

**The Township of Cavan Monaghan**

**By-law No. 2018-11**

**Being a by-law to amend By-law No. 2017-50 being a by-law to Prohibit or Regulate Noise within the Township of Cavan Monaghan**

**Whereas** Sections 9 & 129 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that the Councils of local municipalities may pass By-laws to prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors

**And Whereas** the Council of the Township of Cavan Monaghan adopted such by-law, known as By-law No. 2017-50;

**And Whereas** the Council of the Township of Cavan Monaghan deems it advisable to adopt an amending by-law to allow more flexibility within Section 3. Noises – Likely to Disturb;

**Now Therefore** the Council of the Township of Cavan Monaghan hereby enacts as follows:

1. That Section 3. Noises - Likely to Disturb be amended by replacing Subsection (g) Construction – Demotion, Repair, Restrictions with the following wording:

**3.(g) Construction – Demolition, Repair, Restrictions**

**The noise caused by the erection, demolition, alteration or repair of a building or equipment or by construction of earth-moving equipment working upon such site situated within 500 feet of an occupied dwelling unit on any day, between the hours the 7:00 p.m. and 7:00 a.m. of the following day shall be deemed to be noises likely to disturb.**

2. That this By-law shall come into full force and effect on the date of final passage.

Read a first, second and third time and passed this 20<sup>th</sup> day of February, 2018.

  
\_\_\_\_\_  
Scott McFadden  
Mayor

  
\_\_\_\_\_  
Elana Arthurs  
Clerk

**The Township of Cavan Monaghan**

**By-law No. 2018-08**

**Being a by-law to amend By-law No. 2017-50 being a by-law to Prohibit or Regulate Noise within the Township of Cavan Monaghan**

**Whereas** Sections 9 & 129 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that the Councils of local municipalities may pass By-laws to prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors

**And Whereas** the Council of the Township of Cavan Monaghan adopted such by-law, known as By-law No. 2017-50;

**And Whereas** the Council of the Township of Cavan Monaghan deems it advisable to adopt a new schedule to address music in the area designated as a Certain Improvement Area;

**Now Therefore** the Council of the Township of Cavan Monaghan hereby enacts as follows:

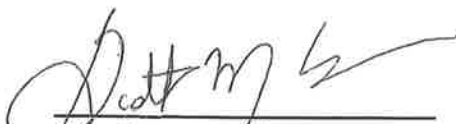
1. That Section 4. Exceptions of By-law No. 2017-50 be amended by adding the following subsection:

**(k) Music**

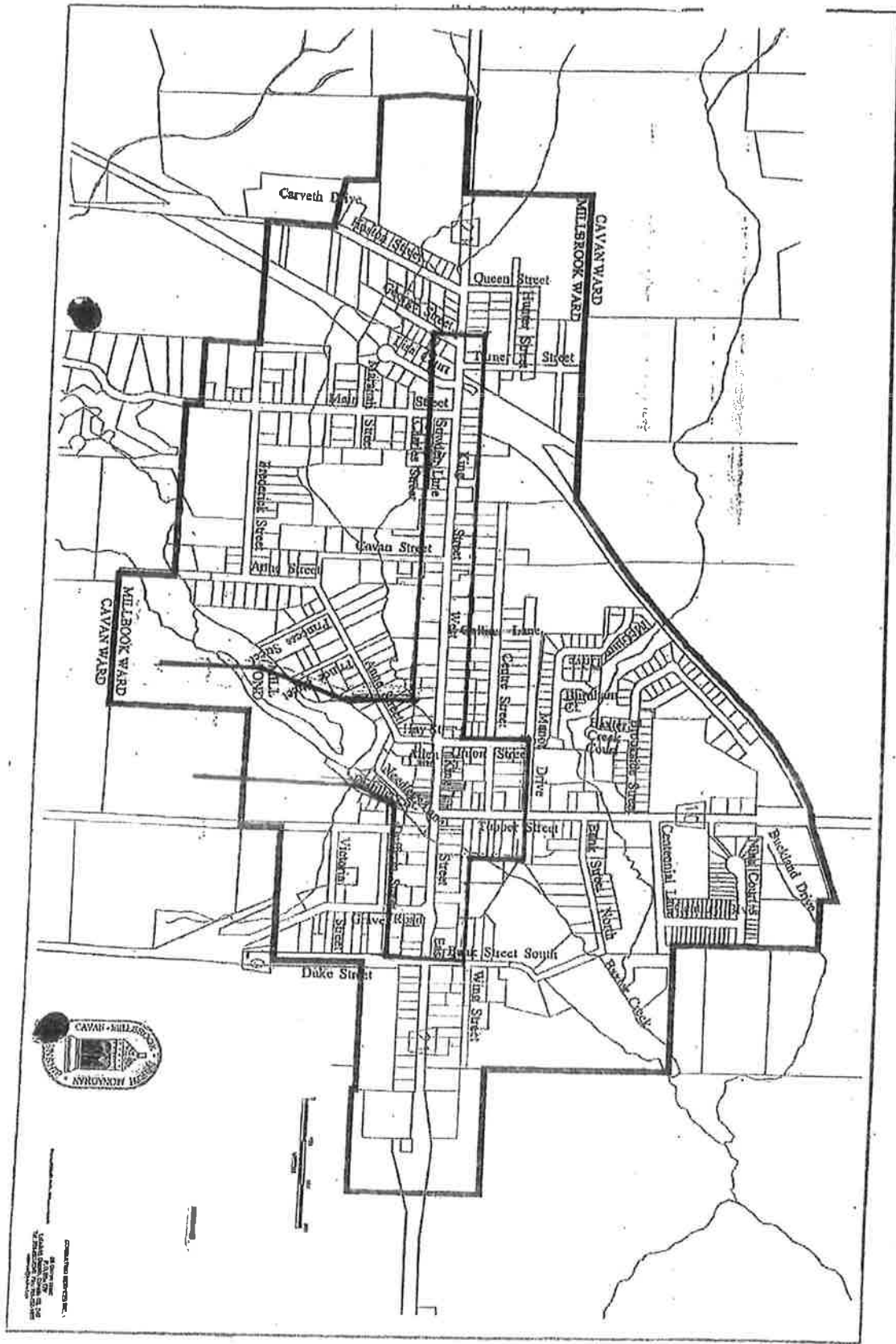
**The noise created by music in the area of the Township Designated as a Certain improvement Area (The Millbrook Business Improvement Area) as defined by By-law 2007-27, between the hours of 9:00 a.m. – 9:00 p.m.). (Schedule B)**

