

**THE CORPORATION OF THE
TOWNSHIP OF ASPHODEL-NORWOOD**

BY-LAW NO. 2020-50

**Being a By-law to prohibit and regulate certain noises within the
Township of Asphodel-Norwood**

Whereas Section 128 of the Municipal Act, 2001, S.O. 2001, authorizes a local municipality to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances; and

Whereas Section 129 of the Municipal Act, 2001, S.O. 2001, authorizes a local municipality to prohibit and regulate with respect to noise, vibration, odor, dust and outdoor illumination, including indoor lighting that can be seen outdoors; and

Whereas the residents of a municipality should be ensured an environment free from unusual, unnecessary, or excessive noise which may degrade the quality and tranquility of their lives or cause a nuisance and;

Whereas the Council of The Township of Asphodel-Norwood deems it expedient to pass a by-law to regulate noise.

Now Therefore the Council of the Corporation of Township of Asphodel-Norwood enacts as follows:

1.1 Short Title

This By-law may be referred to as the **Noise By-law**.

1.2 Definitions

- a) **“Corporation”** means the Corporation of the Township of Asphodel-Norwood.
- b) **“Council”** means the Council of the Corporation of the Township of Asphodel-Norwood.
- c) **“Municipality”** means the land within the geographic limit of the Municipality of the Township of Asphodel-Norwood.
- d) **“Unnecessary Noise”** means noise that is of such loud volume or continuous duration that it creates a nuisance, or is likely to disturb the inhabitants of any premises and without limiting the generality of the foregoing, includes the following:
 - a) The noise from or created by any radio, television, electronic device or any musical or sound production instrument when such device is played or operated in such a manner or with such volume as to disturb the inhabitants of any dwelling;
 - b) The noise made by any domestic animal including a persistently barking or howling dog and not limited to time of day.
- e) **“Person”** includes a corporation.
- f) **“Emergency Vehicle”** means a police car, ambulance, fire truck, or other vehicle and/or water craft responding to an emergency call pursuant to a call for service.

- g) **"Point of Reception"** means any premises or property of a person where noise is received.

1.3 Unnecessary Noise Prohibited

- a) No person shall cause or permit any unnecessary noise within the municipality that creates a disturbance at the point of reception.
- b) No person shall operate a lawn mower, chain saw or other similar motorized device between the hours of 10:00PM any day to 7:00AM of the following day, if such operation causes unnecessary noise.
- c) The noise made by any domestic animal including a persistently barking or howling dog and not limited to time of day.

1.4 Exemptions for Emergency Measures and Public Safety

Notwithstanding any other provisions of this By-law, this By-law shall not apply to any person who causes or permits the making of noise in connection with emergency measures undertaken for the immediate health, safety or welfare of the inhabitants of the municipality or for the preservation or restoration of property.

1.5 Exemption of Activities

Notwithstanding any other provisions of this by-law, this by-law shall not apply to any person who causes or permits the making of noise in connection with the following activities:

- a) Any parade or event for ceremonial, religious or traditional purposes that have been authorized or endorsed by Council;
- b) Any use of bells or chimes normally associated with activities within a place of worship;
- c) Any carnival, festival, midway or circus authorized or endorsed by Council;
- d) Any sporting, recreational, musical entertainment, or other event or performance in municipal parks or municipal buildings authorized or endorsed by Council;
- e) Any detonation of fireworks authorized or endorsed by Council;
- f) Any activities of the Corporation or its employees or agents, associated with the provision of maintenance and essential services;
- g) Any normal noise that emanates from an Industrial zone as defined in the Township of Asphodel-Norwood Zoning By-law that results from an essential part of the industrial process that is established on the property from which the noise originated;
- h) Any normal noise that emanates from a Commercial zone as defined in the Township of Asphodel-Norwood Zoning By-law that results from an essential part of the commercial process that is established on the property from which the noise originated.

1.6 Grant of Exemption by Council

Notwithstanding any other provision of this by-law, any person may make an application to council to be granted an exemption from any provision of this by-law with respect to any source of noise for which the person might be in violation of this by-law. Council, by resolution, may grant or refuse to grant any

exemption, or may grant an exemption on terms other than those sought by the applicant. Any exemption granted by Council shall specify the time period and date during which it is effective and may contain such terms and conditions as Council sees fit.

The application shall be made in writing and shall contain:

- a) The name and address and contact information of the applicant;
- b) A description of the noise in respect of which the exemption is sought; and
- c) The period of time and date for which the exemption is sought

1.7 Validity

Should any section, subsection, clause, paragraph or provision of this By-law be declared by a Court of competent jurisdiction to be invalid or illegal for any other reason, such offending section or part shall be deemed to have been severed from this By-law and the remaining sections or parts shall continue in full force and effect and shall remain valid and binding.

1.8 Existing By-law Repeal

That By-law No. 2013-63 is hereby repealed effective on the date of the passing of this By-law.

1.9 Enforcement and Offences and Penalties

- a) Every person who contravenes any provisions of the By-law is guilty of an offense and is liable to a penalty provided for under the Provincial Offences Act.

1.10 Effective Date

The provisions of this By-law shall come into full force and effect upon the third reading hereof.

Read a first, second, and third time, and finally passed this 20th day of October.

<Original signed by>

Mayor, Roger Bonneau

<Original signed by>

Clerk, Candice White

Schedule "A"

TOWNSHIP OF ASPHODEL-NORWOOD BY-LAW NO. 2020-50 SCHEDULE "A" SET FINES			
Being a By-law to prohibit and regulate certain noises within the Township of Asphodel-Norwood.			
Part 1 Provincial Offences Act			
ITEM	Short Form Wording	Column 2 Provision Defining Offence	Set Fine (including costs)
1	Cause or allow unnecessary noise	1.3 (a)	\$150.00
2	Operate Lawnmower or other device outside prescribed time	1.3 (b)	\$150.00
3	Allow domestic animal to cause unnecessary noise	1.3 (c)	\$150.00
Note: The penalty provision for the offences indicated above is Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33			