

# THE CORPORATION OF THE MUNICIPALITY OF RED LAKE

BY-LAW No. 1083-08

## BEING A BY-LAW TO REGULATE NOISE WITHIN THE MUNICIPALITY OF RED LAKE

**WHEREAS** Section 129 of *the Municipal Act, 2001*, S.O. 2001, c. 25 as amended, authorizes the council of every local municipality to regulate and prohibit with respect to the making of noise; and

**WHEREAS** it is in the public interest to reduce the noise level in the Municipality of Red Lake and to promote and protect public health, safety, welfare and the peace and quiet of the inhabitants of the City.

**NOW THEREFORE** the Council of The Corporation of the Municipality of Red Lake **HEREBY ENACTS AS FOLLOWS:**

### **PART I - INTERPRETATION AND DEFINITION**

1.1 In this By-law unless the context shall otherwise require:

- a) **"Clerk"** shall mean the Clerk for the Corporation of the Municipality of Red Lake or his or her designate.
- b) **"Construction"** shall include erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavation, 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 or for any purpose, and includes any associated or related work;
- c) **"Construction Equipment"** shall mean any equipment or device designed or intended to be used 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, trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders and other material handling equipment;
- d) **"Designate"** shall mean the person designated, in writing, to have the authority to act under this By-Law in the absence of the Clerk.
- e) **"Emergency Vehicle"** shall mean a land ambulance, fire department vehicle, police services vehicle and any other motor vehicle being used to respond to an emergency;
- f) **"Motor Vehicle"** shall include an automobile, bus, truck, motorcycle, motor assisted bicycle and any other vehicle propelled or driven other than by muscular power;
- g) **"Municipal Service Vehicle"** shall mean a vehicle operated by or on behalf of the Municipality of Red Lake or a contractor retained by the Municipality while the vehicle is being used for the construction, repair or maintenance of the highway including the clearing and removal of snow, construction repair maintenance of a municipal utility, or the collection or transportation of waste or other municipal purpose;
- h) **"Noise"** shall mean any sound which is of such volume or nature that it does, or is likely to disturb any of the inhabitants of the Municipality of Red; and
- i) **"Point of Reception"** is any point on any property or premises other than the property or premises on which the noise originates.

## **PART II – REGULATED NOISE**

- 2.1 No person shall, during the times specified in Schedule A, make, cause or permit the making of noise within the Municipality of Red Lake that is the result of any of the activities described in Schedule A that is audible at a point of reception.

## **PART III - EXEMPTIONS**

- 3.1 Section 2 shall be deemed not to apply to noise resulting from an activity if:
- a) it is the result of measures undertaken in an emergency or by emergency vehicles;
  - b) it is caused by municipal service vehicles;
  - c) it is caused by mining activities;
  - d) it is undertaken primarily for religious activities; or
  - e) a permit has been issued for the activity pursuant to Section 4.3 and the conditions of the permit are complied with.

## **PART IV – PERMITS**

- 4.1 The Clerk is designated to review and if deemed expedient and not contrary to the interests of the community, to authorization for an exemption from this By-Law.
- 4.2 All exemptions shall be in writing, and shall set out particulars of the proposed activity, the area of the Municipality likely to be affected, and the days and times for which the exception is requested.
- 4.3 The Clerk may grant an exemption under this By-Law on such terms and with such conditions or restrictions as she or he deems appropriate.
- 4.4 Where the Clerk refuses to grant an exemption within 10 days of receipt of an application, or the applicant is unsatisfied with the conditions imposed by the Clerk, the applicant may appeal to the Municipal Council by filing with the Clerk a request to appeal within 20 days of the date that the application was filed with the Clerk, or 10 days from the date of the granting of the exemption with conditions, as the case may be.

## **PART V – OFFENCES**

- 5.1 Any person who contravenes the provisions of this By-Law is guilty of an offence and upon conviction is subject to a fine as provided for in the Provincial Offences Act and to any other applicable penalties.
- 5.2 If this By-Law is contravened and a conviction entered, the court in which the conviction has been entered or any court of competent jurisdiction thereafter may in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

## **PART VI – VALIDITY**

- 6.1 If a court of competent jurisdiction declares any provision or any part of a provision of this By-Law to be invalid or to be of no force in effect, it is the intension of Council enacting this By-Law at each and every provision of this By-Law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

**PART VII - REPEAL**

- 7.1 That By-Law No. 71-99 be and is hereby repealed.
- 7.2 That By-Law No. 50-00 be and is hereby repealed.
- 7.3 That By-Law No. 177-02 be and is hereby repealed.

