

THE CORPORATION OF THE MUNICIPALITY OF EAST FERRIS

BY-LAW NUMBER 2015-33

BEING A BY-LAW TO PROHIBIT EXCESSIVE NOISE

WHEREAS Section 129 of the Municipal Act, 2001, provides that a municipality may, by by-law, prohibit or regulate with respect to noise;

AND WHEREAS the Council of the Municipality wishes to safeguard the ability of residents and visitors to the Municipality to reasonably enjoy property within the Municipality;

AND WHEREAS the Council of the Municipality of East Ferris deems it appropriate to regulate noise and to prohibit excessive noise in the Municipality as provided for in this By-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF EAST FERRIS HEREBY ENACTS AS FOLLOWS:

1. Definitions

In this By-law, "excessive noise" means any unusual noise or any noise likely or intended to disturb the inhabitants when inside their dwelling and, without limiting the generality of the foregoing, includes the following:

- 1.1 The sound or noise from or created by any radio, stereo, or television, or any musical or sound-producing instrument when such device is played or operated in such a manner or with such volume as to disturb or be likely to disturb inhabitants when inside their dwelling.
- 1.2 Any noise made by a domestic animal which disturbs or is likely to disturb inhabitants when inside their dwelling.
- 1.3 Any noise which disturbs or is likely to disturb inhabitants when inside their dwelling arising between the hours of 11:00 p.m. of any day and 6:00 a.m. of the next day due to the use of power tools, equipment or machinery.
- 1.4 Any noise arising from operation of any motorized vehicle, including automobiles, trailers, motorcycles, dirt bikes, snowmobiles, etc., which disturbs or is likely to disturb inhabitants when inside their dwelling.
- 1.5 Any noise arising from a large social gathering being held on any property which disturbs or is likely to disturb inhabitants when inside their dwelling.

2. Excessive Noise Prohibited

- 2.1 No person shall cause or permit to be caused any excessive noise.
- 2.2 Any person who holds any ownership interest, whether registered or unregistered, by way of being a trustee or otherwise, in property, or is a tenant of property which property has been shown to be the origin of excessive noise prohibited under this By-law shall be presumed to have power and authority over the making of such excessive noise.

3. Exceptions

Section 2.1 does not apply to the following:

- 3.1 Noise arising from work being performed by the Municipality of East Ferris or its agents or contractors.
- 3.2 Noise normally associated with an agricultural operation, including the operation of farm machinery, animals, livestock, etc.
- 3.3 Noise normally associated with and necessary to any legal commercial/industrial use or home based business.

- 3.4 Noise caused by any police, fire, ambulance or public service/emergency vehicle while in the process of carrying out their duty.
- 3.5 Noise normally associated with social and community functions held at halls, places of worship, schools and public facilities.

4. **Exemption Requests**

- 4.1 Notwithstanding any other provisions of 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 noise for which they might be prosecuted; and, Council, by resolution, may refuse to grant any exemption, agree to grant lesser exemption and any exemption granted shall specify the time period, not in excess of six months, during which it is effective and may contain such terms and conditions as Council see fits.
- 4.2 In deciding whether to grant the exemption, Council shall give the applicant and any person opposed to the application an opportunity to be heard and may consider such other matters as it sees fit.
- 4.3 Breach by the applicant of any of the terms or conditions of any exemption granted by Council shall render the exemption null and void.

5. **Offence**

- 5.1 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.

6. **Enactment**

- 6.1 This By-law comes into force upon adoption by Council of the Corporation of the Municipality of East Ferris.

BY-LAW READ A FIRST AND SECOND TIME this 13th day of October, 2015

BY-LAW READ A THIRD TIME AND FINALLY PASSED this 28th day of June, 2016.

Mayor,
Bill Vrebosch

Clerk,
Monica L. Hawkins