

**CORPORATION OF THE TOWN OF PETAWAWA
BY-LAW 368/06**

**BEING A BY-LAW TO REGULATE AND
PROHIBIT UNUSUAL NOISES**

WHEREAS section 128 of the *Municipal Act, 2001* provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS section 128 of the *Municipal Act, 2001*, further states that the opinion of Council, if arrived at in good faith, is not subject to review by any court;

AND WHEREAS section 129 of the *Municipal Act, 2001* authorizes the Council of every local municipality to regulate and prohibit with respect to noise;

AND WHEREAS it is deemed expedient and necessary to regulate or prohibit unusual noises or noises likely to disturb the inhabitants of the Town of Petawawa.

THEREFORE the Council of the Corporation of the Town of Petawawa enacts as follows:

1. No persons shall, within the boundaries of the Corporation of the Town of Petawawa (hereinafter referred to as "the Town") make, cause or permit noise or vibration, at any time, which is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants of the Town.
2. For the purpose of, and not so as to eliminate the generality of Paragraph 1, the acts listed in Paragraph 3 are deemed to cause unusual noises and are or could become public nuisances, likely to disturb the inhabitants of the Town.
3. No person shall emit or cause or permit the emission of any sound or vibration resulting from an act listed below if this sound or vibration is clearly perceptible at a point of reception:
 - a. the sounding of any bell, horn, siren or signal device;
 - b. the operation of any radio, phonograph, public address system, sound equipment, loud speaker or similar device or devices or any musical or


sound producing instrument of whatever kind, when such device or instrument is played or operated in such a 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 any type of residence.

- c. any noise made by domesticated pets
 - d. any noise arising between the hour of 10:00 o'clock in the afternoon of any day and 6:00 o'clock in the forenoon of the following day from any excavation or construction work whatsoever, including the erection, demolition, alteration or repair of any building, except in case of urgent necessity and then under a permit from the Building Inspector for the Town;
 - e. any noise from a pit or quarry outside the following permitted hours:
 - Monday to Friday inclusive - 06:00 am to 07:00 p.m.
 - Saturday - 07:00 a.m. to 12:00 p.m.
 - Sundays and Statutory Holidays – no operation or activities shall occur on Sundays or statutory holidays as defined in the *Employment Standards Act*.
 - f. the use or operation of any drum, horn, bell, radio or mechanical loudspeaker, or other instrument or device of sound production, or sound transmitting instrument or apparatus for the purpose of advertising or for attracting attention to any performance, show or sale or display of goods, wares, or merchandise or which projects noise or sound into any street or other public place;
 - g. the use of any radio or mechanical loudspeaker or amplifier or other instrument or device or sound producing, or sound transmitting instrument or apparatus, in or upon any vehicle, except for such time and under such conditions as may be approved by the Council of the Town; and,
 - h. the discharge of any gun or other firearm, air gun or spring gun or any class or type thereof, provided that this shall not apply to peace officer in the performance of their duties or hunters during a legalized hunt.
4. That none of the provisions of this by-law shall apply to the following, namely:
- a. the use in a reasonable manner of any apparatus or mechanism for the amplification of human voice or of music in a public park, provided written permission from Council of the Town of Petawawa has first been obtained;

- b. any band or any parade operating under written permission first obtained from the Council of the Town;
 - c. any vehicle of the police or fire department or any ambulance or any public service or emergency vehicle in the performance of their duties;
 - d. the ringing of bells in connection with an Church, Chapel, meeting house or religious service or the ringing of fire alarms or burglar alarms; and, and;
 - e. normal activities of industry in any Industrial Zone, as defined by the Zoning By-law.
5. An exemption to the provisions of this by-law may be granted by Council, at its sole discretion, upon request and submission of an application outlining the name and address of the applicant, the location of the event or activity for which exemption is requested, the time of the event and reasons why an exemption should be granted.
6. Any person who contravenes any provision of this By-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the *Provincial Offences Act*.
7. If any section, clause or provision of this By-law, is for any reason declared by a Court of competent jurisdiction, to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the section, clause or provisions which are declared to be invalid and it is hereby declared to be Council's intention that such section or sections or parts thereof shall be deemed to be severable and that all other sections or parts of this by-law are separate therefrom and shall remain in effect until repealed.
8. By-law 517 of the former Township of Petawawa passed September 6, 1966 is hereby repealed.
9. This By-law comes into force and takes effect on the third and final reading.
10. The short title of this By-law shall read "the Noise By-law 2006".

Read a first and second time this 25 day of July , 2006

Read a third time and passed this 25 day of July , 2006.



Mayor



Clerk

THE HONOURABLE PETER D. GRIFFITHS
REGIONAL SENIOR JUSTICE
EAST REGION
ONTARIO COURT OF JUSTICE

COURT HOUSE
161 ELGIN STREET, 6TH FLOOR
OTTAWA, ONTARIO
K2P 2L1



L'HONORABLE PETER D. GRIFFITHS
JUGE PRINCIPAL RÉGIONAL
RÉGION DE L'EST
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PALAIS DE JUSTICE
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October 24, 2006

Mr. David Newton
Municipal Law Enforcement Officer
Town of Petawawa
1111 Victoria Street
Petawawa, Ontario
K8H 2E6

Dear Mr. Newton,

**Re: *Set Fines - Provincial Offences Act – Part I
Town of Petawawa***

Enclosed herewith is a copy of an Order and a copy of the schedule of set fines for By-law No. 368/06, the By-law indicated in the schedule.

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

I have forwarded the original Order and the schedule of the set fines to the Honourable Mr. Justice S.G. Radley-Walters in Pembroke, together with a certified copy of the By-law.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Peter D. Griffiths', written over a horizontal line.

Peter D. Griffiths
Regional Senior Justice

Enclosures

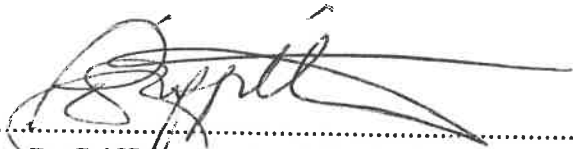


PROVINCIAL OFFENCES ACT

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 No. 368/06 of the **Town of Petawawa** attached hereto are the set fines, including costs, for those offences. This Order is to take effect October 24, 2006.

Dated at Ottawa this 24th day of October 2006.


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Peter D. Griffiths, Regional Senior Justice
Ontario Court of Justice
East Region

