

THE CORPORATION OF THE TOWNSHIP OF PERTH SOUTH
BY-LAW NO. 39-2011

BEING a By-law for prohibiting or regulating within the municipality of the Township of Perth South or within any defined area or areas thereof, the making of noises, or public nuisances, likely to disturb the inhabitants of the said Township, and to Repeal By-law No. 66-1998.

THE COUNCIL of the Corporation of the Township of Perth South hereby enacts as follows:

- (1) "Noise(s)" means ringing of bells, blowing of horns, shouting, singing, swearing, or any unusual noises, or noises likely to disturb the inhabitants.
- (2) "Person(s)" means any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply, according to law.
- (3) "Public Nuisance" means the commission of any act or deed that is likely to disturb the normal peace and tranquility of any person.
- (4) "Township" means the Corporation of the Township of Perth South.
- (5) "Township of Perth South" means the Municipality of the Township of Perth South.
- (6) "Time" means the time period of 700 hrs until 2100 hrs for construction activity.
- (7) "Unusual Noise(s)" means:
 - (a) the sounding of any bell, horn, siren, or other signal device on any vehicle or whatsoever kind except when required by law;
 - (b) the sounding of any such bell, horn, siren or signal device for an unnecessary or unreasonable period of time;
 - (c) the sound or noise from or created by any radio, phonograph, television, public address system, sound equipment, loudspeaker, 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 volume as to annoy or disturb the peace, quiet, comfort or repose of any individual in the neighbourhood;
 - (d) any sound made by any pet animal or pet bird which disturbs the peace, quiet, comfort or repose of any individual in the neighbourhood;
 - (e) the grating, grinding or rattling noise or sound caused by a condition of disrepair or maladjustment of any vehicle, or part or accessory thereof;
 - (f) the blowing of any steam or air whistle attached to or used in connection with any stationary boiler or other machine or mechanism, except for the purpose of giving notice to workmen of the time to commence or cease work, or as a warning of danger;
 - (g) the discharge into the air of the exhaust of any steam engine, stationary internal combustion engine, or vehicle, except through a muffler or other device which effectively prevents loud or explosive noises;

- (h) any unreasonable or unnecessary noise or sound arising from any excavation or construction work whatsoever, including the erection, demolition, alteration or repair of any building;
- (i) any unreasonable or unnecessary noise in the vicinity of any school or court while the same is in session, or in the vicinity of any convalescent home or rest home provided conspicuous signs are displayed in or upon the streets adjoining any such school, court, or home indicating that such noises are prohibited in the vicinity;
- (j) the noise created by driving any vehicle bearing material, articles or things which are loaded upon such in such manner as to create such noise;
- (k) the noise or sound created by the use or operation of any drum, horn, bell, radio or mechanical loudspeaker, or other instrument or device, or sound producing, sound reproducing, 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;
- (l) the noise or sound created by the use or operation of any radio or mechanical loudspeaker or amplifier or other instrument or device or sound producing, sound reproducing, or sound transmitting instrument or apparatus in or upon any vehicle;
- (m) the noise or sound created by the racing, idling or loud operation of a motor or a standing or parked vehicle in excess of that necessary for the reasonable operation of the same;
- (n) the noise or sound created by the repairing, wrecking, dismantling or modifying of any vehicle, motor, machine or any part or parts thereof;
- (o) any unreasonable or unnecessary noise created by the installation and operation of any air conditioning units, refrigeration units, generators, which are externally mounted or installed.

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

- (a) the use in a reasonable manner of any apparatus or mechanism for the amplification of the human voice or of music in a public park or any other commodious space in connection with any public election meeting, public celebration or other reasonable gathering, provided written permission of the Council of the Township has first been obtained;
- (b) any military or other band or any parade operating under written permission obtained from the Council of the said Township;
- (c) any vehicle of the Police or Fire Department or any ambulance or any public service of emergency vehicle while answering a call;
- (d) the sound from any private radio in a motor vehicle installed for the sole benefit or entertainment of the operator and occupants of such vehicle when same is not audible at a distance of 7.6 metres from such vehicle;
- (e) any sound arising from the operation of any railway which operates under the Railway Act of Canada;
- (f) any case of public convenience or necessity where written permission has been obtained from the Council of the said Township;

(g) any farming operation and/or farm equipment.

3. No person shall create or suffer to be created, any noise within the limits of the Township of Perth South which is likely to disturb any inhabitant thereof.

4. No person shall commit or suffer to be committed, any act within the limits of the Township of Perth South, which may be deemed to be a public nuisance and which is likely to disturb any inhabitant thereof.

5. Every person who contravenes any of the provisions of this by-law is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not less than \$50.00 and not more than \$1,000.00 for a first offence and not less than \$100.00 and not more than \$1,000.00 for a second or subsequent offence, exclusive of costs and every such fine is recoverable under the Provincial Offences Act.

6. Should any section of this By-law or part thereof be declared by a court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining sections, or parts thereof, shall, nevertheless, remain valid and binding, and shall be read as if the offending section, or part thereof, had been struck out.

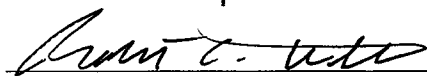
7. An Exemption to this by-law can be applied for in writing to the Township's By-law Enforcement Officer. (See Schedule "A" of this by-law.)

8. That By-law No. 66-1998 passed on 21 day of July, 1998 be hereby repealed.

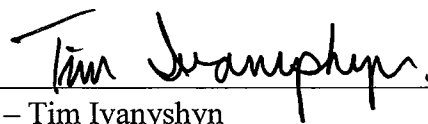
9. This By-law shall come into force and take effect on the final passing thereof.

READ a FIRST and SECOND TIME this 17 day of May, 2011.

READ a THIRD TIME and FINALLY PASSED this 17 day of May, 2011.



Mayor – Robert Wilhelm



Clerk – Tim Ivanyshyn

Schedule "A" of By-law No. 39-2011

**TOWNSHIP OF PERTH SOUTH
NOISE BY-LAW EXEMPTION REQUEST FORM**

This Noise By-law Exemption Request form will reference Township of Perth South By-law No. 39-2011.

REQUEST Received From: _____
(please print name(s))

DATE Received: _____ TIME Received: _____

TEMPORARY Request for Exemption to Noise By-law No. 39-2011 regarding hours:

Reason for Request: _____

Operating Hours Requested : (Please use 24 hour clock time reference) _____

Duration of Request: (How many days, weeks) _____

Dates: From _____ To _____

REQUEST Granted by: _____
Signature

Print Name & Title _____

DATE: _____ TIME: _____