

The Township of Cavan Monaghan

By-law No. 2021-XX

Being a by-law to Prohibit or Regulate Noises within the Township of Cavan Monaghan

“Otherwise known as the Noise By-law”

Whereas Sections 9 and 129 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that the Councils of local municipalities may pass By-laws to prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors;

Now Therefore the Council of the Township of Cavan Monaghan hereby enacts as follows:

1. In this By-law:
 - (a) **Corporation**
“Corporation” shall mean the Corporation of the Township of Cavan Monaghan.
 - (b) **Dwelling Unit**
A “dwelling unit” means a suite operated as a housekeeping unit, used or intended to be used by one or more persons and usually containing cooking eating, living, sleeping and sanitary facilities.
 - (c) **Emergency Vehicle**
An “emergency vehicle” includes a police car, ambulance, fire truck or other vehicle and/or watercraft responding to an emergency call pursuant to a call for service.
 - (d) **Person**
A “person” includes a corporation.
2. **General – Likely to Disturb**
 - (a) No person shall, within the limits of the Corporation, shout, make or permit an unusual noise, or a noise likely to disturb the inhabitants thereof.
 - (b) No owner shall emit, cause or permit the emission from the owner’s property of noise likely to disturb the inhabitants of the Corporation.

3. **Noises – Likely to Disturb**

Without limiting the generality of Section 2, the following noises or sounds set out in this Section shall be deemed to be noises likely to disturb the inhabitants of the Corporation:

(a) Police Officer – Disturbance and Investigation

Any noise which is determined by a police officer or enforcement officer investigating complaints received in regard to enforcement of this Chapter shall be deemed to be noises likely to disturb.

(b) Radio – Loud Speaker

The noises or sound made or created by any radio, phonograph, public address system, sound equipment, loud speaker, musical instrument or other sound-producing equipment, when the equipment is played or operated in such a manner that the sound or noise made or created thereby disturbs the peace, comfort, or repose of any person in a dwelling unit, or a police officer acting in accordance with their duties pursuant to the *Police Act*, or successor legislation shall be deemed to be noises likely to disturb.

(c) Animal – Bird

The sound made by an animal or bird under the care of an individual and/or individuals which disturbs the peace, comfort, or repose of any person in another dwelling unit shall be deemed to be noises likely to disturb.

(d) Exhaust – Without Muffler

The noise or sound caused by the discharge into the open air of the exhaust from any steam engine, boiler or stationary internal combustion engine, otherwise than through a muffler or other device which effectively prevents unnecessary noise shall be deemed to be noises likely to disturb.

(e) Tire Noise – Squealing, Acceleration, Braking

The wheel or tire noise caused by the deliberate and unnecessary acceleration, rapid turning or rapid braking of a motor vehicle shall be deemed to be noises likely to disturb.

(f) Motor Racing – Standing/Stationary Motor Vehicle

The noise caused by the unnecessary racing of the motor of a standing/stationary motor vehicle shall be deemed to be noises likely to disturb.

(g) Motor Vehicle Racing – Permitted by By-law

The noise caused by motor vehicle racing in an area zoned and permitted for such use shall be deemed to be noises likely to disturb when such motor vehicle racing occurs before 8:00 a.m. and/or after 11:30 p.m.

(h) Construction – Demolition, Repair, Restrictions

The noise caused by the erection, demolition, alteration or repair of a building or equipment or by construction of earth-moving equipment working upon such site situated within 500 feet of an occupied dwelling unit on any day, between the hours of 7:00 p.m. and 7:00 a.m. of the following day, shall be deemed to be noises likely to disturb.

(i) Lawnmower – Times of day

The noise made by a power lawn mower within 100 feet of an occupied dwelling on any day between the hours of 10:00 p.m. and 8:00 a.m. of the following day shall be deemed to be noises likely to disturb.

