

**THE CORPORATION OF
THE TOWNSHIP OF LANARK HIGHLANDS**

BY-LAW NO. 2000-113

A BY-LAW TO PROHIBIT OR REGULATE NOISE

WHEREAS Section 210, Paragraph 138 of the Municipal Act R.S.O. 1990, Chapter M 45, as amended, provides that the Council of local municipalities may pass by-laws for the prohibiting or regulating, within the municipality or within any defined area or areas thereof, the ringing of bells, the blowing of horns, shouting and unusual noises, or noises likely to disturb the inhabitants.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF LANARK HIGHLANDS ENACTS AS FOLLOWS:

1. In this by-law:
 - a) "dwelling place" includes apartments, houses, hotels or other types of residence.
 - b) "person" includes a corporation, business, enterprise, etc.
2. No person shall within the limits of the Corporation of the Township of Lanark Highlands make or permit an unusual noise (as outlined in Section 3 below), likely to disturb the inhabitants thereof.
3. Without limiting the generality of Section 2, the following noises or sounds shall be deemed to be noises likely to disturb the inhabitants thereof:
 - a) the sound of any bell, horn, siren or other signal device on any motor vehicle, motorcycle, bicycle, or other vehicle of whatsoever kind, except when required by law.
 - b) the sounding of any bell, horn, siren or signal device for an unnecessary or unreasonable period of time.
 - c) the noises or sounds 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 house.
 - d) the noise or sound caused or made by an amplifier or loud speaker carried in or attached to a motor vehicle being operated or standing on a public highway.
 - e) the sound made by a animal or bird under the care of an individual and/or individuals which disturbs the peace, comfort, or repose of any person in a dwelling house.

- f) The excessive noise or sounds made by individual person or persons, which disturb the peace, comfort or repose in a dwelling place, between the hours of 10:00 p.m. and 08:00 a.m.
- g) 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.
- h) the wheel or tire noise caused by the deliberate and unnecessary acceleration, rapid turning or rapid braking of a motor vehicle.
- i) the noise caused by unnecessary repetitive driving of any motor vehicle or snowmobile within the same community section.
- j) the noise caused by the unnecessary racing of the motor of a standing motor vehicle.
- k) any unnecessary noise arising between the hours of 8:00 p.m. of any day and 7:00 a.m. of the following day from any excavation or construction work whatsoever, including the erection, demolition, alteration or repair of any building authorized by the Corporation, except in case of urgent necessity and then under a permit from the Building Inspector.
- l) the noise made by a power lawn mower, chain saw or leaf blower within 45 meters of an occupied dwelling house on any day between the hours of 8:30 p.m. and 7:00 a.m. the following day.
- m) the noise made or created by air conditioning equipment, which disturbs the peace, comfort or repose of any person in an adjacent dwelling.

4. GRANTS AND EXCEPTION BY THE COUNCIL:

a) Application to Council

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 he might be prosecuted and Council, by resolution, may refuse or grant the exception applied for or any exemption of lesser effect any exception 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 by the applicant of any of the terms or conditions of any exemption shall render the exemption null and void.

5. None of the provisions of this by-law shall apply to:

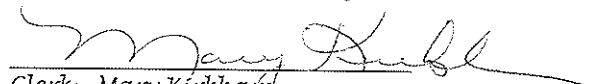
- a) the use of (in a reasonable manner) any apparatus or mechanism for the amplification of the human voice or of music in a public park or other commodious space in connection with any public election meeting, public celebration or other reasonable gathering, provided prior permission has been received from Council.

- b) any military or other band in a parade, operating under permission of Council.
 - c) any vehicle of the police or fire department, or any ambulance of any public service or emergency vehicle while answering a call.
 - d) any sound arising from farming operations so long as such operations are legitimate and necessary and are undertaken by the farmer or his agent.
 - e) any organized outdoor hymn singing or caroling.
 - f) the sound of a church bell or chime.
6. Offence and Enforcement:
- a) The enforcement of this by-law should be conducted by the person who has been disturbed by the unusual noise in co-operation with the O.P.P. He/she will be required to lay a private information with the Provincial Court and to proceed under the Provincial Offences Act.
 - b) Any person who contravenes any provision of this by-law is guilty of an offence and is liable on summary conviction to a fine not more than \$5,000.00 plus costs. Any such fine is recoverable under the Provincial Offences Act.
7. Severability of provisions:
If any section or sections of this by-law, or parts thereof may be found by any Court of Law to be illegal or beyond the power of the Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this by-law shall be deemed to be separate and independent therefrom and to be enacted as such.
8. This by-law shall come into force and take effect with the passage thereof.

READ a FIRST and SECOND TIME this *1st* - day of *February*, 2000.

