

THE CORPORATION OF THE TOWNSHIP OF ALNWICK/HALDIMAND

BY-LAW NO. 73-2013

BEING A BY-LAW TO PROHIBIT OR REGULATE NOISE IN THE TOWNSHIP OF ALNWICK/HALDIMAND

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**WHEREAS** section 129 of Part III of the Municipal Act, S.O. 2001, Chapter 25 provides that Councils of local municipalities may pass by-laws to prohibit and regulate with respect to noise and vibration;

**AND WHEREAS** section 425 of Part XIV of the Municipal Act, S.O. 2001, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence;

**AND WHEREAS** section 429 of Part XIV of the Municipal Act, S.O. 2001, provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under this Act;

**AND WHEREAS** it is deemed advisable to provide for the prohibition or regulation of noise within the Corporation of the Township of Alnwick/Haldimand;

**NOW THEREFORE** the Council of the Corporation of the Township of Alnwick/Haldimand enacts as follows;

1. In this By-law:

- (a) **"Agricultural Use"** means the growing of crops, including nursery and horticultural crops, the raising of livestock and other animals for food, fur or fibre, including poultry or fish, aquaculture, apiaries, agro-forestry or maple syrup production and associated on-farm buildings and structures;
  - (b) **"Construction"** includes the 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 made in any form or for any purpose, and includes any work in connection therewith;
  - (c) **"Construction Equipment"** means any equipment or device designed and intended for use in construction or material handling including, but not limited to, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders or other material handling equipment;
  - (d) **"Emergency Vehicle"** means a police car, ambulance, fire truck or other vehicle responding to an emergency call pursuant to a statutory duty;
  - (e) **"Person"** includes a corporation;
  - (f) **"Council"**, "Municipality" shall mean the Council of the Corporation of the Township and/or the Township of Alnwick/Haldimand;
  - (g) **"Noise"** shall mean unwanted noise.
2. A) No person shall, within the limits of the Corporation of the Township of Alnwick/Haldimand, make or permit an unusual noise, or noise likely to disturb the inhabitants thereof.
- B) *Persistent barking, calling or whining or other similar persistent noise marking by any domestic pets or any other animals kept or used for any purpose other than agricultural.*

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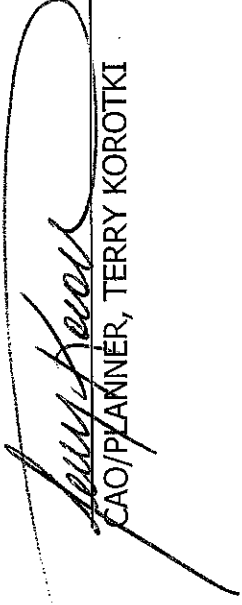
3. Despite Section 2 of this By-law, none of the provisions of this By-law shall apply to prohibit;
  - (a) any agricultural use/activity conducted on lands that are zoned 'Rural' or 'Agricultural' in the Comprehensive Zoning By-law then in force in the Township of Alnwick/Haldimand,
  - (b) the operation of emergency vehicles, including all their components, while in use pursuant to a statutory duty,
  - (c) operation of service vehicles or equipment operated by the Township of Alnwick/Haldimand, the Corporation of the County of Northumberland, the Province of Ontario, Canadian National Railway, Via Rail or Canadian Pacific Railway their workmen, employees, servants, agents, contractors or sub-contractors,
  - (d) cultural, recreational, educational and political events in parks and other public places administered by the Corporation of the Township of Alnwick/Haldimand,
  - (e) races, parades, processions and events for ceremonial, religious or traditional purposes that have been authorized by the Corporation of the Township of Alnwick/Haldimand,
  - (f) operation of bells, chimes, carillons and clocks in churches and public buildings,
  - (g) operation of power lawn mowers and/or gardening equipment or any equipment used in the maintenance of property between the hours of 7:00 a.m. and 10:00 p.m. from Monday to Friday; 7:00 a.m. to 8:00 p.m. on Saturday, and between the hours of 9:00 a.m. and 9:00 p.m. on Sunday provided that such equipment is maintained in good working order,
  - (h) noise arising out of or created by construction or construction equipment operated within the Township of Alnwick/Haldimand between the hours of 7:00 a.m. and 8:00 p.m. from Monday to Friday inclusive and 7:00 a.m. to 5:00 p.m. on Saturday's.
4. In the event any Court of competent jurisdiction should judge that any section or sections of this By-law is or are not valid for any cause, such section or sections shall be deemed severable from the remainder of the By-law and the remainder of the By-law shall stand and be enforceable to the same extent as if the offending section or sections had not been included herein.
5. For the purpose of this By-law, each day or part of a day on which the offence occurs or continues shall be deemed to be a separate offence.
6. Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as set out in Schedule "A" attached to and forming part of this By-law.

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7. This By-law shall come into full force and effect upon final passage.
8. That By-law Nos. 31-2001 and 64-2001 of the Corporation of the Township of Alnwick/Haldimand are hereby repealed in their entirety.

This **By-Law No. 73-2013** read and deemed to be PASSED this 15<sup>th</sup> day of August, 2013.

  
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MAYOR, DALTON MCDONALD

  
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CAO/PLANNER, TERRY KOROTKI

THE CORPORATION OF THE TOWNSHIP OF ALNWICK/HALDIMAND

SCHEDULE "A" TO

BY-LAW NO. 73-2013 BEING A BY-LAW TO PROHIBIT OR REGULATE NOISE  
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PART III PROVINCIAL OFFENCES ACT  
FINE SCHEDULE

Item	Column 1	Column 2
1.	Minimum fine for a first offence shall be	\$ 150.00
2.	Maximum fine for a first offence shall not exceed	\$ 500.00
3.	Minimum fine for a second offence and for each day or part of a day the offence continues shall be	\$ 500.00
4.	Maximum fine for each day or part of a day the offence continues shall not exceed	\$ 5,000.00