2. That **Schedule 'B'** be added to the By-law to identify the area in subsection (k).
3. That this By-law shall come into full force and effect on the date of final passage.

Read a first, second and third time and passed this 5<sup>th</sup> day of February, 2018.

  
\_\_\_\_\_  
**Scott McFadden**  
Mayor

  
\_\_\_\_\_  
**Elana Arthurs**  
Clerk



## **The Township of Cavan Monaghan**

### **By-law No. 2017-50**

#### **Being a by-law to Prohibit or Regulate Noises within the Township of Cavan Monaghan**

**Whereas** Sections 9 & 129 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that the Councils of local municipalities may pass By-laws to prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors;

**Now Therefore** the Council of the Township of Cavan Monaghan hereby enacts as follows:

1. In this By-law:

**(a) Corporation**

"Corporation" shall mean the Corporation of the Township of Cavan Monaghan.

**(b) Dwelling Unit**

A "dwelling unit" means a suite operated as a housekeeping unit, used or intended to be used by one or more persons and usually containing cooking eating, living, sleeping and sanitary facilities.

**(c) Emergency Vehicle**

An "emergency vehicle" includes a police car, ambulance, fire truck or other vehicle and/or watercraft responding to an emergency call pursuant to a call for service.

**(d) Person**

A "person" includes a corporation.

2. **General – Likely to Disturb**

(a) No person shall, within the limits of the Corporation, shout, make or permit an unusual noise, or a noise likely to disturb the inhabitants thereof.

(b) No owner shall emit, cause or permit the emission from the owner's property of noise likely to disturb the inhabitants of the Corporation.

3. **Noises – Likely to Disturb**

Without limiting the generality of Section 2, the following noises or sounds set out in this Section shall be deemed to be noises likely to disturb the inhabitants of the Corporation:

**(a) Radio – Loud Speaker**

The noises or sound made or created by any radio, phonograph, public address system, sound equipment, loud speaker, musical instrument or other sound-producing equipment, when the equipment is played or operated in such a manner that the sound or noise made or created thereby disturbs the peace, comfort, or repose of any person in a dwelling unit, or a police officer acting in accordance with their duties pursuant to the *Police Act*, or successor legislation shall be deemed to be noises likely to disturb.

**(b) Animal – Bird**

The sound made by an animal or bird under the care of an individual and/or individuals which disturbs the peace, comfort, or repose of any person in another dwelling unit shall be deemed to be noises likely to disturb.

**(c) Exhaust – Without Muffler**

The noise or sound caused by the discharge into the open air of the exhaust from any steam engine, boiler or stationary internal combustion engine, otherwise than through a muffler or other device which effectively prevents unnecessary noise shall be deemed to be noises likely to disturb.

**(d) Tire Noise – Squealing, Acceleration, Braking**

The wheel or tire noise caused by the deliberate and unnecessary acceleration, rapid turning or rapid braking of a motor vehicle shall be deemed to be noises likely to disturb.

**(e) Motor Racing – Standing/Stationary Motor Vehicle**

The noise caused by the unnecessary racing of the motor of a standing/stationary motor vehicle shall be deemed to be noises likely to disturb.

