

THE CORPORATION OF THE TOWNSHIP OF MCDUGALL

BY-LAW NO. 97- 01

Being a by-law to prohibit or regulate unusual noises or noises likely to disturb the inhabitants of the Township of McDougall

WHEREAS pursuant to section 138 of Chapter 210 of the Municipal Act R.S.O. 1990, c.M.45, as amended, permits municipalities to regulate or prohibit, the ringing of bells, the blowing of horns, shouting and unusual noises or noises likely to disturb the inhabitant;

AND WHEREAS the Council of the Township of McDougall deems it necessary to pass a by-law to regulate noises within the Township of McDougall.

NOW THEREFORE the Council of the Corporation of the Township of McDougall enacts the following:

1. DEFINITIONS

- (A) "Council" means the Council of the Corporation of the Township of McDougall;
- (B) "Noise" means any unwanted sound;
- (C) "Point of Reception" means any point on the premises of a person where sound originating from other than those premises is received.

2. No person shall ring any bell, blow or sound any horn or cause the same to be rung blown or sound, shout, OR create, cause or permit any noise or unusual noise likely to disturb any inhabitant of the Township of McDougall at any time except when required by law or when specifically exempted from this by-law.

3. For the purposes of this by-law and without limiting the generality of the foregoing the following may be deemed to be unusual noises or noises likely to disturb the inhabitants.

- (A) The operation of any electronic device or group of electronic devices incorporating one or more loudspeakers or other electromechanical transducers and intended for the production, reproduction or amplifications of sound.
- (B) Yelling, shouting, hooting, whistling or singing.

4. Exemptions:

- (A) Public Safety. Notwithstanding any other provision of this by-law it shall be lawful to emit or cause or permit the emission of sound in connection with emergency measures undertaken unless such sound is clearly of a longer duration or nature more disturbing than is reasonably necessary for the accomplishment of emergency purposes such as:
 - (i) for the immediate health, safety or welfare of the inhabitants;
or
 - (ii) for the preservation or restoration of property.

5. Grant of Exemption by Council

(A) Application to Council:

- (i) 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 source of sound for which they might be prosecuted. Council by resolution, may refuse to grant any exemption or may grant the exemption applied for, specifying the time period and such terms and conditions as Council deems appropriate.

- (B) In deciding whether to grant the exemption Council shall give the application and any other person opposed to the application an opportunity to be heard and may consider such other matters as it deems appropriate.

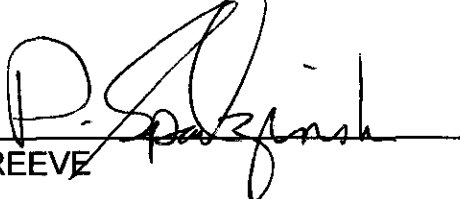
- (C) Breach by the applicant of any of the terms or conditions of any exemption granted by Council shall render the exemption null and void.

6. Penalty

- (A) Every person who contravenes any of the provisions of this by-law is guilty of an offense and shall upon conviction thereof, forfeit and pay a penalty of not less than \$300.00 or more than \$2,000.00 for a first offense, and not less than \$500.00 and not more than \$5,000.00 for a second or subsequent offense, exclusive of costs and every such fine is recoverable under the provision of the Provincial Offenses Act.

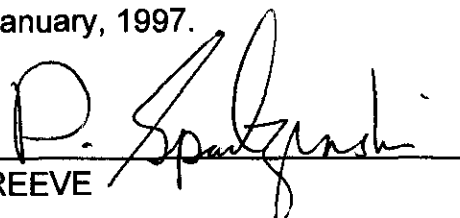
7. The by-law shall take force and effect upon final passage thereof.

READ a FIRST and SECOND time this 15th day of January, 1997.


REEVE


CLERK-ADMINISTRATOR

READ a THIRD time, PASSED, SIGNED and SEALED this 15th day of January, 1997.


REEVE


CLERK-ADMINISTRATOR

Amended by By-law No. 97-14 & 2000-04

Amended by Resolution No.

OFFICE OF THE REGIONAL SENIOR JUDGE
NORTHEAST REGION
ONTARIO COURT OF JUSTICE
(PROVINCIAL DIVISION)

159 CEDAR STREET, 3rd Floor
SUDBURY, ONTARIO P3E 6A5



CABINET DU JUGE PRINCIPAL RÉGIONAL
RÉGION DU NORD-EST
COUR DE JUSTICE DE L'ONTARIO
(DIVISION PROVINCIALE)

159 RUE CEDAR, 3e étage
SUDBURY (ONTARIO) P3E 6A5

TELEPHONE/TÉLÉPHONE (705) 670-7200
FAX/TÉLÉCOPIEUR (705) 670-7201

August 18th, 1997

Ms. Norma I. Bryant, B.A., C.M.O.
Clerk-Administrator
The Corporation of the Township of McDougall
R.R. #3
PARRY SOUND, Ontario
P2A 2W9