**PART VIII – SHORT TITLE**

- 8.1 This By-Law may be cited as the Municipality of Red Lake “Noise By-Law”.

**PART IX - IMPLEMENTATION**

- 9.1 This By-Law shall come into force and effect on the date the Ministry of the Attorney General approves the Set Fines under By-Law No. 1083-08.

**READ a FIRST AND SECOND TIME** this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Phil T. Vinet, Mayor

\_\_\_\_\_  
Shelly L. Kocis, Clerk

**READ a THIRD TIME and FINALLY PASSED** this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Phil T. Vinet, Mayor

\_\_\_\_\_  
Shelly L. Kocis, Clerk

## Schedule "A"

## Regulated Noises Prescribed By Time of Day

Activity	Prohibited Time of Day
1. Persistent barking, calling or whining or other similar persistent noise making by any domestic pet or any other animal kept or used for any purpose other than agriculture.	Prohibited at all times
2. The use of a horn, whistle, bell, or gong except as a warning device.	Prohibited at all times
3. The detonation of explosive devices used in construction.	Prohibited between 9:00 p.m. and 7:00 a.m.
4. The operation of an internal combustion engine without an effective muffler.	Prohibited at all times.
5. The operation of any tool including a hammer, saw, nail gun, lawn mower, staple gun, hedge trimmer, drill or the like, except for purposes of any snow removal.	Prohibited between 9:00 p.m. and 7:00 a.m.
6. The operation of construction equipment.	Prohibited between 9:00 p.m. and 7:00 a.m.
7. The operation of a vehicle as defined under the Off Road Vehicle Act including a dirt bike, all-terrain cycle, go-cart, dune-buggy or other like Unlicensed motor vehicle.	Prohibited at all times.
8. The under taking of construction work, including erection, alteration, repair, dismantling or any activity related to construction.	Prohibited between 9:00 p.m. and 7:00 a.m.
9. The operation of any electronic device or group of connected electronic devices incorporating one or more loud speakers or other electro-mechanical transducers, and intended for the production, reproduction or amplification of sound.	Prohibited at all times.
10. Yelling, shouting, whistling, singing or playing of musical instruments.	Prohibited between 9:00 p.m. and 7:00 a.m.
11. The operation of a motor vehicle licensed under the Highway Traffic Act, or the Motorized Snow Vehicles Act, without the original manufacturer's muffler system, or an equivalent muffler system.	Prohibited at all times.

Note: Please refer to Sections III and IV regarding exceptions and permits relating to this By-Law.

## Schedule "B"

Set Fines**"Part 1 Provincial Offences Act"**

## THE CORPORATION OF THE MUNICIPALITY OF RED LAKE

Municipality of Red Lake

By-Law No. 1083-08

Title: Noise By-Law

Item #	Column 1 (Short Form Wording)	Column 2 (Provisions Creating or Defining Offence)	Column 3 (Set Fines)
1.	Permit persistent noise from pet.	Section 2.1 Schedule A Item 1	\$250.00
2.	Use Horn, whistle or bell.	Section 2.1 Schedule A Item 2	\$250.00
3.	Cause noise by detonation of explosives during prohibited time.	Section 2.1 Schedule A Item 3	\$250.00
4.	Cause noise by operation of engine without muffler.	Section 2.1 Schedule A Item 4	\$250.00
5.	Cause noise by operation of tool during prohibited time.	Section 2.1 Schedule A Item 5	\$250.00
6.	Cause noise by operation of construction equipment during prohibited time.	Section 2.1 Schedule A Item 6	\$250.00
7.	Cause noise by operation of unlicensed motor vehicle.	Section 2.1 Schedule A Item 7	\$250.00
8.	Cause noise by undertaking construction during prohibited time.	Section 2.1 Schedule A Item 8	\$250.00
9.	Cause noise by operation of sound amplification system.	Section 2.1 Schedule A Item 9	\$500.00
10.	Yelling during prohibited time.	Section 2.1 Schedule A Item 10	\$500.00
11.	Cause noise by operation of vehicle without proper muffler.	Section 2.1 Schedule A Item 11	\$250.00

"Note: The general penalty provision for the offences listed above is Section 5.1 of By-Law No. 1083-08, a certified copy of which has been filed and section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33."