

5.5 Revocation of a Permit

The Clerk's Office may revoke a temporary noise permit issued under this By-law if, in the opinion of the Clerk's Office, there is a failure to comply with the terms and conditions of the temporary noise permit. Notice of the revocation may be given in writing, or may be given orally and followed by notice in writing. Written notice may be addressed to the applicant at the address in the application for the permit. Notice is deemed effective immediately, if given orally and deemed effective the fifth day after mailing, if the notice is given only by mail, whether or not the notice is actually received.

- 5.6** No person to whom a temporary noise permit has been issued permitting the making of sound contrary to this By-law, shall make, cause or permit the making of sound or the continuation of any sound contrary to the terms and conditions of the temporary noise permit.

**PART 6
APPEAL TO COUNCIL**

SECTION

6. Appeal to Council

The applicant for a temporary noise permit under this By-law may appeal to Council:

- a)** A refusal to issue a temporary noise permit where such refusal is based on the exercise of the Clerk's Office discretion under Section 5.2 (d); or
- b)** Any condition imposed by the Clerk's Office as a condition of the temporary noise permit.

- 6.1** An applicant entitled to request a hearing before Council pursuant to Section 6, may apply in writing to the Clerk's Office for a hearing and shall submit with such application, an administrative fee in an amount determined in accordance with the Services and Charges By-law, amended from time to time.

- 6.2** On receipt of a request for a hearing, the Clerk's Office shall review the request to determine if the request is based on grounds provided for in this By-law and that the administrative fee in an amount determined in accordance with the Services and Charges By-law, amended from time to time, has been paid and if same is in order, shall set a date, time and place for a hearing of the appeal before the Council and give notice of the date, time and place of the hearing to the applicant for the hearing.

- 6.3** On the date and time scheduled for the hearing, or such later date as may be set or consented to by Council, Council may hear and view any evidence provided by the Clerk's Office and by the applicant for the hearing and may:

- a)** Uphold the decision to refuse to issue the temporary noise permit, based on any grounds open to the Clerk's Office or may authorize the issuance of the temporary noise permit and set any conditions for the issuance of the temporary noise permit in accordance with Section 5.3(1); or

- b)** uphold, remove, alter or add any condition of the temporary noise permit based on any grounds open to the Clerk's Office.
- 6.4** Upon Council reaching a decision, the Clerk's Office shall give notice of the decision in writing to the applicant for the hearing, and shall where appropriate, issue the temporary noise permit as directed by Council or issue an amended temporary noise permit reflecting the conditions imposed by Council.
- 6.5** Any conditions of a temporary noise permit issued by the Clerk's Office remain in effect unless and until altered or removed by Council.
- 6.6** The onus is on the applicant for a temporary noise permit to provide evidence to the satisfaction of the Clerk's Office that the applicant is entitled to the issuance of the temporary noise permit or to have any condition of the temporary noise permit altered or removed.

PART 7 CONFIDENTIAL INFORMATION

SECTION

7. Confidential Information

- 7.1** All information submitted to and collected by the municipality, will, except as otherwise provided in this Section, be available for disclosure to the public in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M.56 (MFIPPA).
- 7.2** In the event that any person in submitting information to the Municipality, the Clerk's Office or to the Manager of the Protective Services Department in any form, as required under this By-law, where such information is confidential or proprietary or otherwise may be exempt from disclosure under the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M.56 (MFIPPA), the person submitting the information shall so identify that information upon its submission to Municipality, the Clerk's Office or to the Manager of the Protective Services Department and shall provide sufficient details as to the reason for its purported exemption from disclosure.

PART 8 ORDERS

SECTION

8. Discontinue Activity Order

- 8.1** If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make a 'Discontinue Activity Order' requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the property on which the contravention occurred to discontinue the contravening activity.

- 8.2** Pursuant to Section 8.1, the 'Discontinue Activity Order' shall set out:
- a) Reasonable particulars of the contravention adequate to identify the contraventions and the location of the property on which the contravention occurred; and
 - b) The date and time by which there must be compliance with the order.
- 8.2** An order to discontinue contravening activity made under Section 8.1, may be served:
- a) By regular, registered or certified mail to the last known address of, as the case may be, the person who contravened the By-law or who caused or permitted the contravention or the owner of the property on which the contravention occurred, in which case it shall be deemed to have been given on the fifth day after it was mailed;
 - b) By an Officer placing a placard containing the order in a conspicuous place on the property where the contravention occurred, in which case it shall be deemed to have been given on the day of the placement of the placard on the property;
 - c) Personally, as the case may be, on the person who contravened the By-law or who caused or permitted the contravention or the owner of the property on which the contravention occurred.

