

THE CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA

BY-LAW NUMBER 43-2004

BEING A BY-LAW TO PROHIBIT EXCESSIVE NOISE

WHEREAS Municipal Act, S.O. 2001, Section 129(1) provides that the Council may prohibit and regulate noise, or vibration

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA HEREBY ENACTS AS FOLLOWS:

1. **Definitions**

In this Bylaw, "excessive noise" means any unusual noise, or any noise likely or intended to disturb the inhabitants, when inside their dwelling, 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 from inside their dwelling.
- 1.2 Any noise made by a domestic animal which disturbs the inhabitants from inside their dwelling.
- 1.3 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.
- 1.4 Any noise arising from operation of any motorized vehicle, including automobiles, trailers, motorcycles, dirt bikes, snowmobiles, etc., which disturbs the inhabitants from inside their dwelling.
- 1.5 Any noise arising from a large social gathering being held on any property which disturbs the inhabitants from inside their dwelling.
- 1.6 Any noise arising from the use of an engine brake (Jake Brake) in any residential settlement or other area as specified by Council, subject to the posting of signs.

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 the 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, or home occupation/home industry.
- 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 noise or sounds normally associated with social and community functions held at halls, churches, schools, and public facilities.

3.6 The noise associated with the use of Engine Brakes (Jake Brakes) in the case of an emergency.

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.

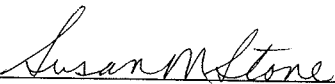
5. **Enactment**

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

5.2 That By-Law 27-2002 be hereby repealed.

BY-LAW READ A FIRST AND SECOND TIME THIS 12TH DAY OF OCTOBER, 2004

BY-LAW READ A THIRD TIME AND PASSED THIS 12TH DAY OF OCTOBER, 2004



CLERK



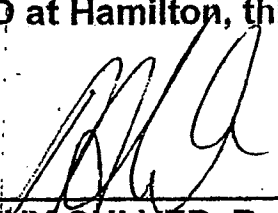
HEAD OF COUNCIL

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. 43-2004, of the Corporation of the Township of East Garafraxa, attached hereto are the set fines for those offences to take effect November 7, 2005.

DATED at Hamilton, this 7th day of November, 2005.



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

Township of East Garafraxa
By-law no. 43-2004: Excessive Noise
Part I Provincial Offences Act

Item	Short Form Wording	Provision creating or defining offence	Set Fine
1	Causing or permitting the emission of noise from a radio, stereo, or television, or any musical or sound-producing instrument	Sections 1.1, 2.1	\$155.00
2	Causing or permitting the emission of noise from a domestic animal	Sections 1.2, 2.1	\$155.00
3	Causing or permitting the emission of noise from excavation or construction work, lawn mowers or other power tools during a prohibited time	Sections 1.3, 2.1	\$155.00
4	Causing or permitting the emission of noise from a motorized vehicle	Sections 1.4, 2.1	\$155.00
5	Causing or permitting the emission of noise during a large social gathering	Sections 1.5, 2.1	\$155.00
6	Causing or permitting the emission of noise from the use of an engine brake (Jake Brake) in a residential settlement or other area as prescribed by Council	Sections 1.6, 2.1	\$155.00

NOTE: the general penalty provision for the offences listed above is section 4 of bylaw 43-2004, a certified copy of which has been filed.