**(f) Motor Vehicle Racing – Permitted by By-law**

The noise caused by motor vehicle racing in an area zoned and permitted for such use shall be deemed to be noises likely to disturb when such motor vehicle racing occurs before 8:00 a.m. and/or after 11:30 p.m.

**(g) Construction – Demolition, Repair, Restrictions**

The noise caused by the erection, demolition, alteration or repair of a building or equipment or by construction of earth-moving equipment working upon such site situated within 500 feet of an occupied dwelling unit on any day, between the hours of 7:00 p.m. and 7:00 a.m. of the following day, excepting Sundays, when no such noise shall be created before the hour of 12:00 noon and no such noise shall be made after 8:00 p.m. shall be deemed to be noises likely to disturb.

**(h) Lawnmower – Times of day**

The noise made by a power lawn mower within 100 feet of an occupied dwelling on any day between the hours of 10:00 p.m. and 8:00 a.m. of the following day shall be deemed to be noises likely to disturb.

**(j) Police Officer – Disturbance and Investigation**

Any noise which is determined by a police officer or enforcement officer investigating complaints received in regard to enforcement of this Chapter shall be deemed to be noises likely to disturb.

**(k) Unmuffled Engine Brakes**

The noise or sound caused by the use of truck and heavy equipment engine brakes other than through a muffler or other device which effectively prevents unnecessary noise shall be deemed to be noise likely to disturb.

**4. Exceptions**

None of the provisions of this By-law shall apply to prevent:

**(a) Farm Machinery/Animals**

The noise caused by any machines of husbandry, corn dryers or other farm machinery, being used to put in crops or remove crops, or being used for any other normal farming practices. Any noise caused by livestock permitted by the Township Zoning By-law.

**(b) Parades**

The noise caused by a lawful parade which has been approved by Council.

**(c) Outdoor Concert**

The noise caused by an outdoor concert or outdoor band which has been approved by Council.

- (d) Church Bells - Chimes**  
The noise caused by the sound of a church bell or chime.
- (e) Public Utility Work**  
The noise caused by works done upon a site or highway when such work is undertaken by the Corporation, the County of Peterborough, Hydro One, the Ministry of Transportation, any other public utility, or any Contractor providing services on their behalf, within the Corporation.
- (f) Traffic Control Devices**  
The noise created as part of traffic control devices, including those at traffic signal locations and railway crossings.
- (g) Warning Safety Devices - Vehicles**  
The noise created as part of a vehicle's warning devices where required or authorized by law or in accordance with good safety practices, including a vehicle's back-up alarm.
- (h) Snow Removal Equipment**  
The noise created by the operation of snow removal equipment while in the operation of snow removal.
- (i) Emergency Vehicle Sirens**  
The noise created by the sound of a siren on an emergency vehicle.
- (j) Municipal Parks**  
The noise caused by recreational activities at any Municipally owned property designated as a park.

**5. Grant of Exceptions by Council**

- (a) Exceptions**  
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 sources of sound for which he/she might be prosecuted and Council, by resolution, may refuse to grant any exemption or may grant the exception applied for or any exemption of lesser effect and any exemption granted shall specify the time period, not in excess of 6 months, during which it is effective and may contain such terms and conditions as Council sees fit.
- (b) Breach**  
Breach by the applicant of any of the terms or conditions of any exemption shall render the exemption null and void.

6. **Penalties and Enforcement**

(a) **Penalties**

Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O 1990, Chapter P.33, as amended.

(b) **Enforcement**

This By-law shall be enforced by a Police Officer, Police Cadet, Municipal Law Enforcement Officer, Provincial Offences Officer, By-law Enforcement Officer or any other person appointed by the Council of the Township of Cavan Monaghan.

7. **Effective Date**

This By-law shall come into force on the day that the by-law receives third reading of the Council for the Township of Cavan Monaghan.

Read a first, second and third time and passed this 8 day of August, 2017.

  
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Scott McFadden  
Mayor

  
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Elana Arthurs  
Clerk



**The Township of Cavan Monaghan  
Part 1 Provincial Offences Act**

**By-law No. 2017-50: Noise**

**Being a by-law to Prohibit or Regulate Noises within the Township of  
Cavan Monaghan**

**Schedule "A"**

<b>Item</b>	<b>Column 1 Short Form Wording</b>	<b>Column 2 Provision creating or defining offence</b>	<b>Column 3 Set Fine</b>
<b>1</b>	<b>Shout, make or permit an unusual noise or noise likely to disturb</b>	<b>s. 2(a)</b>	<b>\$150</b>
<b>2</b>	<b>Emit, cause or permit the emission of noise likely to disturb</b>	<b>s. 2(b)</b>	<b>\$150</b>

**Note: The general penalty provision for the offences listed above is Section  
6 of this By-law 2017-50. A certified copy of which has been filed.**