READ a THIRD TIME and finally passed this *1st* - day of *February*, 2000


Reeve - Lawrence McDermott


Clerk - Mary Kirkham

THE HONOURABLE PAUL R. BÉLANGER
REGIONAL SENIOR JUSTICE
EAST REGION
ONTARIO COURT OF JUSTICE

COURT HOUSE
161 ELGIN STREET, 5TH FLOOR
OTTAWA, ONTARIO
K2P 2L1



L'HONORABLE PAUL R. BÉLANGER
JUGE PRINCIPAL RÉGIONAL
RÉGION DE L'EST
COUR DE JUSTICE DE L'ONTARIO

PALAIS DE JUSTICE
161, RUE ELGIN, 5^E ÉTAGE
OTTAWA (ONTARIO)
K2P 2L1

TELEPHONE / TÉLÉPHONE (613) 239-1521
FAX / TÉLÉCOPIEUR (613) 239-1572

January 24, 2001

FEB 07 2001

RECEIVED

Ms. Mary Kirkham AMCT CMO PMO
Clerk/Planning Secretary
The Corporation of the Township of Lanark Highlands
Box 340
Lanark, Ontario
K0G 1K0

Dear Ms. Kirkham:

RE: Set Fines - Provincial Offences Act – Part I
Township of Lanark Highlands, Lanark County

Enclosed herewith are copies of the Orders and copies of the schedules of set fines for By-law Nos. 2000-113, 2000-114, 2000-126, 2000-127 and 2000-144, the By-laws indicated in the schedules.

The setting of the fines does not constitute my approval of the validity of the By-laws or of the short form of wording used to describe the offences.

I have forwarded the original Orders and the schedules of the set fines to Justice of the Peace C. McKechnie, together with certified copies of the By-laws.

Yours truly,

A handwritten signature in black ink, appearing to read "Paul R. Bélanger".

Paul R. Bélanger
Regional Senior Justice

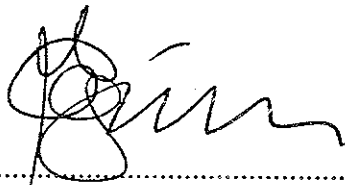
Enclosures

PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedules of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law Nos. 2000-113, 2000-114, 2000-126, 2000-127 and 2000-144 of the **Township of Lanark Highlands, Lanark County**, attached hereto is the set fines, including costs, for those offences. This Order is to take effect January 24, 2001.

Dated at Ottawa this 24th day of January, 2001.



.....
Paul R. Bélanger, Regional Senior Justice
Ontario Court of Justice
East Region

Bylaw No. 2000-113 (as amended)
A Bylaw to Prohibit or Regulate Noise

=====

Item	Column 1 Short Form Wording	Column 2 Offence Creating Provision	Column 3 Set Fine (includes costs)
1.	Causing a noise or sound likely to disturb inhabitants - noise from signal device on vehicle	Section 3.a	\$115.00
2.	Causing a noise or sound likely to disturb inhabitants - noise from signal device for unnecessary or unreasonable period of time	Section 3.b	\$115.00
3.	Causing a noise or sound likely to disturb inhabitants - sound producing equipment	Section 3.c	\$ 115.00
4.	Causing a noise or sound likely to disturb inhabitants - amplifier or speaker attached to vehicle	Section 3.d	\$ 115.00
5.	Causing a noise or sound likely to disturb inhabitants - animal or bird under care of individual	Section 3.e	\$ 115.00
6.	Causing a noise or sound likely to disturb inhabitants - excessive noise or sounds between 10:00 p.m. and 08:00 a.m.	Section 3.f	\$ 115.00
7.	Causing a noise or sound likely to disturb inhabitants - discharge of exhaust from combustion engine	Section 3.g	\$ 115.00
8.	Causing a noise or sound likely to disturb inhabitants - repetitive driving in same location of any motor vehicle or snowmobile	Section 3.i	\$ 115.00
9.	Causing a noise or sound likely to disturb inhabitants - unnecessary racing of a standing motor	Section 3.j	\$ 115.00
10.	Causing a noise or sound likely to disturb inhabitants - excavation or construction work between 8:00 p.m. and 7:00 a.m.	Section 3.k	\$ 115.00
11.	Causing a noise or sound likely to disturb inhabitants - operation of power mower, chain saw or leaf blower between 8:30 p.m. and 7:00 a.m.	Section 3.l	\$ 115.00
12.	Causing a noise or sound likely to disturb inhabitants - air conditioning equipment	Section 3.m	\$ 115.00

NOTE: The penalty provision for the offences indicated above is Section 6 of the Bylaw 2000-113. (as amended). A certified copy of which has been filed.