

**THE CORPORATION OF THE TOWNSHIP OF
NORTH KAWARTHA
BY-LAW #17/04**

**BEING A BY-LAW TO PROHIBIT OR REGULATE NOISES WITHIN THE
TOWNSHIP OF NORTH KAWARTHA.**

WHEREAS Sections 9 & 129 of the Municipal Act, 2001, S.O 2001, c.25, as amended, provides that the councils of the 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 corporation of the Township of North Kawartha enacts as follows:

1. In this By-law:

(a) Dwelling House

A "dwelling house" includes an apartment house, hotel or any other type of permanent or temporary residence.

(b) Person

A "person" includes corporation.

(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.

2. General- Likely to Disturb

No person shall within the limits of the Corporation of the Township of North Kawartha, make or permit any noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors, likely to disturb the inhabitants thereof.

3.

Without limiting the generality of section 2, the following noises or sounds shall be deemed to be noises likely to disturb the inhabitants of the corporation:

(a) 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 manner that the sound or noise made or created thereby disturbs the peace, comfort, or repose of any person in a dwelling house shall be deemed to be noises likely to disturb.

(b) Amplifier-Loud Speaker

The noise or sound caused or made by an amplifier or loud speaker carried in or attached to a motor vehicle being operated or standing on a public highway shall be deemed to be noises likely to disturb.

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(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 a dwelling house shall be deemed to 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 that through a muffler or other devices 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 Motor Vehicle

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

(g) Construction-Demolition, Repair, Restrictions

The noise caused by the erection, demolition, alteration or repair of a building or by construction of earth-moving equipment working upon such site situated within 500 feet of an occupied dwelling house on any day, between the hours of 9:00 o'clock in the evening and 5:00 o'clock in the forenoon of the following day, excepting Sundays, when no such noise shall be created before the hour of 12:00 noon shall be deemed to be noises likely to disturb.

(h) Lawnmower-Times of day

The noise made by power lawn mower within 100 feet of an occupied dwelling house on any day between the hours of 10:00 o'clock in the evening and 8:00 o'clock the forenoon of the following day excepting Sundays, when no such noise shall be created before the hour of 12:00 noon shall be deemed to be noises likely to disturb.

(i) Watercraft Noise

The noise emanating from a source found on any houseboat or other watercraft not associated with the operation of the said houseboat or watercraft nor to any other incidental shipping activity, which is of such volume or duration that is likely to disturb inhabitants in a dwelling house shall be deemed to be noise likely to disturb.

(j) Police Officer-Disturbance and Investigation

The noise disturbs Police Officer acting in accordance with their duties pursuant to the Police Services Act, or successor legislation, shall be deemed to be noises likely to disturb.

4. Restrictions:

This By-law shall not:

(a) Light Fixtures

Require light fixtures used in conjunction with commercial, industrial, institutional, agricultural or recreational uses to be turned off at any time the use is actually being conducted.

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(b) Illuminated Signs

Require an illuminated outdoor advertising sign, on the premises of a business, to be turned off at any time the business is open to the public; or

(c) Light Fixtures-Security

Require light fixtures used to illuminate any area for emergency, security or public safety purposes to be turned off at any time the illumination is necessary for those purposes.

5. Exceptions:

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

(a) Farm Machinery

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.

(b) Parades, Fairs, Public or Fundraising Functions

The noise caused by a lawful parade, fair, public function or fundraising function which has been duly authorized by a Resolution of Council.

(c) Outdoor Hymn-Carolling

The noise caused by an outdoor hymn sing or carolling performance.

(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 site or highway when such work in undertaken by forces of the corporation of the Township of North Kawartha, 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 the 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.

6. Grant of Exceptions by Council:

(a) Exceptions

Not with standing 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 of

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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.

7. 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 fine of not more than the maximum fine under the Provincial Offences Act.

(b) Enforcement

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 North Kawartha.

8. Repeal of Various By-laws

That By-law 56/93 of the former Township of Chandos be hereby repealed in its entirety.

