



THE CORPORATION OF THE TOWNSHIP OF MULMUR
BY-LAW NUMBER NO. 28 - 2020

A BY-LAW TO PROHIBIT AND REGULATE NOISE WITHIN THE TOWNSHIP OF MULMUR

WHEREAS the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that by-laws may be passed by the councils of local municipalities regulating noise and public nuisances, among other matters;

NOW THEREFORE, the Council of the Corporation of the Township of Mulmur enacts as follows:

1. Except as permitted in Section 3, no person within the Township of Mulmur shall make, create, cause or permit to be made any sound which is likely to cause a nuisance or to disturb other persons;
2. Without limiting the generality of the foregoing, no person shall within the Township of Mulmur shout, ring any bell, blow or sound any horn or cause or permit the ringing of bells or the blowing of horns except the sounding or ringing of church bells and chimes; and the sound of any bell, horn, siren or other signal device from a vehicle when required or permitted by law;
3. Without limiting the generality of the foregoing, the noise or sound created by the use or operation of maintenance equipment, chainsaws, power tools or any other noise generating domestic tool or device is prohibited between the hours of 10:00 p.m. of any day and 7:00 a.m. of the following day.
4. The following sounds are exempt from this by-law, and shall not constitute a contravention of this by-law:
 - a. sound arising from normal farm practices as defined by the *Farming and Food Production Protection Act, 1998*, S.O. 1998 c.1,
 - b. sounds arising from construction undertaken in accordance with a valid building permit,
 - c. Emergency vehicles of the Police or Fire Department of the Municipality, or any ambulance, public service, municipal operation, road service vehicle, private or public utility vehicle while responding to an emergency or carrying out their duties for the purpose of public health and safety;
 - d. sound arising from non-motorized sporting and equestrian events;

- e. sound arising from fireworks on Victoria Day and Canada Day before 11pm; or
- f. any sound for which the Township has granted an exemption from this by-law pursuant to section 4.5 ,

5. The Township of Mulmur may provide exemptions to this by-law for the purposes of section 4(f), having regard to such matters as Council may deem appropriate, including but not limited to the frequency of exemption requests, the character of the particular part of the Township for which the request is being made, the proposed sound, the zoning of the lands and the proposed methods of control over the kind and level of sound. At the discretion of Council, the Township of Mulmur may hold a public meeting prior to considering the request for an exemption .

Any exemption granted shall provide a one time only exemption and shall specify the date/s, times, type and level of noise permitted.

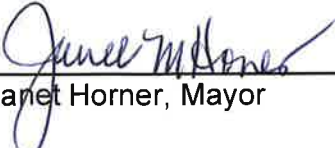
Applications for exemptions under this section must be received by the Township at least 60 days prior to the proposed sound being made. If Council deems it appropriate to hold a public meeting, notice of the public meeting shall be circulated to all landowners within 1000m of the perimeter of the lands where the sound in question is proposed to be made.

Where an exemption is granted, any breach of the terms of conditions renders the exemption null and void.

- 6. For persistent and recurring noise that lasts longer than ten days, a Noise Report Witness Questionnaire and Noise Report Record Form shall be submitted (Schedule A).
- 7. Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, as amended.
- 8. This by-law shall be read with all changes in gender and number, as may be appropriate.
- 9. Any part of this by-law found to be illegal shall be severed from the balance of the by- law.
- 10. By-law 10-02 is hereby rescinded.

BY-LAW READ A FIRST AND SECOND TIME THIS 5th DAY OF August 2020.

BY-LAW READ A THIRD TIME AND ENACTED THIS 5th DAY OF August 2020.



Janet Horner, Mayor



Tracey Atkinson, Acting Clerk



Noise Reporting Package

The Township of Mulmur recognizes that noise impacts our quality of life and that is why the Township regulates noises which disturb or are likely to disturb the inhabitants. As a result, Enforcement and By-law Services is committed to assist you in resolving your concerns.

