

THE CORPORATION OF THE CITY OF KENORA

BY-LAW NUMBER 27-2007

A BYLAW TO REGULATE NOISE IN THE CITY OF KENORA

WHEREAS Section 129 of the Municipal Act, 2001 authorizes the council of every local municipality to regulate and prohibit with respect to the making of noise; and

AND WHEREAS it is in the public interest to reduce the noise level in the City of Kenora and to promote and protect public health, safety, welfare and the peace and quiet of the inhabitants of the City.

THEREFORE the council of the City of Kenora enacts as follows:

DEFINITIONS

1.1 In this bylaw,

“clerk” means the clerk for The Corporation of the City of Kenora;

“construction” includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavation, the laying of pipe and conduit whether above or below ground level, street and highway building, concreting, equipment installation and alteration and the structural installation of construction components and materials in any form or for any purpose, and includes any associated or related work;

“construction equipment” means any equipment or device designed or intended to be used in construction or material handling including but not limited to air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-highway haulers, trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders and other material handling equipment;

“emergency vehicle” means a land ambulance, fire department vehicle, police services vehicle and any other motor vehicle being used to respond to an emergency;

“motor vehicle” includes an automobile, bus, truck, motorcycle, motor assisted bicycle and any other vehicle propelled or driven other than by muscular power;

“municipal service vehicle” means a vehicle operated by or on behalf of the City of Kenora or a contractor retained by the City while the vehicle is being used for the construction, repair or maintenance of the highway including the clearing

and removal of snow, construction repair maintenance of a municipal utility, or the collection or transportation of waste or other municipal purpose;

“**noise**” means any sound which is of such volume or nature that it does, or is likely to disturb any of the inhabitants of the City of Kenora; and

“**point of reception**” is any point on any property or premises other than the property or premises on which the noise originates.

REGULATED NOISE

- 2.1 No person shall, during the times specified in Schedule A, make, cause or permit the making of noise within the City of Kenora that is the result of any of the activities described in Schedule A that is audible at a point of reception.

EXEMPTIONS

- 3.1 Section 2 shall be deemed not to apply to noise resulting from an activity if:
 - (a) it is the result of measures undertaken in an emergency or by emergency vehicles;
 - (b) it is caused by municipal service vehicles;
 - (c) it is caused by agricultural activities;
 - (d) it is undertaken primarily for religious activities; or
 - (e) a permit has been issued for the activity pursuant to Article 4.3, and the conditions of the permit are complied with.

PERMITS

- 4.1 The clerk is designated to review and if deemed expedient and not contrary to the interests of the community, to issue a permit for an exemption from this bylaw.
- 4.2 An application for an exemption permit shall be in writing, and shall set out particulars of the proposed activity, the area of the City likely to be affected, and the days and times for which the exception is requested. An application shall be accompanied by a fee in the sum of \$25.00. The clerk may waive the fee in circumstances where it appears reasonable to the clerk to do so.
- 4.3 The clerk may grant a permit for an exemption under this bylaw on such terms and with such conditions or restrictions as she or he deems appropriate.
- 4.4 Where the clerk refuses to grant an exemption within 10 days of receipt of an application, or the applicant is unsatisfied with the conditions imposed by the clerk,

the applicant may appeal to the City Council by filing with the clerk a request to appeal within 20 days of the date that the application was filed with the clerk, or 10 days from the date of the granting of the exemption with conditions, as the case may be.

OFFENCES

- 5.1 Any person who contravenes the provisions of this by-law is guilty of an offence and upon conviction is subject to a fine as provided for in the Provincial Offences Act and to any other applicable penalties.
- 5.2 If this bylaw is contravened and a conviction entered, the court in which the conviction has been entered or any court of competent jurisdiction thereafter may in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

VALIDITY

- 6.1 If a court of competent jurisdiction declares any provision or any part of a provision of this bylaw to be invalid or to be of no force in effect, it is the intension of council enacting this bylaw at each and every provision of this bylaw authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

REPEAL

- 7.1 That By-law Number 40-2001 be and is hereby repealed.

COMMENCEMENT

- 8.1 This bylaw comes into effect on the date of the third reading and final passage thereof.

By-law read a First & Second Time this 12 day of March, 2007

By-law read a Third & Final Time this 14 day of May, 2007

THE CORPORATION OF THE CITY OF KENORA:

.....Leonard P. Compton, MAYOR

.....Joanne L. McMillin, CITY CLERK

SCHEDULE "A" TO BY-LAW NUMBER 27 - 2007

REGULATED NOISES PRESCRIBED BY TIME OF DAY

ACTIVITY	PROHIBITED TIME OF DAY
1. Persistent barking, calling or whining or other similar persistent noise making by any domestic pet or any other animal kept or used for any purpose other than agriculture.	Prohibited AT ALL TIMES
2. The use of a horn, whistle, bell, or gong except as a warning device.	Prohibited AT ALL TIMES
3. The detonation of fireworks.	Prohibited AT ALL TIMES except 7:00 p.m. to 11:00 p.m. on New Years Day, Victoria Day, Canada Day, Labour Day, New Years Eve, and the U.S. Independence Day.
4. The detonation of explosive devices used in construction.	Prohibited between 9:00 p.m. and 7:00 a.m.
5. The operation of an internal combustion engine without an effective muffler.	Prohibited AT ALL TIMES
6. The operation of any tool including a hammer, saw, nail gun, lawn mover, staple gun, hedge trimmer, drill or the like, except for purposes of any snow removal.	Prohibited between 9:00 p.m. and 7:00 a.m.
7. The operation of construction equipment.	Prohibited between 9:00 p.m. and 7:00 a.m.
8. The operation of a dirt bike, all-terrain cycle, go-cart, dune-buggy or other like unlicensed motor vehicle.	Prohibited AT ALL TIMES
9. The undertaking of construction work, including erection, alteration, repair, dismantling or any activity related to construction.	Prohibited between 9:00 p.m. and 7:00 a.m.
10. The operation of any electronic device or group of connected electronic devices incorporating one or more loud speakers or other electro-mechanical transducers, and intended for the production, reproduction or	Prohibited AT ALL TIMES

amplification of sound.	
11. Yelling, shouting, whistling, singing or playing of musical instruments.	Prohibited between 9:00 p.m. and 7:00 a.m.
12. The operation of a motor vehicle licensed under the Highway Traffic Act, or the Motorized Snow Vehicles Act, without the original manufacturer's muffler system, or an equivalent muffler system.	Prohibited AT ALL TIMES

Note: Please refer to Sections 3 and 4 regarding exceptions and permits relating to this By Law.