

# THE CORPORATION OF THE VILLAGE OF BURK'S FALLS

## BY-LAW NO. 17-98

### BEING A BY-LAW TO CONTROL NOISE

**WHEREAS** pursuant to section 138 of Chapter 210 of the Municipal Act R.S.O. 1990, c M.45, as amended, permits municipalities to regulate or prohibit, the ringing of bells, the blowing of horns, shouting and unusual noises likely to disturb the inhabitant;

**AND WHEREAS** the Council of the Village of Burk's Falls deems it necessary to pass a by-law to regulate noises within the Village of Burk's Falls.

**NOW THEREFORE** the Council of the Corporation of the Village of Burk's Falls enacts as follows:

#### 1. DEFINITIONS:

a) "**Council**" means the Council of the Corporation of the Village of Burk's Falls.

b) "**Noise**" means any unwanted sound,

c) "**Point of Reception**" means any point on the premises of a person where sound originating from other than those premises is received.

2. No person shall ring any bell, blow or sound any horn or cause the same to be rung, blown or sound, shout OR create, cause or permit any noise or unusual noise likely to disturb any inhabitant of the Village of Burk's Falls at any time except when required by law or when specifically exempted from this by-law.

3. For the purpose of this by-law and without limiting the generality of the foregoing the following may be deemed to be unusual noises or noises likely to disturb the inhabitants.

a) The operation of any electronic device or group of electronic devices incorporating one or more loudspeakers or other electromechanical transducers and intended for the production, reproduction or amplifications of sound.

b) Yelling, shouting, hooting, whistling or singing.

4. Exemptions:

a) Public Safety. Notwithstanding any other provisions of this by-law it shall be lawful to emit or cause or permit the emission of sound in connection with emergency measures undertaken unless such sound is clearly of a longer duration or nature more disturbing than is reasonably necessary for the accomplishment of emergency purposes such as:

- i) For the immediate health safety or welfare of the inhabitants; or
- ii) For the preservation or restoration of property.

## **5. Grant of Exemption by Council:**

a) Application to Council:

i) Notwithstanding anything contained in 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 sound for which they might be prosecuted. Council by resolution may refuse to grant any exemption or may grant the exemption applied for, specifying the time period and such ten-as and conditions as council deems appropriate.

b) In deciding whether to grant the exemption Council shall give tile applicant any other person opposed to the application an opportunity to be heard any may consider such matters as it deems appropriate.

c) Breach by the applicant of any terms or conditions of any exemption granted by Council shall render the exemption null and void.

## **6. Penalty:**

a) Any person who is found in contravention of any section of this by-law and upon being found guilty of that contravention is liable to a fine of not more than \$5,000.00 as permitted under the Provincial Offenses Act.

## **7. Rescind Past By-laws.**

The Corporation of the Village of Burk's Falls hereby rescinds By-law 10-1977.

AS READ A FIRST AND SECOND TIME THIS 22ND DAY OF SEPTEMBER  
1998

AS READ A THIRD TIME AND FINALLY PASSED IN OPEN COUNCIL THIS  
22ND DAY OF SEPTEMBER 1998.

REEVE: BARRY W. BOYES

CLERK/TREASURER: JARVIS W. OSBORNE

VILLAGE OF BURK'S FALLS

PART 1 PROVINCIAL OFFENCES ACT

By-Law No 17 -1998

ITEM
COLUMN 1
Short Form Wording
COLUMN 2
Offence Creating Provision
COLUMN 3
Set Fine
(Including Costs)
1
Creating a disturbing noise
S.2
\$100.00
2
Creating a disturbing noise
S.3
\$100.00

NOTE: Penalty provision for the offences indicated above is Section 6 of By-Law No. 17-1998, a certified copy of which has been filed.