

THE CORPORATION OF THE TOWNSHIP  
OF GALWAY-CAVENDISH AND HARVEY

**BY-LAW NUMBER B2005- 87**

BEING A BY-LAW FOR THE PROHIBITING AND REGULATON WITH  
RESPECT TO NOISE, VIBRATION, ODOUR, DUST AND OUTDOOR  
ILLUMINATION INCLUDING INDOOR LIGHTING THAT CAN BE SEEN  
OUTDOORS

---

**WHEREAS** Sections 9 and 129 of the Municipal Act, 2001, S.O. 2001, c. 25. as amended, provides that the councils of the 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 BE IT RESOLVED** that the Council of the Township of Galway and Harvey hereby 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 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 Galway-Cavendish and Harvey, 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 manner that the sound of 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 on 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 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 that through a muffler or other devices 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 noised likely to disturb.

**(f) Motor Racing/Revvng – Standing Motor Vehicle**

The noise caused by the unnecessary racing of the motor of a standing motor vehicle shall be deemed to be noised 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 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 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 power lawn mover 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 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 noised 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 is likely to disturb inhabitants in a dwelling house shall be deemed to be noise likely to disturb inhabitants in a dwelling house shall be deemed to be noise likely to disturb.

**(j) Police Officer – Disturbance and Investigation**

The noise disturbs 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 the 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, Fairs, Public or Fundraising Functions**

The noise caused by a lawful parade, fair, public function or fundraising function which has been duly authorized by a Resolution of Council.

### **(c) Outdoor Hymn/Carolling**

The noise caused by an outdoor hymn sing or caroling 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 site or highway when such work is undertaken by forces of the Corporation of the Township of Galway-Cavendish and Harvey, the County of Peterborough, Hydro One, Bell Canada, the Ministry of Transportation, any other public utility, or any contractor providing services on their behalf, with the Township.

### **(f) Traffic Control Devices**

The noise created as part of the 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 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 and in accordance to Schedule "A" forming part and hereto attached to this By-law.

### **(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 Galway-Cavendish and Harvey.

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

That By-law B98-36 is hereby repealed in its entirety.

**READ a First time this 7th of JUNE, 2005.**

**READ a Second time this 7th of JUNE, 2005.**

**READ a Third time and finally passed this 7th of JUNE, 2005.**

---

Tom Flynn, Reeve

---

Pat Kemp, Clerk

THE CORPORATION OF THE TOWNSHIP  
OF GALWAY-CAVENDISH AND HARVEY

**Schedule "A" to By-Law B2005-87  
Schedule of Offences**

**Part 1 Provincial Offences Act**

<b>ITEM</b>	<b>COLUMN 1 Short form wording</b>	<b>COLUMN 2 Offence creating Provision or defining Offence</b>	<b>COLUMN 3 Set fine</b>
1.	Making a noise likely to disturb the inhabitants.	Section 2	\$120.00
2.	Making a vibration likely to disturb the inhabitants.	Section 2	\$120.00
3.	Making an odour likely to disturb the inhabitants.	Section 2	\$120.00
4.	Making a dust likely to disturb the inhabitants.	Section 2	\$120.00
5.	Making outdoor illumination likely to disturb the inhabitants.	Section 2	\$120.00
6.	Permitting a noise likely to disturb the inhabitants.	Section 2	\$120.00
7.	Permitting a vibration likely to disturb the inhabitants.	Section 2	\$120.00
8.	Permitting an odour likely to disturb the inhabitants.	Section 2	\$120.00
9.	Permitting dust likely to disturb the inhabitants.	Section 2	\$120.00
10.	Permitting outdoor illumination likely to disturb the inhabitants.	Section 2	\$120.00

**NOTE:** the general penalty provision for the offences listed above is section 7(a) of by-law B2005-87, a certified copy of which has been filed.