

**THE CORPORATION OF THE TOWNSHIP OF CHISHOLM**

**BY-LAW 2015-26**

*Being a By-law to prohibit and regulate noise in the Township of Chisholm.*

**WHEREAS** Section 129 of the Municipal Act, 2001 (“the Act”) authorizes Councils of local municipalities to pass by-laws to prohibit and regulate with respect to noise;

**AND WHEREAS** the people have a right to, and should be ensured an environment free from unusual, unnecessary, or excessive noise which may degrade the quality and tranquility of their life or cause nuisance;

**NOW THEREFORE** the Council of the Corporation of the Township of Chisholm enacts as follows:

**DEFINITIONS**

For the purpose of this by-law:

“Agricultural Operation” has the same meaning as contained in the Farming and Food Production Protection Act, 1998, S.O. 1998, C.1, as amended, or any successor legislation;

“Animal” means any member of the animal kingdom, other than a human, and without limiting the generality of the foregoing, includes dogs, cats, and birds;

“Construction Equipment” means any equipment or device designed and intended for use in construction or material handling, including but not limited to, hand tools, power tools, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors, and rollers, pumps, concrete mixers, graders, or other material handling equipment;

“Noise” means unwanted sound;

“Normal Farm Practice” has the same meaning as contained in the Farming and Food Production Protection Act, 1998, S.O. 1998, C.1, as amended, or any successor legislation;


“Municipality” means the Township of Chisholm.

1. No person shall ring any bell, blow or sound any horn or cause same to be rung, blown or sounded and no person shall shout or create, cause or permit any unnecessary noises likely to disturb the inhabitants, of the Township of Chisholm
2. For the purpose of Section 1, the following noises or sounds without limiting the generality of the foregoing, shall be deemed to be unnecessary noises which disturb the inhabitants:
  - (1) The sounding of any bell, horn, siren or other signal device on any motor vehicle, motorcycle, bicycle or other vehicle of whatsoever kind except when required by law.
  - (2) The sounding of any such bell, horn, siren or signal device for any unnecessary or unreasonable period of time.
  - (3) The sound or noise from or created by any radio or stereo equipment, television set, or any musical or sound producing instrument of whatsoever kind when such radio or stereo equipment or instrument is played or operated in such a manner or with such volume as to annoy or disturb the peace, quiet, comfort or repose of any individual in a dwelling house, apartment house, hotel, or other type of residence.
  - (4) Any persistent sound made by any animal which has the effect of disturbing the peace, quiet, comfort or repose of any individual in the neighbourhood.

- (5) Any persistent sound made by any vehicle which has the effect of disturbing the peace, quiet, comfort, or repose of any individual in the neighbourhood.
  - (6) The discharge into the open air of the exhaust or any steam engine, internal combustion engine, including the engine of any motor vehicle, or pneumatic device without an exhaust or intake muffling device in good working order and in constant operation that prevents excessive noises that are loud or explosive.
  - (7) Any unnecessary noise in the vicinity of any school, or church while the same is in session.
  - (8) Any shouting or hollering, yelling, hooting, whistling or singing in an unnecessary and disturbing manner in or adjacent to any public street or place.
  - (9) Noises created by any vehicle which bears material, articles, or things loaded on such vehicle in a manner which disturbs the repose of residents between the hours of 10:00 p.m. of any day and 7:00 a.m. of the following day.
  - (10) No person shall operate or allow to be operated machinery powered by an electrical or gasoline engine, i.e. a lawnmower, lawn tractor, tiller, power tool, pruning and trimming tool, chainsaw, whipper snipper, etc. between the hours of 10:00 p.m. of any day and 7:00 a.m. of the following day.
  - (11) No person shall operate or allow to be operated any construction equipment, for non-domestic use between the hours of 7:00 p.m. of any day and 7:00 a.m. of the following day.
  - (12) None of the provisions of this paragraph shall apply to:
    - (a) The use in a reasonable manner of any apparatus or mechanism for the amplification of the human voice or of music in a public park or any other commodious space in connection with any public election meeting, public celebrations or other reasonable gathering, provided written permission of the Municipal Council has first been obtained.
    - (b) Any vehicle of the police or fire department or any other ambulance or any public service or emergency vehicle while answering a call.
    - (c) The sound from any private radio in a motor vehicle installed for the sole benefit or entertainment of the operator and occupants or such vehicle, except as limited by Sec.2(3).
    - (d) Any case of public necessity.
    - (e) Any farmer who is operating an agricultural operation and practicing normal farm practices as outlined in the Farming and Food Production Protection Act (FFPPA).
3. The provisions of this by-law shall apply at all times, except in the instances where a time period is specifically set out.
  4. If what is known as "Daylight Saving Time" has been generally adopted in the municipality for any period of the year under any Statute, Order in Council, By-law, Resolution or Proclamation, whether the same is effective in law or not, such time shall be held to be the time referred to during such period in any reference to time in this by-law.
  5. Council declares and confirms its intent that should any provision or any part of any provision of this By-law be held by a court of competent jurisdiction to be invalid, or of no force and effect, it is the intent of the Council in enacting this By-law, that each and every other provision of this By-law, and every part of any provision, authorized by law, stand and be applied.

6. Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction, be liable to a penalty recoverable under the Provincial Offences Act.
7. That By-law 2012-35 is repealed.
8. The short title of this by-law is the Noise Control By-law.

Read a first, second and third time and passed this 11<sup>th</sup> day of August, 2015.

  
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Mayor, Leo Jobin

  
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Clerk-Treasurer, Linda Ringler

