

CORPORATION OF THE TOWNSHIP OF ST. CLAIR

BY-LAW NUMBER 44 of 2014

**(Being a By-Law for regulating and prohibiting
within the Township of St. Clair noise or noises
likely to disturb the inhabitants)**

WHEREAS subsection 10(1) of the Municipal Act 2001, provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public

AND WHEREAS Section 129 of the Municipal Act 2001, provides that, without limiting sections 9 and 10 of the Act, a municipality may: (a) prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors;

AND WHEREAS Section 128 of the Municipal Act 2001, provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council are or could become public nuisances;

AND WHEREAS Section 444 of the Municipal Act, 2001 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 Section 195(1)(b) of the Highway Traffic Act, RSO 1990, c. H.8, provides that no municipal by-law pertaining to the regulation of noise from motor vehicles can be inconsistent with the Highway Traffic Act;

AND WHEREAS the Council of the Corporation of the Township of St. Clair deems it advisable to pass such a by-law to regulate noise and public nuisances within the Township of St. Clair;

NOW THEREFORE BE IT ENACTED by the Council of the Corporation of the Township of St. Clair as a by-law as follows;

1. No person shall, either by shouting, voice or by mechanical or other means, cause or permit a noise within the municipality calculated or likely to disturb the inhabitants of the municipality having regard to the time, place and the intensity and frequency of the said noise.
2. Any person being an occupant, owner or being in possession of , leasing or renting a room, building, cabin or enclosed space, yard or lands appurtenant to a cabin, residence, building or motel from which a noise prohibited in paragraph 1 is emitted, shall be deemed a violator of the said paragraph 1 whether or not he or she personally made or created the said noise, unless he or she proves affirmatively that the maker of the said noise was a trespasser on the said premises.
3. No person described in paragraph 2 shall operate or allow to be operated, exterior speakers at a community assembly hall, private or public, without special permission of Council between the hours of 10:00 pm and 8:00 am.
4. Without prejudice to the generality of paragraphs 1 and 2,
 - (a) No person who has the care, custody or control of a dog within the Township of St. Clair shall permit such dog to indulge in unreasonable or unnecessary yelping, howling, barking or other sounds in the Township of St. Clair during any hours of any day or night.

(b) Clause (a) shall not apply to municipal pounds, duly incorporated Humane Societies, and pet hospitals or infirmaries operated by duly qualified or licensed veterinary surgeons.

5. Any person who is guilty of an offence under this By-Law is liable upon conviction to a fine of not less than \$100.00 and not exceeding TWO THOUSAND DOLLARS (\$2,000.00), as shown by Schedule "A" of this By-law attached hereto, exclusive of costs, which shall be recoverable under the provisions of the Provincial Offences Act.
6. No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law, including carrying out an inspection.
7. This By-law may be enforced by a municipal law enforcement officer or a police officer.
8. This By-Law shall come into force and effect upon the final passing thereof.
9. By-Law 59 of 1991 is hereby repealed.

If this By-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the By-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

READ A FIRST SECOND THIRD TIME AND FINALLY PASSED this 15th day of September, 2014.

MAYOR

CLERK

CORPORATION OF THE TOWNSHIP OF ST. CLAIR

PART 1 PROVINCIAL OFFENCES ACT

SCHEDULE "A"

TO BY-LAW 44 OF 2014 – Being a by-law to restrict excessive noise

PART 1: PROVINCIAL OFFENCES ACT

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision or Defining Offence	COLUMN 3 SET Fine
1.	Cause a noise likely to disturb inhabitants.	Section 1	\$300.00
2.	To permit the cause of a noise likely to disturb inhabitants.	Section 1	\$300.00
3.	Permit noise of dog likely to disturb.	Section 4 (a)	\$100.00
4.	Hinder or obstruct enforcement of this By-law.	Section 6	\$500.00

Note: The general penalty provision for the offences listed above is Section 5 of By-law 44 of 2014, a certified copy of which has been filed.

Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33.