTIONS**

3.1 Section 2 shall be deemed not to apply to noise resulting from an activity if:

- (a) it is the result of measures undertaken in an emergency or by emergency vehicles;
- (b) it is caused by municipal services vehicles;
- (c) it is caused by agricultural activities;
- (d) it is undertaken primarily for religious activities; or
- (e) a permit has been issued for the activity pursuant to Section 4.3, and the conditions of the permit are complied with.

4. **PERMITS**

4.1 Upon receipt of a written request as per Section 4.2 Council shall review and if deemed expedient and not contrary to the interests of the community, issue a permit for an exemption from this bylaw.

4.2 A request for an exemption permit shall be in writing, and shall set out particulars of the proposed activity, the area of the Township likely to be affected, and the days and times for which the exemption is being requested. A request shall be accompanied by a fee in the sum of \$25.00. Council may waive the fee in circumstances where it appears reasonable to Council to do so.

4.3 Council may grant a permit for an exemption under this bylaw on such terms and with such conditions or restrictions as deemed appropriate.

5. **ENFORCEMENT AND OFFENCES**

5.1 This bylaw shall be enforced by the Bylaw Enforcement Officer for the Corporation of the Township of Sables-Spanish Rivers.

5.2 Any person who contravenes the provisions of this by-law is guilty of an offence and upon conviction is subject to a fine as provided for in the Provincial Offences Act and to any other applicable penalties.

5.3 If this bylaw is contravened and a conviction entered, the court in which the conviction has been entered or any court of competent jurisdiction thereafter may in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

6. **VALIDITY**

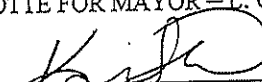
If a court of competent jurisdiction declares any provision or any part of a provision of this by-law to be invalid or to be of no force in effect, it is the intension of council enacting this by-law at each and every provision of this by-law authorizes by law be applied and enforced in accordance with its terms to the extent possible according to law.

7. **COMMENCEMENT**

This Bylaw shall come into force and take effect upon third and final reading.

READ A FIRST AND SECOND TIME THIS 27TH DAY OF JANUARY, 2021.

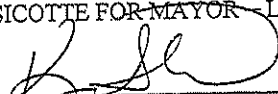
  
DEPUTY MAYOR – G. MASSICOTTE FOR MAYOR – L. GAMBLE

  
CLERK – K. SLOSS

READ A THIRD AND FINAL TIME AND PASSED IN OPEN COUNCIL THIS 27TH DAY OF

JANUARY, 2021.

  
DEPUTY MAYOR – G. MASSICOTTE FOR MAYOR – L. GAMBLE

  
CLERK – K. SLOSS

**REGULATED NOISES PRESCRIBED BY TIME OF DAY**

<b>ACTIVITY</b>	<b>PROHIBITED TIME OF DAY</b>
1. Persistent barking, calling or whining or other similar persistent noise making by any domestic pet or any other animal kept or used for any purpose other than agriculture.	AT ALL TIMES
2. The use of a horn, whistle, bell or gong except as a warning device.	AT ALL TIMES
3. The detonation of fireworks.	AT ALL TIMES except 7:00 p.m. to 12:00 a.m. on New Years Day, Victoria Day, Canada Day, Labour Day, New Years Eve
4. The detonation of explosive devices used in construction.	Prohibited between 9:00 p.m. and 7:00 a.m.
5. The operation of an internal combustion engine without an effective muffler.	AT ALL TIMES
6. The operation of any tool or machine including a hammer, saw, nail gun, staple gun, lawn mower, hedge trimmer, drill or the like, except for the purpose of snow removal.	Prohibited between 9:00 p.m. and 7:00 a.m.
7. The operation of construction equipment.	Prohibited between 9:00 p.m. and 7:00 a.m.
8. The operation of a dirt bike, go-cart, dune buggy or other like unlicensed motor vehicles, or mudding/monster trucks for recreational purposes.	Prohibited between 7:00 p.m. and 8:00 a.m.
9. The undertaking of construction work, including erection, alteration, repair, dismantling or any activity related to construction.	Prohibited between 9:00 p.m. and 7:00 a.m.
10. The operation of any electronic device or group of connected electronic devices incorporating one or more loud speakers or other electro-mechanical transducers, and intended for the production, reproduction or amplification of sound.	AT ALL TIMES
11. The operation of a motor vehicle licensed under the Highway Traffic Act, or the Motorized Snow Vehicles Act, without the original manufacturers muffler system, or an equivalent muffler system.	AT ALL TIMES
12. The continuous idling of a motorized vehicle, large or small, gas or diesel engine.	AT ALL TIMES