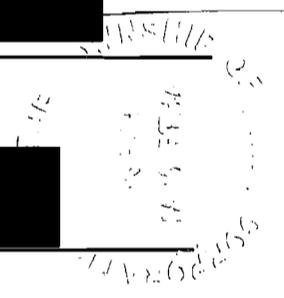
READ A FIRST, SECOND AND THIRD TIME AND PASSED IN OPEN COUNCIL ON THE 17TH DAY OF FEBRUARY, 2004.

[Redacted Signature]

Jim Whelan, Reeve

[Redacted Signature]

Connie Parent, Clerk



RECEIVED APR 13 2004

THE HONOURABLE JUSTICE RAYMOND P. TAILLON
REGIONAL SENIOR JUSTICE
CENTRAL EAST REGION
ONTARIO COURT OF JUSTICE
PROVINCIAL DIVISION



L'HONORABLE JUGE RAYMOND P. TAILLON
JUGE PRINCIPAL RÉGIONAL
RÉGION DU CENTRE-EST
COUR DE JUSTICE DE L'ONTARIO
DIVISION PROVINCIALE

440 KENT STREET WEST
LINDSAY, ONTARIO K9V 6G8

440, RUE KENT OUEST
LINDSAY (ONTARIO) K9V 6G8

TELEPHONE/TÉLÉPHONE (705) 324-1410
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April 2nd, 2004

Ms. Connie Parent
Clerk
Township of North Kawartha
P. O. Box 550
135 Burleigh Street
Apsley, On
K0L 1A0

Dear Ms. Parent:

Re: Set Fines – Part I
Township of North Kawartha

Enclosed herewith is a copy of an Order and a copy of a schedule of set fines for By-law No. 17/04, as amended for the By-law indicated in the schedule.

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

I have forwarded a copy of the Order and the schedule of the set fines to the POA Court at Peterborough, together with a certified copy of the By-law.

Yours truly,


Justice R. P. Taillon
Regional Senior Justice
Central East Region

/gs

Enclosures

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 By-law No. 17/04, as amended of the Township of North Kawartha, attached hereto is the set fine for those offences. This Order is to take effect April 2nd, 2004.

DATED at Lindsay

This 2nd day of April, 2004.



Justice R. P. Taillon
Regional Senior Justice
Central East Region
Ontario Court of Justice

THE CORPORATION OF THE TOWNSHIP OF
NORTH KAWARTHA
BY-LAW #17/04

BEING A BY-LAW FOR THE PROHIBITING AND REGULATION WITH RESPECT
TO NOISE, VIBRATION, ODOUR, DUST AND OUTDOOR ILLUMINATION
INCLUDING INDOOR LIGHTING THAT CAN BE SEEN OUTDOORS.

Part I Provincial Offences Act

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence creating Provision or defining Offence	COLUMN 3 Set fine (including costs)
1.	Making a noise likely To disturb the inhabitants.	Section 2	\$450.00 ^{or} 125.00 per day
2.	Making a vibration likely To disturb the inhabitants	Section 2	\$150.00 ^{or} 125.00 per day
3.	Making an odour likely To disturb the inhabitants	Section 2	\$450.00 ^{or} 125.00 per day
4.	Making dust likely to Disturb the inhabitants	Section 2	\$450.00 125.00 per day
5.	Making outdoor illumination Likely to disturb the inhabitants	Section 2	\$150.00 125.00 per day
6.	Permitting a noise likely To disturb the inhabitants	Section 2	\$450.00 125.00 per day
7.	Permitting a vibration likely To disturb the inhabitants	Section 2	\$450.00 125.00 per day
8.	Permitting an odour likely To disturb the inhabitants	Section 2	\$150.00 125.00 per day
9.	Permitting dust likely to Disturb the inhabitants	Section 2	\$450.00 125.00 per day
10.	Permitting outdoor illumination likely To disturb the inhabitants	Section 2	\$450.00 125.00 per day

NOTE: The penalty provision(s) for the offence(s) indicated above is section 7(a) of By-law #17/04

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section 7(a) of By-law #17/04**