PART 9 PENALTIES

SECTION

9. Penalties

- a) Every 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, c. P.33*, as amended;
- b) Every person who contravenes any provision of this By-law and any director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence as provided for in subsection 429(1) of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, and all such offences are designated as continuing offences as provided for in subsection 429(2) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended;
- c) A person who is convicted of an offence under this By-law is liable, for each day or part of a day that the offence continues to a maximum fine of \$10,000.00 and the total of all daily fines for the offence is not limited to \$100,000.00 as provided for in subsection 429(3)2 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended;
- d) Any person who contravenes an order made under Section 444 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, is guilty of an offence;

- e) When a person has been convicted of an offence under this By-law, in any court of competent jurisdiction, the sitting Judge or Justice of the Peace may in addition to any penalty imposed on the person convicted, issue an order:
- i) Prohibiting the continuation or the repetition of the offence by the person convicted; and
 - ii) Requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate; and
 - iii) Imposed any other discretionary conditions that the court desires.

PART 10
REPEALS - COMING INTO FORCE

SECTION

10. Repeals

Be it further enacted that the following By-law and all amendments to the said By-law hereinafter set forth is hereby repealed: By-law No. 98-09.

10.1 Coming into Force

THAT this By-law shall come into force on the date of its final passing.

READ A 1st AND 2nd TIME this day of 2021.

Mayor John MacEachern

Joleen Keough, Clerk

THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE

**SCHEDULE "A"
TO
BY-LAW 2021-__**

NOISE REGULATION

Without limiting the generality of Section 3, the following are deemed to be noises that will disturb or are likely to disturb an inhabitant of Manitouwadge Township:

- a)** The noise 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;
- b)** Persistent barking, calling, or whining or other similar persistent noisemaking by any domestic pet or any other animal kept or used for any purpose;
- c)** Persistent yelling, shouting, screaming, whistling, hooting, or singing;
- d)** The operation of a stereo or other electronic device designed to amplify sound in, or on, a motor vehicle in such a way that the sound can easily be heard outside of the motor vehicle;
- e)** The operation of any pump, filtration system device for an outdoor swimming pool, hot tub, spa, fountain or water feature, which is not in good working order;
- f)** The operation of any exhaust fan, exhaust system, intake fan, generator, including a combustion exhaust of a high efficiency furnace, which is not in good working order;
- g)** The operation of any air conditioner, heat pump, compressor, condenser, chiller, cooling tower or similar device which is not in good working order;
- h)** The noise made by air conditioning equipment which is likely to disturb the peace, comfort or repose of any person in a dwelling unit;
- i)** The sounding of any alarm, bell, horn, siren or other warning device for an unnecessary or unreasonable period of time;
- j)** The operation of the horn of a vehicle or other warning device except where required or authorized, or in accordance with good safety practice;
- k)** The operation of a generator, if used other than during a power outage or emergency to supply electrical power to a dwelling except as otherwise specifically provided for in this By-law;
- l)** The detonation of firecrackers or fireworks, except as provided in Section 2.3 of By-law 2009-08 of the Corporation of the Township of Manitouwadge;

- m)** The operation of a combustion engine, motor or pneumatic device without an effective exhaust intake-muffling or other sound attenuation device, which device is in good working order and in constant operation;
- n)** The operation of a motor vehicle in such a way that the tires squeal;
- o)** The operation of a motor vehicle or motorized snow vehicle in a race;
- p)** The operation of a vehicle in a manner that results in banging, clanking, squealing or similar sounds because of inadequate maintenance or an improperly secured load;
- q)** The operation of a motor vehicle licensed under the *Highway Traffic Act, R.S.O. 1990, c. H.8, as amended, The Motorized Snow Vehicle Act, R.S.O. 1990, c. M.44, as amended or The Off-Road Vehicles Act, R.S.O. 1990, c. O.4, as amended, without the original manufacturer's muffler system, or an equivalent muffler system;*
- r)** The operation of an engine or motor in, or on, any motor vehicle or item of attached auxiliary equipment for a continuous period exceeding five minutes, while such vehicle is stationary in a Residential Zone, unless:

 - i.** the original equipment manufacturer specifically recommends a longer idling period for normal and efficient operation of the motor vehicle in which case such recommended period shall not be exceeded; or
 - ii.** operation of such engine or motor is essential to a basic function of the vehicle or equipment, including but not limited to, operation of ready-mixed concrete trucks, lift platforms and refuse compactors; or
 - iii.** weather conditions justify the use of heating or refrigerating systems powered by the motor or engine for the safety and welfare of the operator, passengers or animals, or the preservation of perishable cargo, and the vehicle is stationary for purposes of delivery or loading; or,
 - iv.** prevailing low temperatures make longer idling periods necessary immediately after starting the motor or engine; or,
 - v.** the idling is for the purpose of cleaning and flushing the radiator and associated circulation system for seasonal change of antifreeze, cleaning of the fuel system, carburetor or the like, when such work is performed other than for profit.
- s)** The operation of a Motor Vehicle, All-Terrain Vehicle, Multi-Purpose Off-Highway Utility Vehicle or a Motorized snow Vehicle other than on a Highway;
- t)** The operation of any item of construction equipment without an effective exhaust intake – muffling or other sound attenuation device, which device is in good working order in constant operation;
- u)** Any unwanted or meaningless sound that in the opinion of the Officer is likely to disturb the inhabitants of the Township of Manitouwadge.

THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE

**SCHEDULE "B"
TO
BY-LAW 2021-__**

NOISE REGULATION

- a)** The loading, unloading, delivering, packing, unpacking or otherwise handling of any containers, products or materials, unless necessary for the maintenance of essential services or for the preservation of perishable goods;
- b)** The operation of any manufacturing business;
- c)** The operation of any repair shop;
- d)** Construction or the operation of construction equipment or a vehicle or other engine or machine used in connection with construction; or
- e)** The use or operation of a lawnmower, chainsaw, leaf-blower snow-blower or other such noise-generating tool or device.

THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE

**SCHEDULE "C"
TO
BY-LAW 2021-__**

NOISE REGULATION

The Following are Exemptions to Section 3 and 3.1 of this By-law:

- a)** The use of bells or chimes normally associated with religious building or uses;
- b)** The operation of vehicles, including the sounding of sirens, of the Provincial or Federal Police, the Manitouwadge Fire Department and Paramedic Services, while in the performance of their duty;
- c)** The operation of vehicles and equipment utilized for the clearing and removal of snow from public and private property;
- d)** A matter of public necessity or public emergency;
- e)** The use or operation of any equipment, machines or facilities associated with timber industry operations or the noise produced from or associated with timber industry operations.
- f)** Aircraft movement at the Manitouwadge Airport and helicopter movement at Santé Manitouwadge Health;
- g)** Any activity that is integral to the operation of any airport within the legislative authority of the federal or provincial government;
- h)** The discharge of fireworks if such discharge complies with the Corporation of the Township of Manitouwadge Fireworks By-law 2009-08 as amended or replaced from time to time;
- i)** Activity from industrial uses if sound is in accordance with the terms and conditions of a valid Certificate of Approval, provisional Certificate of Approval or other approval issued under the *Environmental Protection Act, R.S.O. 1990, c. E.19* as amended, where such approval addresses sound as a source of contamination;
- j)** The operation of machinery by or on behalf of a public utility where work needs to be done to minimize service interruptions;
- k)** The use of sound reproduction equipment:
 - i)** as part of a special event, provided a temporary noise permit has been issued pursuant to this By-law authorizing such sound is within the permitted hours and conditions of the temporary noise permit; or
 - ii)** within an enclosed structure that is licenced under the Liquor Licence Act, R.S.O.1990, c. L.19, as amended or replaced, during the times that the Liquor Licence permits the sale of alcoholic beverages;

- l)** The operation of machines and equipment by or on behalf of the Municipality for municipal activities or purposes, including but not limited to the operation of machines and equipment for the purpose of: collection or disposal of garbage, waste, compostable or recyclable materials; highway clearing or maintenance; grass cutting or field maintenance equipment; tree or shrub pruning or mulching; painting of crosswalks and highways;
- m)** The operation of construction equipment associated with the rehabilitation, reconstruction, general maintenance or emergency maintenance of the Municipality highways;
- n)** Construction, the operation of construction equipment or a vehicle or other engine or machine being used in connection with construction conducted during the hours and in accordance with any conditions as set out in a temporary noise permit issued under this By-law; and
- o)** A snow-blower may be used, if the amount of snow is such that a person can't safely access/leave their place of abode.

THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE

BY-LAW NO. 2021 - ____

Being a By-Law to Confirm Proceedings of the Council of the Township of Manitouwadge at its meeting held Wednesday, July 14, 2021.

WHEREAS Subsection 5(1) of the *Municipal Act, 2001*, as amended, provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS Subsection 5(3) of the said *Municipal Act* provides that all municipal power including the municipality's capacity, rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS it is deemed expedient that the proceedings of the Council of the Township of Manitouwadge at this meeting be confirmed and adopted by by-law;

NOW THEREFORE the Council of the Township of Manitouwadge enacts as follows:

1. **THAT** the action of the Council of the Township of Manitouwadge in respect of each recommendation or resolution contained in the minutes of the council meeting of Wednesday, July 14, 2021 and any reports of committees and of local boards and each motion and resolution passed and other action taken by the Council of the Township of Manitouwadge at this meeting is hereby adopted and confirmed as if all such proceedings were expressly embodied in this by-law.
2. **THAT** the Mayor and the appropriate officials of the Township of Manitouwadge are hereby authorized and directed to do all things necessary to give effect to the action of the Council of the Township of Manitouwadge referred to in the proceeding section.
3. **THAT** the Mayor, or in the absence of the Mayor, the alternate head of council and the Municipal Clerk, or in the absence of the Municipal Clerk, the Acting Clerk, are authorized and directed to execute all documents necessary in that behalf and to affix thereto the corporate seal of the Township of Manitouwadge.

READ a 1st time short and passed this 14th day of July, 2021.

Mayor John MacEachern

Joleen Keough, Clerk