

BYLAW NO. 9/09

TOWN OF HANLEY

A BYLAW TO REGULATE NOISE WITHIN THE TOWN

WHEREAS, under the provisions of Clause 8(1)(d) of *The Municipalities Act*, the council of a municipality is empowered to enact a bylaw that it considers expedient in relation to nuisances, including property, activities or things that effect the amenity of a neighbourhood.

This Bylaw may be cited as the “Hanley Noise Control Bylaw”.

NOW THEREFORE, the Municipal Council of the Town of Hanley enacts as follows:

A. DEFINITIONS

1. In this bylaw, unless the context otherwise requires:

- (i) “Town” means the Town of Hanley;
- (ii) “Council” means the Council of Hanley’
- (iii) “Inspector” means any person or persons appointed from time to time by Town Council to enforce and administer this bylaw;
- (iv) “Noise” includes any loud outcry, clamour, shouting or movement, or any sound that is loud or harsh or undesirable;
- (v) “Person” includes any company, corporation, owner, partnership, firm, association, society or party;
- (vi) “Property” means real property and includes land, other than a highway, together with all improvements which have been so affixed to the land as to make them in fact and in law a part thereof.

B. GENERAL REGULATIONS

- 1. No person being the owner, tenant or occupier of real property shall allow or permit such real property to be used so that noise or sound which occurs thereon or emanates therefrom disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons on the same piece of property or in the neighbourhood or vicinity.
- 2. No person being the owner or occupier of real property shall allow or permit such real property to be used so that noise or sound which emanates therefrom, disturbs or tends to disturb the quiet, rest enjoyment, comfort, or convenience of any person in the neighbourhood or vicinity.
- 3. No person shall play or operate any radio, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound either in or on private premises or in any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of persons in the vicinity.
- 4. No person shall own, keep or harbour any animal or bird which by its cries unduly disturbs the peace, quiet, rest or tranquility of the surrounding neighbourhood or the public at large.
- 5. No hawker, huckster, peddler, newsvendor, or other person shall by his intermittent or reiterated cries disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.

C. CONSTRUCTION HOURS

- 1. No person in the Town of Hanley shall on any day before 7:00 a.m. or after 10:00 p.m. construct, erect, reconstruct, alter, repair or demolish any

building, structure or thing or excavate or fill in land in any manner which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.

2. Where it is impossible or impractical to comply with this section, the Town Clerk may give written approval to carry on the work that is found to be necessary at designated hours. Responsibility for obtaining written approval lies with the person carrying on the work.

D. OTHER

1. No person shall operate a snow vehicle, motor vehicle or motorcycle which make or causes excessive noise.
2. Notwithstanding any provisions of this bylaw, a person may perform works of an emergency nature for the preservation or protection of life, health or property but the onus shall be on the person performing the work to show cause that the work was of an emergency nature.

E. PENALTY SECTION

1. Every person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw or who does any act which violates any of the provision so this bylaw is liable to the penalties hereby imposed. Each time that a violation continues to exist shall constitute a separate offence.
2. Every person who commits an offence against this bylaw is liable to a fine and penalty of not more than \$2000.00 for an individual or \$5000.00 for a corporation and not less than \$100.00 for each offence, and in default of payment thereof, to imprisonment for a period not exceeding 90 days.

THIS BYLAW shall come into force on the final passing date thereof.

SEAL

Mayor

Certified a true copy of Bylaw No. 9/09
Adopted by resolution of council on the
14th day of September, A.D. 2009

Clerk

Clerk