

THE CORPORATION OF THE TOWN OF DESERONTO

BY-LAW NUMBER 21-07

BEING A BY-LAW TO REGULATE THE OPERATION OF NOISY MACHINERY AND TO REGULATE AND PROHIBIT NOISES CALCULATED TO DISTURB THE INHABITANTS OF THE TOWN OF DESERONTO

Whereas the Corporation of the Town of Deseronto has pursuant to the Municipal Act Section 379(1) Para. 114 authority to enact this By-law.

NOW THEREFORE the Council of the Town of Deseronto hereby enacts as follows:

1. No person shall operate machinery or construction caused disturbance within the Town of Deseronto for the purpose of the construction or excavation of buildings, the operation of which creates noise or noises that disturb or are likely to disturb inhabitants of the Town at any time or times unless for emergency purposes.
 - a) between 8:00 p.m. and 7:00 a.m.
2. No business or other undertaking which causes a noise that would disturb the peace, quiet, comfort or repose of any individual in any dwelling house, apartment house, hotel or other place of residence, shall be operated from the hours of 8:00 p.m. to 6:30 a.m..
3. No person shall within the Town ring, blow or sound or cause to be rung, blown or sounded, any bell, horn or other signal device on any vehicle except where required by law for a reasonable period of time.
4. No person shall cause or permit to be caused any shouting or unusual or unnecessary noise which disturbs or is calculated to disturb the peace, quiet, comfort or repose of any person in any type of residence institution or place or business within the Town.
5. The following noises or sounds, among others, shall be deemed to be unnecessary noises which disturbs the inhabitants:
 - a) The sound or noise from or created by any radio or phonograph or any musical or sound-producing instrument of whatsoever kind when such radio or phonograph or instrument is played or operated in such manner or with such volume as to annoy or disturb the peace, quiet, comfort or repose of any individual in any dwelling house, apartment house, hotel or other type of residence.
 - b) Any sound made by any domestic animal or bird that disturbs the peace, quiet, comfort or repose of the inhabitants in the neighbourhood.
6. (1) The provisions of this by-law shall not apply to:
 - a) any ringing of church or school bells;
 - b) any case of public convenience or necessity;
 - c) any parade or public gathering, operating for a limited period of time under permit of the Town
 - d) any signals authorized or required by competent legislation;
 - e) any noise originating from, or caused by, the operation or use by any person, including the Town, of any community centre or public park owned by or under lease to the Town, whether or not the Town has issued a permit for such operation or use;

- f) any noise originating from, or caused by, the operation of farm equipment or machinery for cultivating, seeding, crop maintenance or harvesting purposes on any lands designated for agricultural uses;
 - g) any noise from industrial and manufacturing if shift work is requested; and
 - h) any declared emergency.
- (2) No situation shall be declared an emergency for the purposes of subsection (g) of subsection (1) hereof, unless so declared by Resolution of the Council of the Corporation of the Town of Deseronto, at its sole discretion.
- (3) Any declaration made pursuant to subsection (2) hereof may be retrospective in effect.
7. Every person who contravenes any provisions of this By-Law is guilty of an offence and liable upon conviction to a penalty provided for under the Provincial Offences Act, as amended.

Read a First time on April 25, 2007

Read a Second and Third time on April 25, 2007 and be finally passed, signed, sealed and number attached.

DEPUTY MAYOR

CLERK