

**CORPORATION OF THE MUNICIPALITY OF STRATHROY-CARADOC**  
**BYLAW NO. 44-13**

**BEING A BYLAW TO AMEND BYLAW 30-13 A BYLAW TO PROHIBIT  
AND REGULATE NOISE WITHIN THE MUNICIPALITY OF STRATHROY-  
CARADOC**

**WHEREAS** the *Municipal Act, S.O. 2001, Chapter 25*, as amended, provides that bylaws may be passed by the Councils of local municipalities for prohibiting or regulating, within the municipality, noises likely to disturb the inhabitants;

**AND WHEREAS** Council at its meeting April 15<sup>th</sup>, 2013 passed Bylaw 30-13 being a bylaw to prohibit and regulate noise within the Municipality of Strathroy-Caradoc;

**AND WHEREAS** Council deems it appropriate to amend Bylaw 30-13 by amending Section 2 (c) and by adding an Appendix 'A'.

**NOW THEREFORE** the Council of the Municipality of Strathroy-Caradoc enacts as follows:

1. **THAT** Section 2 (c) be amended to read as follows:

**2 (c) Request for Exemption**

The sound from any apparatus or mechanism used in a reasonable manner for the amplification of the human voice, music, or the sound from any other sound-producing or sound-reproducing instrument or apparatus, by a local organization where funds are being raised for charitable purposes, or in connection with any public election meeting, or for any public celebration or other gathering for which written permission has been obtained from the Municipality of Strathroy-Caradoc provided the sound does not create an undue disturbance for occupants of adjacent property, as determined by the Police Officer or Bylaw Enforcement Officer and subject to the provisions of a Temporary Noise Permit approved by Council as outlined in Appendix 'A' attached to this bylaw;

2. **THAT** Appendix 'A' be added as attached to this Bylaw.

3. **THAT** this by-law comes into force and take effect on the date of its final passage in Open Council.

**Read a FIRST, SECOND and THIRD TIME and FINALLY PASSED IN OPEN COUNCIL this 6<sup>th</sup> day of May, 2013.**

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Mayor

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Clerk



**APPLICATION FOR TEMPORARY NOISE PERMIT**

Pursuant to the Municipality of Strathroy-Caradoc Noise Control Bylaw

**NOTE: APPLICATION MUST BE RECEIVED AT LEAST SIXTY (60) DAYS PRIOR TO THE EVENT/ACTIVITY**

Description of the Event/Activity: \_\_\_\_\_

Address/Location of the Event/Activity - **site plan and layout to be attached to Application:**

Name and Address of Applicant: \_\_\_\_\_

Phone Number: (Home) \_\_\_\_\_ (Business) \_\_\_\_\_ (Cell) \_\_\_\_\_

Email address: \_\_\_\_\_

No. of people expected to attend: \_\_\_\_\_

Date(s) of the Event/Activity: \_\_\_\_\_

Time(s)/duration of the Event/Activity: \_\_\_\_\_

Description of Sound Equipment to be used: \_\_\_\_\_

Steps to be taken to minimize the noise or sound: \_\_\_\_\_

Steps taken to notify neighbours \_\_\_\_\_

**Supervisor(s) of the Event/Activity**

(At least one person designated as supervisor shall be responsible for supervising the event or activity and must be on-site during the entire event or activity to ensure compliance with the terms and conditions of the permit.)

Name(s): \_\_\_\_\_

Address(es): \_\_\_\_\_

Phone Number:(Home) \_\_\_\_\_ (Business) \_\_\_\_\_ (Cell) \_\_\_\_\_

**Fee required to be filed with the Application: Application Fee - \$75.00 (non-refundable)**

**Failure to comply with any conditions of the Permit may result in the Temporary Noise Permit being revoked.**

**I confirm I have read and understand the information contained in the attached Appendix A to this Application.**

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

## Appendix 'A' to Application for Temporary Noise Permit

### Application for a Temporary Noise Permit

1. (1) Any person may submit an application for a temporary noise permit as defined in Section 2 subsection (c) of the Noise Control Bylaw (Bylaw).
  
- (2) The application in subsection (1) shall be made in writing to the Director of Corporate Services of the Municipality of Strathroy-Caradoc (Director), and shall contain all of the following:
  - (a) The name, address and telephone number(s) of the applicant;
  - (b) A description of the event;
  - (c) the location of the event or activity for which the temporary noise permit is sought;
  - (d) A description of the source of sound and level of sound for which the temporary noise permit is sought;
  - (e) The times of day, and the period of time for which the temporary noise permit is sought;
  - (f) The reasons why the temporary noise permit should be granted;
  - (g) A site plan and layout for the location of the event, including the location of the band/DJ, the location of the stage, proximity to neighbours, etc;
  - (h) Name(s) and contact information of the supervisor(s) for the event;
  - (i) a statement of the steps, if any, planned or presently being taken to minimize the noise or sound;
  - (j) Steps taken to notify neighbours within a minimum of 120 meters (required distance may increase as determined by Council);
  - (k) A copy of licenses/permits issued by Alcohol & Gaming Commission of Ontario, if applicable.
  - (l) PAYMENT OF APPLICATION FEE.
  
