

**THE CORPORATION OF THE
TOWNSHIP OF SMITH-ENNISMORE-LAKEFIELD
BY-LAW NUMBER 2003-97**

**BEING A BY-LAW TO PROHIBIT OR REGULATE NOISES WITHIN THE
TOWNSHIP OF SMITH-ENNISMORE-LAKEFIELD**

WHEREAS Sections 9 & 129 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that the Councils of local municipalities may pass By-laws to prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors;

NOW THEREFORE the Council of the Corporation of the Township of Smith-Ennismore-Lakefield enacts as follows:

1. In this By-law:

(a) Dwelling House

A "dwelling house" includes an apartment house, hotel or any other type of permanent or temporary residence.

(b) Person

A "person" includes a corporation.

(c) Emergency Vehicle

An "emergency vehicle" includes a police car, ambulance, fire truck or other vehicle and/or watercraft responding to an emergency call pursuant to a call for service.

2. **General – Likely to Disturb**

No person shall within the limits of the Corporation of the Township of Smith-Ennismore-Lakefield, make or permit any noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors, 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 of the Corporation:

(a) Radio – Loud Speaker

The noises or sound 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 shall be deemed to be noises likely to disturb.

(b) Amplifier – Loud speaker

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 shall be deemed to be noises likely to disturb.

(c) Animal – Bird

The sound made by an 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 shall be deemed to be noises likely to disturb.

(d) Exhaust – Without Muffler

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 shall be deemed to be noises likely to disturb.

(e) Tire Noise – Squealing, Acceleration, Braking

The wheel or tire noise caused by the deliberate and unnecessary acceleration, rapid turning or rapid braking of a motor vehicle shall be deemed to be noises likely to disturb.

(f) Motor Racing – Standing Motor Vehicle

The noise caused by the unnecessary racing of the motor of a standing motor vehicle shall be deemed to be noises likely to disturb.

(g) Construction – Demolition, Repair, Restrictions

The noise caused by the erection, demolition, alteration or repair of a building or by construction of earth-moving equipment working upon such site situated within 500 feet of an occupied dwelling house on any day, between the hours of 9:00 o'clock in the evening and 5:00 o'clock in the forenoon of the following day, excepting Sundays, when no such noise shall be created before the hour of 12:00 noon shall be deemed to be noises likely to disturb.

(h) Lawnmower – Times of day

The noise made by a power lawn mower within 100 feet of an occupied dwelling house on any day between the hours of 10:00 o'clock in the evening and 8:00 o'clock in the forenoon of the following day excepting Sundays, when no such noise shall be created before the hour of 12:00 noon shall be deemed to be noises likely to disturb.

(i) Watercraft Noise

The noise emanating from a source found on any houseboat or other watercraft not associated with the operation of the said houseboat or watercraft nor to any other incidental shipping activity, which is of such volume or duration that it is likely to disturb inhabitants in a dwelling house shall be deemed to be noises likely to disturb.

(j) Police Officer – Disturbance and Investigation

The noise disturbs a Police Officer acting in accordance with their duties pursuant to the *Police Services Act*, or successor legislation, shall be deemed to be noises likely to disturb.

4. **Restrictions:**

This By-law shall not:

(a) Light Fixtures

Require light fixtures used in conjunction with commercial, industrial, institutional, agricultural or recreational uses to be turned off at any time the use is actually being conducted;

(b) Illuminated Signs

Require an illuminated outdoor advertising sign, on the premises of a business, to be turned off at any time the business is open to the public; or

(c) Light Fixtures - Security

Require light fixtures used to illuminate any area for emergency, security or public safety purposes to be turned off at any time the illumination is necessary for those purposes.

5. **Exceptions:**

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

(a) Farm Machinery

The noise caused by any machines of husbandry, corn dryers or other farm machinery, being used to put in crops or remove crops, or being used for any other normal farming practices.

(b) Parades

The noise caused by a lawful parade which has been duly authorized by a Resolution of Council.

(c) Outdoor Hymn – Carolling

The noise caused by an outdoor hymn sing or carolling performance.

(d) Church Bells - Chimes

The noise caused by the sound of a church bell or chime.

(e) Public Utility Work

The noise caused by works done upon a site or highway when such work is undertaken by forces of the Corporation of the Township of Smith-Ennismore-Lakefield, the County of Peterborough, Hydro One, the Ministry of Transportation, any other public utility, or any Contractor providing services on their behalf, within the Corporation.

(f) Traffic Control Devices

The noise created as part of traffic control devices, including those at traffic signal locations and railway crossings.

(g) Warning Safety Devices - Vehicles

The noise created as part of a vehicle's warning devices where required or authorized by law or in accordance with good safety practices, including a vehicle's back-up alarm.

(h) Snow Removal Equipment

The noise created by the operation of snow removal equipment while in the operation of snow removal.

(i) Emergency Vehicle Sirens

The noise created by the sound of a siren on an emergency vehicle.

6. **Grant of Exceptions by Council:**

(a) Exceptions

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 sources of sound for which he/she might be prosecuted and Council, by resolution, may refuse to grant any exemption or may grant the exception applied for or any exemption of lesser effect and any exemption 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

Breach by the applicant of any of the terms or conditions of any exemption shall render the exemption null and void.

7. **Penalties and Enforcement**

(a) Penalties

Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction, is liable to a fine of not more than the maximum fine under the Provincial Offences Act.

(b) Enforcement

This By-law shall be enforced by a Police Officer, Police Cadet, Municipal Law Enforcement Officer, Provincial Offences Officer, By-law Enforcement Officer or any other person appointed by the Council of the Township of Smith-Ennismore-Lakefield.

8. **Repeal of Various By-laws**

That By-law 1998-18 of the former Township of Smith-Ennismore, that By-law 91-58 of the former Village of Lakefield, and that By-law 1990-19 of the Township of Douro-Dummer as it relates to the annexed area described in Schedule A of the Ministers orders dated February 10, 2000, are hereby repealed in their entirety.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
12TH DAY OF AUGUST, A.D., 2003.

Original Signed

Reeve, Burritt Mann

Original Signed

Acting Clerk, Jodi Chittick DeNoble