Dear Ms. Bryant:

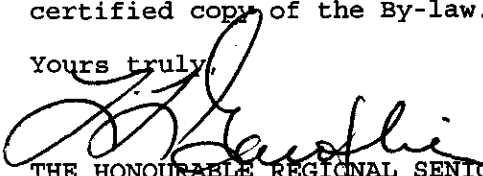
RE: SET FINES - THE CORPORATION OF THE TOWNSHIP OF McDOUGALL - PART 1

Enclosed herewith is a copy of an Order and a copy of a schedule of set fines for By-Law No. 97-01, the By-law indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

I have forwarded the original of the Order and the schedule of the set fines to the Ontario Court of Justice (Provincial Division) Parry Sound together with a certified copy of the By-law.

Yours truly,


THE HONOURABLE REGIONAL SENIOR JUDGE
L.L. GAUTHIER,
Ontario Court of Justice
(Provincial Division).

LLG/lth

Enclosures

OFFICE OF THE REGIONAL SENIOR JUDGE
NORTHEAST REGION
ONTARIO COURT OF JUSTICE
PROVINCIAL DIVISION

CABINET DU JUGE PRINCIPAL RÉGIONAL
RÉGION DU NORD-EST
COUR DE JUSTICE DE L'ONTARIO
DIVISION PROVINCIALE

PROVINCIAL OFFENCES ACT

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice (Provincial Division), that the amount set opposite each offence in the attached schedule of offences, under the Provincial Statutes and Regulations thereunder and By-Law No. 97-01, of the Corporation of the Township of McDougall, attached hereto are the set fines, including costs, for those offences to take effect August 25th, 1997.

DATED at Sudbury this 18th day of August, 1997.



THE HONOURABLE REGIONAL SENIOR JUDGE
L.L. GAUTHIER,
Ontario Court of Justice
(Provincial Division).

TOWNSHIP OF MCDougall

BY-LAW NO. 97-01

TITLE: Prohibit or regulate noise

ITEM	<u>COLUMN 1</u> DESCRIPTION OF OFFENCE	<u>COLUMN 2</u> PROVISIONS CREATING OR DEFINING OFFENCE	<u>COLUMN 3</u> SET FINE INCLUDING COSTS
1	Permit noise to disturb inhabitants of the Township of McDougall	S. 2	\$355.00

NOTE: The penalty for the offences listed above is Section 6 as amended, of By-law No. 97-01, a certified copy of which has been filed.

CORPORATION OF THE TOWNSHIP OF MCDOUGALL

BY-LAW NO. 97-14

Being a by-law to amend By-law No. 97-01, a by-law to
prohibit or regulate unusual noises or noises likely to
disturb the inhabitants of the Township of McDougall

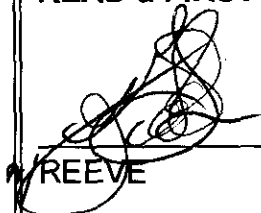
WHEREAS pursuant to section 138 of Chapter 210 of the Municipal Act R.S.O. 1990, c.M.45, as amended, permits municipalities to regulate or prohibit, the ringing of bells, the blowing of horns, shouting and unusual noises or noises likely to disturb the inhabitant;

AND WHEREAS the Council of the Township of McDougall deems it necessary to pass a by-law to regulate noises within the Township of McDougall.

NOW THEREFORE the Council of the Corporation of the Township of McDougall enacts the following:

1. THAT section 6 of By-law 97-01 is hereby amended by replacing with the following clause
 6. Penalty
 - a) Any person who is found in contravention of any section of this by-law and upon being found guilty of that contravention is liable to a fine of not more than \$5,000.00 as permitted under the Provincial Offenses Act.
2. THAT this by-law shall take force and effect as of final passage thereof.

READ a FIRST and SECOND time this 30th day of April, 1997.

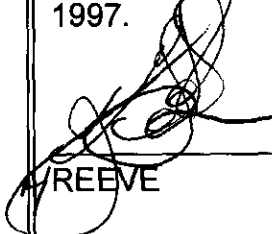


REEVE



CLERK-ADMINISTRATOR

READ a THIRD time, **PASSED, SIGNED and SEALED** this 30th day of April, 1997.



REEVE



CLERK-ADMINISTRATOR

TOWNSHIP OF MCDUGALL**BY-LAW NO. 97-01****TITLE: Prohibit or regulate noise**

ITEM	<u>COLUMN 1</u> DESCRIPTION OF OFFENCE	<u>COLUMN 2</u> PROVISIONS CREATING OR DEFINING OFFENCE	<u>COLUMN 3</u> SET FINE INCLUDING COSTS
1	Permit noise to disturb inhabitants of the Township of McDougall	S. 2	\$355.00

NOTE: The penalty for the offences listed above is Section 6 as amended, of By-law No. 97-01, a certified copy of which has been filed.