- (3) In making a recommendation to Council the Director, in consultation with enforcement staff and police, shall:
  - (a) Determine whether the event falls within the criteria of Section 2 (c) of the Bylaw;
  - (b) Consider any negative effects the issuance of the temporary noise permit may have on neighbouring properties or on the Municipality;
  - (c) Consider any benefits the issuance of the temporary noise permit may have for neighbouring properties or for the Municipality;
  - (d) Consider any previous violations of the Noise Bylaw or temporary noise permit conditions by the applicant; and
  - (e) Consider anything the Council or Director reasonably considers relevant.
  
- (4) The Director, in consultation with enforcement staff and police, shall recommend imposing conditions on a temporary noise permit, including but not limited to:
  - (a) The type and volume of sounds that may be made;
  - (b) The times during which sounds may be made;
  - (c) The date of expiry of the temporary noise permit;
  - (d) Applicant notifying neighbours within a specified range of the property of the event;
  - (e) Applicant shall comply with any officer of the Police Service or a ByLaw Enforcement Officer with respect to the volume of sound to ensure sounds are at a reasonable level.
  
2. When Council has made a decision whether or not to grant a Temporary Noise Permit, the Director shall give written notice of that decision to the applicant by regular mail to the last known address of that person. The written notice shall:
  - (a) Set out the grounds for the decision; and
  - (b) Be signed by the Director of Corporate Services.

**CORPORATION OF THE MUNICIPALITY OF STRATHROY-CARADOC**  
**BYLAW NO. 30-13**

**A BYLAW TO PROHIBIT AND REGULATE NOISE WITHIN THE  
MUNICIPALITY OF STRATHROY-CARADOC**

**WHEREAS** the *Municipal Act, S.O. 2001, Chapter 25*, as amended, provides that bylaws may be passed by the Councils of local municipalities for prohibiting or regulating, within the municipality, noises likely to disturb the inhabitants;

**WHEREAS** it is deemed expedient and necessary to regulate or prohibit noises likely to disturb the inhabitants of the Municipality of Strathroy-Caradoc;

**NOW THEREFORE** the Council of the Municipality of Strathroy-Caradoc enacts as follows:

1. No person, including a corporation, shall within the Municipality of Strathroy-Caradoc, make, create, cause or permit to be made noises, including noise from an animal under the care of a person or corporation, likely to disturb the inhabitants, except as permitted by Section 2.
2. **EXEMPTIONS**  
The following sounds and noises are exempt from this by-law, and the presence of these sounds and noises is not to be considered a contravention of this by-law:
  - (a) The sounding or ringing of church bells and chimes;
  - (b) The sound of any bell, horn, siren or other signal device from a vehicle when required or permitted by law;
  - (c) The sound from any apparatus or mechanism used in a reasonable manner for the amplification of the human voice, music, or the sound from any other sound-producing or sound-reproducing instrument or apparatus, by a local organization where funds are being raised for charitable purposes, or in connection with any public election meeting, or for any public celebration or other gathering for which written permission has been obtained from the Municipality of

Strathroy-Caradoc provided the sound does not create an undue disturbance for occupants of adjacent property, as determined by the Police Officer or Bylaw Enforcement Officer;

- (d) The sound of any military or other band, or of any parade, fair, or religious activity, for which written permission has been obtained from the Municipality of Strathroy-Caradoc.
- (e) Any sound arising from the operation of any railway operated under the Railway Act of Canada.
- (f) Noises resulting from reasonable construction and maintenance operations between the hours of 7:00 am and 7:00 pm Monday to Friday and on Saturdays from 7:00 am to 12:00 noon, excluding holidays.
- (g) A matter of public necessity or emergency.
- (h) The operation of machines and equipment by or on behalf of the Municipality, including but not limited snow removal equipment, road cleaning equipment, grass cutting or field maintenance equipment, tree and shrub pruning and mulching equipment, painting machines for crosswalks, highways and streets.
- (i) The collection or disposal of garbage, waste or recyclable material by or on behalf of the Municipality.
- (j) Signaling devices utilized as traffic and pedestrian control devices at intersections and crosswalks.
- (k) The discharge of consumer fireworks or display fireworks if such discharge complies with the Municipality's Fireworks Bylaw.
- (l) Activities of a Normal Farm Practice, and carried out as part of an Agricultural Operation, as defined in the *Farming and Food Production Protection Act, 1998*, S.O. 1998, as amended, or any successor legislation (see 'Schedule A' to this bylaw for definitions and interpretations in the *Act* mentioned in this section), and located on a property zoned for agricultural purposes in accordance with the Municipality's Zoning Bylaw.
- (m) Operation of machinery or equipment by or on behalf of a public utility where work needs to be done to minimize service interruptions.

