



THE CORPORATION OF THE TOWNSHIP OF NORWICH

**BY-LAW NUMBER 35-2013**

**TO REGULATE AND PROHIBIT NOISE**

WHEREAS the Municipal Act, S.O. 2001, as amended, Section 128 (1), states that “A municipality may 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 the Municipal Act, S.O. 2001, as amended, Section 129, states that “A municipality may prohibit and regulate noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors”;

AND WHEREAS the Municipal Act, S.O. 2001, as amended, Section 436, states that “A municipality is permitted to enter upon land and into structures at any reasonable time to inspect the land and structures to determine whether a by-law of the municipality under the Act is being complied with”;

AND WHEREAS the Municipal Act, S.O. 2001, as amended, Section 444, provides that the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity, and any person who contravenes such an order is guilty of an offence;

AND WHEREAS the provisions of this by-law will not contradict any provincial or federal laws.

NOW THEREFORE the Council of the Corporation of The Township of Norwich hereby enacts as follows:

**1 DEFINITIONS**

- 1.1 ‘Unreasonable noise’ shall mean any noise that is likely to disturb the peace, quiet, comfort and repose of any individual on their property.
- 1.2 ‘Construction’ shall include erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, the laying of pipe and conduit whether above or below ground level, street and highway building, concreting, equipment installation and alteration and the structural installation of construction components and materials in any form for any purpose, and includes any work in connection therewith.
- 1.3 ‘Power Equipment’ is the sound caused by the use or operation of any such noise-generating tool or device that is clearly audible.

- 1.4 'Agricultural Operation' has the same meaning as contained in the Farming and Food Production Protection Act, 1998, S.O. 1998, C. 1, as amended, or any successor legislation
- 1.5 'Normal farm practice' has the same meaning as contained in the Farming and Food Production Protection Act, 1998, S.O. 1998, C. 1, as amended, or any successor legislation

## **2 GENERAL PROVISIONS**

- 2.1 No person shall make, cause or permit an unreasonable noise at any time within the Township of Norwich.
- 2.2 The following types of noise, arising between the hour of 7:00AM and 10:00PM, are exempt from this Bylaw:
  - 2.2.1 Construction, the discharge of firearms, or power equipment usage
- 2.3 The following types of noise, arising at anytime, are exempt from this Bylaw:
  - 2.3.1 Police, Fire, Ambulance, or any other services related to public necessity or emergency
  - 2.3.2 Railway, Airport, or any operations within the legislative authority of Parliament
  - 2.3.3 Municipal equipment operations, including but not limited to snow removal, road clearance, grass cutting etc.
  - 2.3.4 Garbage & Recycling collection operations
  - 2.3.5 Operations by or on behalf of a public utility where work needs to be done to minimize service interruptions
  - 2.3.6 Signaling devices utilized as traffic and pedestrian control devices at intersections and crosswalks
  - 2.3.7 Operations related to municipal construction or maintenance projects
  - 2.3.8 The discharge of consumer fireworks, display fireworks or pyrotechnic special effects fireworks if such discharge complies with the municipal by-law regulating the discharge of fireworks
  - 2.3.9 Bells, chimes, carillons or clocks associated with religious or public buildings or uses
  - 2.3.10 Activities from industrial uses located in lands zoned for industrial use if sound is in accordance with the terms and conditions of a valid Certificate of Approval, provisional Certificate of Approval or other approval issued under the Environmental Protection Act, R.S.O. 1990, c. E. 19, where such approval addresses sound as a source of contamination
  - 2.3.11 Activities as part of normal farm practice and carried on as part of an agricultural operation
  - 2.3.12 The use in a reasonable manner of any apparatus or mechanism for the amplification of the human voice or of music in a public park or any other commodious space in connection with any public election meeting or other lawful gathering between 9:00AM and 6:00PM
  - 2.3.13 A military or other band in a parade if the parade is operating under written permission of the Township of Norwich

2.3.14 The use in a reasonable manner of vehicles and equipment when utilized for the clearing and removal of snow from private property

### **3 ENFORCEMENT**

- 3.1 The provisions of this by-law shall be enforced by a By-law Enforcement Officer, Provincial Offences Officer (as defined by the *Provincial Offences Act*), or other individual duly appointed for the purpose of enforcing this by-law.
- 3.2 A Township By-law Enforcement Officer is authorized to enter onto land to conduct an inspection to determine whether the provisions of this by-law are being complied with.

### **4 PENALTIES**

- 4.1 Every person who contravenes any provisions of this by-law is guilty of an offence and is liable, upon conviction, to any penalty as provided for in the *Provincial Offences Act*.

### **5 SEVERABILITY**

- 5.1 In the event, that any provision, section, clause, sentence or any part or parts thereof of this by-law is declared by any Court of Law to be invalid, illegal or ultra-vires, such provision, section, clause, sentence or any part or parts thereof shall be severable and shall not affect the validity of any other provision, section, clause, sentence, or any part or parts thereof of this by-law.

### **6 EFFECTIVE DATE**

- 6.1 This by-law shall be effective upon the final passing thereof.
- 6.2 That all and any previous by-laws, the terms and provisions of which are inconsistent and in conflict with the provisions contained herein, shall be now and are herewith repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED ON THIS 24<sup>th</sup> DAY OF SEPTEMBER, 2013.

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MAYOR  
DONALD DOAN

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CAO / CLERK  
MICHAEL GRAVES