

CORPORATION OF THE TOWN OF RENFREW
BY-LAW NO. 14-2005

Being a by-law to prohibit and regulate certain noises
within the Town of Renfrew.

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 Town of Renfrew deems it expedient to pass a by-law to regulate noise.

NOW THEREFORE the Council of the Corporation of the Town of Renfrew hereby enacts as follows:

1. **DEFINITIONS**

For the purpose of this by-law:

- 1.1 **“Corporation”** means The Corporation of the Town of Renfrew.
- 1.2 **“Council”** means the Council of the Corporation of the Town of Renfrew.
- 1.3 **“Municipality”** means the land within the geographic limit of the Municipality of the Town of Renfrew.
- 1.4 **“Unnecessary Noise”** means noise that is of such loud volume or continuous duration that it creates a nuisance, is likely to disturb the inhabitants of any dwelling and without limiting the generality of the foregoing, includes the following:
 - a) the noise from or created by any radio, or television, 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 a domestic animal or bird, including a persistently barking dog; and
 - c) the noise arising between the hours of 10:00 p.m. of any day and 7:00 a.m. of the next day from excavation or construction work.
- 1.5 **“Point of Reception”** means any premises of a person where noise is received.

2. **UNNECESSARY NOISE PROHIBITED**

- 2.1 No person shall cause or permit any Unnecessary Noise within the Municipality that creates a disturbance to a person at the Point of Reception.
- 2.2 No person shall operate a lawn mower, chain saw or other similar motorized device between the hours of 10:00 p.m. of any day to 7:00 a.m. of the next day, if such operation causes Unnecessary Noise.

3. **EXEMPTION FOR EMERGENCY MEASURES AND PUBLIC SAFETY**

Notwithstanding any other provisions of this by-law, this by-law does not apply to any person who makes, causes or permits the making of noise in connection with emergency measures undertaken,

- 3.1 for the immediate health, safety or welfare of the inhabitants of the Municipality;
or
- 3.2 for the preservation or restoration of property.

4. **EXEMPTION OF ACTIVITIES**

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

- 4.1 any parades or events for ceremonial, religious or traditional purposes that have been authorized or endorsed by Council;
- 4.2 any use of bells or chimes normally associated with activities within a place of worship;
- 4.3 any carnival, festival, midway or circus authorized or endorsed by Council.
- 4.4 any sporting, recreational, musical entertainment, or other event or performance in municipal parks or municipal buildings authorized or endorsed by Council or the Parks and Recreation Department of the Corporation;
- 4.5 any detonation of fireworks authorized or endorsed by Council.
- 4.6 any activities of the Corporation or its employees or agents, associated with the provision of maintenance and essential services;
- 4.7 any normal noise that emanates from an industrial zone as defined in the Corporation's Comprehensive Zoning By-Law that results from an essential part of the industrial process that is established on the property from which the noise originated;
- 4.8 any normal noise that emanates from a commercial zone as defined in the Corporation's Comprehensive Zoning By-Law that results from an essential part of the business process that is established on the property from which the noise originated.

5. **GRANT OF EXEMPTION BY COUNCIL**

- 5.1 Notwithstanding any other provisions of this by-law, any person may make 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.
- 5.2 The application shall be made in writing and shall contain:
 - a) the name and address 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.

3.
Noise B/L 14-2005

6. **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.

7. **RESCIND BY-LAW**

By-Law 17-82, passed by the Council on the 5th day of April 1982, is hereby rescinded.

8. **OFFENCES AND PENALTIES**

8.1 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*.

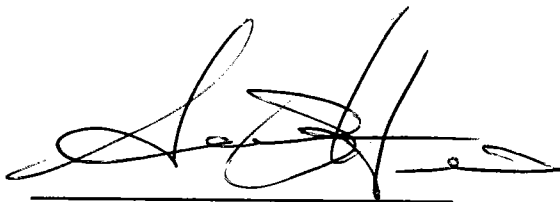
8.2 Every person who is guilty of an offence under this by-law may, if permitted under the *Provincial Offences Act*, pay a set fine, and the Regional Senior Justice, East Region, Ontario Court of Justice, shall be requested to establish set fines as set out in Schedule "A" attached to this by-law.

9. **ENACTMENT**

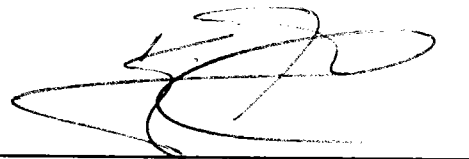
9.1 This By-Law shall come into force and take effect from the date of its final passing.

Read a first and second time this 24th day of October, 2005.

Read a third and final time this 24th day of October, 2005.



Sandra J. Heins, Mayor



Kim R. Bulmer, Clerk

SCHEDULE "A"

**SET FINES FOR INFRACTIONS UNDER PART 1 OF THE
PROVINCIAL OFFENCES ACT
FOR THE TOWN OF RENFREW**

By-Law No. 14-2005

<u>ITEM</u>	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>
	Description of Offence	Provision for Creating or Defining Offence	Set Fine
1.	Cause or permit unnecessary noise	Section 2.1	\$100.00
2.	Unnecessary noise - motorized device	Section 2.2	\$100.00

NOTE The Penalty provision(s) for the offences indicated above is Section 8 of By-Law 14-2005, being a by-law to prohibit and regulate certain noises within the Town of Renfrew, a certified copy of which has been filed.