- (n) The use in a reasonable manner of vehicles and equipment when utilized for the clearing and the removal of snow from private property.
  - (o) A service animal under the care of the Strathroy-Caradoc Police Service or provincial or federal police.
  - (p) In connection with the normal operation of educational institutions during regular business hours and/or during school authorized activities.
  - (q) The sound caused by a hymn sing or caroling performance.
  - (r) Any noise necessary to the operation of equipment on designated industrial sites in accordance with the Municipality's Zoning Bylaw between the hours of 6:00 am and 11:00 pm.
3. 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, as amended.
  4. The court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.
  5. **ENFORCEMENT**

This bylaw shall be enforced by a Police Officer of the Strathroy-Caradoc Police Service or a Bylaw Enforcement Officer of the Municipality of Strathroy-Caradoc.

A Police Officer or Bylaw Enforcement Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not this Bylaw is being complied with. Entry to any place actually being used as a dwelling unit shall be subject to the requirements of the *Municipal Act, 2001*, as amended.

6. Should any section of this Bylaw be declared invalid such decision shall not affect the validity of the remaining portions of this Bylaw.
7. **THAT** Township of Strathroy-Caradoc Bylaw 75-02 and any amendments to it are hereby repealed.
8. **THAT** this Bylaw shall be referred to as the "Noise Control Bylaw".

9. **THAT** this by-law comes into force and take effect on the date of its final passage in Open Council.

**Read a FIRST, SECOND and THIRD TIME and FINALLY PASSED IN OPEN COUNCIL this 15<sup>th</sup> day of April, 2013.**

Original signed by Brad Richards

Original signed by Angela Toth

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Deputy Mayor

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Clerk

## Schedule A to Bylaw 30-13

### Definition of 'normal farm practice' and definition and interpretation of 'agricultural operation' in the *Farming and Food Production Protection Act, 1998, as amended.*

"normal farm practice" means a practice that,

- (a) is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances, or
- (b) makes use of innovative technology in a manner consistent with proper advanced farm management practices;

"agricultural operation" means an agricultural, aquacultural, horticultural or silvicultural operation that is carried on in the expectation of gain or reward;

### **Interpretation**

(2) For the purpose of the definition of "agricultural operation", "agricultural, aquacultural, horticultural or silvicultural operation" shall be construed to include,

- (a) draining, irrigating or cultivating land;
- (b) growing, producing or raising,
  - (i) livestock, including poultry and ratites,
  - (ii) fur-bearing animals,
  - (iii) bees,
  - (iv) cultured fish,
  - (v) deer and elk,
  - (vi) game animals and birds, or
  - (vii) any additional animals, birds or fish prescribed by the Minister;
- (c) the production of agricultural crops, greenhouse crops, maple syrup, mushrooms, nursery stock, tobacco, tree and turf grass, and any additional agricultural crops prescribed by the Minister;
- (d) the production of eggs, cream and milk;
- (e) the operation of agricultural machinery and equipment;
- (f) the application of fertilizers, soil conditioners and pesticides;
- (g) ground and aerial spraying;

- (h) the storage, handling or use of organic wastes for farm purposes;
- (i) the processing by a farmer of the products produced primarily from the farmer's agricultural operation;
- (j) activities that are a necessary but ancillary part of an agricultural operation such as the movement of transport vehicles for the purposes of the agricultural operation; and
- (k) any other agricultural activity prescribed by the Minister, conducted on, in or over agricultural land. 1998, c. 1, s. 1 (2).

**CORPORATION OF THE MUNICIPALITY OF STRATHROY-CARADOC.**  
**Set Fine Schedule - Part 1 Provincial Offences Act**  
**Bylaw No. 30-13**  
**To prohibit and regulate noise within the Municipality of Strathroy-**  
**Caradoc**

TITLE	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1	Make/create noises likely to disturb the inhabitants	Section 1	\$175.00
2	Cause noises likely to disturb inhabitants	Section 1	\$175.00
3	Permit noises likely to disturb inhabitants	Section 1	\$175.00

Note: The penalty provision for the offences cited above is Section 3 of Bylaw 30-13, a certified copy of which has been filed.