

THE CORPORATION OF THE TOWNSHIP OF EAST LUTHER GRAND VALLEY

BY-LAW NUMBER 2002- 19

BEING A BY-LAW TO PROHIBIT EXCESSIVE NOISE

WHEREAS Section 210(138) of the Municipal Act, R.S.O. 1990, c.M45, as amended, provides that the Council may by by-law prohibit or regulate, within the municipality, noises likely to disturb the inhabitants.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF EAST LUTHER GRAND VALLEY ENACTS AS FOLLOWS:

1. Definitions

In this Bylaw, "excessive noise" means any unusual noise, or any noise likely or intended to disturb the inhabitants, and without limiting the generality of the foregoing, includes the following:

- 1.1 The sound or noise from or created by any radio, stereo, or television, or any musical or sound-producing instrument when such device is played or operated in such a manner or with such volume as to disturb the inhabitants of any dwelling.
- 1.2 Any noise made by a domestic animal which disturbs the inhabitants of any dwelling.
- 1.3 Lighting or exploding firecrackers or similar explosive noisemakers, except as part of a display for community purposes, sanctioned by resolution of Council.
- 1.4 Any noise arising between the hours of 11:00 p.m. of any day till 6:00 a.m. of the next day from excavation or construction work, lawn mowers or other power tools.
- 1.5 Any noise arising from operation of any motorized vehicle, including automobiles, trailers, motorcycles, dirt bikes, snowmobiles, etc., which disturb the inhabitants of any dwelling.

2. Excessive Noise Prohibited

- 2.1 No person shall cause or permit any excessive noise. Any person who holds any ownership interest, whether registered or unregistered, by way of being a trustee or otherwise, in property which has been shown to be the origin of excessive noise prohibited under this by-law shall be presumed to have power and authority over the making of such noises.

3. Exceptions

Section 2 does not apply to the following:

- 3.1 Where the noise arises from necessary work being performed by the municipality or its agents or contractors.
- 3.2 To the noise or sounds normally associated with an agricultural operation, including the operation of farm machinery, animals, livestock, etc.

- 3.3 To the noise or sounds normally associated with and necessary to any legal commercial/industrial use.
- 3.4 To the noise caused by any police, fire, ambulance or public service/emergency vehicle while in the process of carrying out their duty.
- 3.5 To fireworks displays and/or military or other band or parade held on recognized holidays, or to any event or activity authorized by resolution of Council, subject to compliance with all conditions as required by Council.
- 3.6 To noise or sounds normally associated with social and community functions held at halls, churches, schools, and public facilities.

4. **Offence**

- 4.1 Every person who contravenes any of the provisions of this by-law is guilty of an offence and is liable to the penalty provided for under the Provincial Offences Act.
- 4.2 Any person aggrieved by excessive noise may appear before a Justice of the Peace and swear out an information charging any person who contravenes any of the provisions of the Noise By-Law.

5. **Enactment**

- 5.1 This by-law comes into force upon adoption by Council of the Corporation of the Township of East Luther Grand Valley.

BY LAW READ A FIRST AND SECOND TIME THIS 12th DAY OF NOVEMBER 2002.

BY LAW READ A THIRD TIME AND PASSED THIS 12th DAY OF NOVEMBER 2002.



HEAD OF COUNCIL




CLERK

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the attached schedule of offences under the Provincial Statutes and Regulations thereunder and the Municipal By-Law No. 2002-19, of the Corporation of the Township of East Luther Grand Valley, attached hereto are the set fines, including costs, for those offences to take effect April 1, 2003.

DATED at Hamilton, this 1st day of April, 2003.



TIMOTHY CULVER, Regional Senior Justice
Central West Region
Ontario Court of Justice

THE CORPORATION OF THE TOWNSHIP OF EAST LUTHER GRAND VALLEY
PART I PROVINCIAL OFFENCES ACT
BYLAW 2002-19: TO PROHIBIT EXCESSIVE NOISE

Item	Column 1 Short Form wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine (Includes Costs)
1.	No person shall cause or permit any excessive noise.	S.2.1	\$125.00

NOTE: The general penalty provision for the offence listed above is section 4.1 of By-law 2002-19, a certified copy of which has been filed.