The Township needs your involvement and cooperation to help bring closure to this matter. The first step in the noise reporting process is to complete and submit the attached Noise Report Witness Questionnaire and Noise Report Record Form. Once the completed documents have been received by Enforcement and By-law Services, they will review the evidence and contact you to advise if they will be proceeding with the issuance of a Notice of Violation to the offending property. The decision to proceed is determined if there is a reasonable prospect of conviction in court based upon a review of the evidence. Please provide photocopies of any documents you submit and retain the originals as you may be required to produce them as evidence in court.

If a Notice of Violation is issued to the offending property you will be required to monitor and document the noise on a second Noise Record document over a subsequent two-week period.

If the situation has not been satisfactorily resolved, and upon receipt of the second Noise Reporting Record Form, legal action will be requested and the property owner and/or person responsible for the noise will be required to attend court. On their first court appearance they will be able to plead guilty at which time the courts may impose a penalty, or they may choose to plead not guilty. If a plea of not guilty is entered the matter will be adjourned and a new court date will be set to hear the trial. You will be notified and must appear in court with your noise records on this date in order for the trial to proceed.

In addition to the above-referenced dispute resolution, you may wish to seek independent legal advice as there may be various civil remedies available to you.

Please be advised that your name, address and phone number is confidential when the Township of Mulmur receives your complaint. However, should the matter proceed to Court your name and that of any witnesses becomes part of the public record.

Please find enclosed the following documents:

- (i) Noise Reporting Witness Questionnaire **(which must be completed in full and returned)**
- (ii) Noise Reporting Record Form **(which must be completed in full and returned)**

Please forward your completed Noise Reporting Witness Questionnaire and Noise Reporting Record to 758070 2nd Line East, Mulmur, ON, L9V 0G8 by mail, in person, or fax to 705-466-2922.

We hope this information has been of assistance to you and has clarified the Township of Mulmur's role in the noise issue which you are involved with. If you have any questions pertaining to the information provided to you, please contact the Township at 705-466-3341.

NOISE REPORTING WITNESS QUESTIONNAIRE

Date: _____

Name: _____

Address: _____

Telephone No.: _____

Address of
Complaint: _____

The following questions must be answered in order to assist in the Prosecution of a Noise By-law violation. Corroborating witnesses must also complete this questionnaire:

a) Number of years occupying this residence?

b) Number of years offending party occupying residence?

c) Normal work hours and type of employment?

d) Proximity of residence to where noise is emanating from?

e) How long has the noise been a concern?

f) What attempts, if any, have you taken to advise the person making the noise of your concerns and what was the result?

g) Describe how the noise affects your quality of life and what changes have you made to mitigate the effects?

h) How do you know where the noise is emanating from?

Should charges be laid for violations of the Township of Mulmur Noise By-law, the undersigned is prepared to appear in Court as a witness and provide evidence as shown in the Noise Reporting Record Form.

Signature:

Date:

The personal information on this form is collected under the authority of the Municipal Act, SO 2001, c. 25 and Township of Mulmur By-law 10-02. The information will be used to investigate the noise complaint. Questions about the collection of personal information should be directed to By-Law Enforcement, 758070 2nd Line East, Mulmur, ON, L9V 0G8, Telephone: 705-466-3341.

Noise Reporting Record Form

Noise Location: _____
Address _____

Please provide the specific times and dates that you are disturbed:

Date	Start Time	End Time	Describe Noise	How are you disturbed?

Note: Any possible Prosecution would be based on this Noise Reporting Record. A minimum of a two-week Record is required before a Notice of Violation is issued. A second two-week Record, to be completed after the issuance of the Notice of Violation, is required for a charge to be considered. Any witnesses that you provide are also required to provide a Noise Reporting Record Form. Please copy this form to provide to your witness.

Name: _____ Signature: _____
(Please Print)

Date: _____ Your address: _____

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