(j) Unmuffled Engine Brakes

The noise or sound caused by the use of truck and heavy equipment engine brakes other than through a muffler or other device which effectively prevents unnecessary noise shall be deemed to be noise likely to disturb.

4. Exceptions

None of the provisions of this By-law shall apply to prevent:

(a) Farm Machinery/Animals

The noise caused by any machines of husbandry, corn dryers or other farm machinery, being used to put in crops or remove crops, or being used for any other normal farming practices. Any noise caused by livestock permitted by the Township Zoning By-law.

(b) Parades

The noise caused by a lawful parade which has been approved by Council.

(c) Outdoor Concert

The noise caused by an outdoor concert or outdoor band which has been approved by Council.

(d) Church Bells - Chimes

The noise caused by the sound of a church bell or chime.

(e) Public Utility Work

The noise caused by works done upon a site or highway when such work is undertaken by the Corporation, the County of Peterborough, Hydro One, the Ministry of Transportation, any other public utility, or any Contractor providing services on their behalf, within the Corporation.

(f) Traffic Control Devices

The noise created as part of traffic control devices, including those at traffic signal locations and railway crossings.

(g) Warning Safety Devices - Vehicles

The noise created as part of a vehicle's warning devices where required or authorized by law or in accordance with good safety practices, including a vehicle's back-up alarm.

(h) Snow Removal Equipment

The noise created by the operation of snow removal equipment while in the operation of snow removal.

(i) Emergency Vehicle Sirens

The noise created by the sound of a siren on an emergency vehicle.

(j) Municipal Parks

The noise caused by recreational activities at any Municipally owned property designated as a park.

(k) Music

The noise caused by music in the area of King Street East from the limits of Tupper Street Westerly to Union Street and Hay Street, between the hours of 9:00 a.m. – 9:00 p.m.

(l) Annual Millbrook Fair

The noise created by the annual Millbrook Fair.

(j) Filming

The noise created by a film production company with a valid permit and operating within the Guidelines for Filming in the Township of Cavan Monaghan.

5. Grant of Exceptions by Council

(a) Exceptions

Notwithstanding anything contained in this By-law, any person may make application to Council to be granted an exemption from any of the provisions of this By-law with respect to any sources of sound for

which he/she might be prosecuted and Council, by resolution, may refuse to grant any exemption or may grant the exception applied for or any exemption of lesser effect and any exemption granted shall specify the time period, not in excess of 6 months, during which it is effective and may contain such terms and conditions as Council sees fit.

(b) Breach

Breach by the applicant of any of the terms or conditions of any exemption shall render the exemption null and void.

6. Penalties and Enforcement

(a) Penalties

Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O 1990, Chapter P.33 as amended.

(b) Enforcement

This By-law shall be enforceable twenty-four (24) hours a day unless otherwise specified. This By-law shall be enforced by a Police Officer, Police Cadet, Municipal Law Enforcement Officer, Provincial Offences Officer, By-law Enforcement Officer or any other person appointed by the Council of the Township of Cavan Monaghan.

7. Effective Date and Maximum Fine

This By-law shall come into force and effect on the date of passing thereof.

The maximum fines shall be as per Schedule "A"

By-law No. 2017-50, By-law No. 2018-08 and By-law No. 2018-11 are hereby repealed in their entirety.

Read a first, second and third time and passed this ____ day of _____, 2021.

Scott McFadden
Mayor

Cindy Page
Clerk

The Township of Cavan Monaghan

By-law No. 2021-XX

**Being a by-law to Prohibit or Regulate Noises within the Township of
Cavan Monaghan**

Schedule "A"

Item	Short Form Wording	Provision creating or defining offence	Set Fine
1	Shout, make or permit an unusual noise or noise likely to disturb	s. 2(a)	\$150
2	Emit, cause or permit the emission of noise likely to disturb	s. 2(b)	\$150

Note: The general penalty provision for the offences listed above is Section 6 of this By-law No. 2021 XX. A certified copy of which has been filed.