

THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT

BY-LAW NO. 2021-100

BEING a by-law to amend By-law No. 2016-20, a by-law to prohibit or regulate public nuisance.

WHEREAS the *Municipal Act, 2001*, c. 25 SS. 5 (1) provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS the *Municipal Act, 2001*, c. 25 SS. 5 (3) provides that the powers of every council are to be exercised by by-law;

AND WHEREAS the *Municipal Act, 2001*, S.O. 2001, c.25, S.129 provides that a municipality may pass by-laws prohibiting and regulating noise within the municipality;

AND WHEREAS Sections 120, 121, 127, 128, and 129 provide for a municipality to pass by-laws to regulate fireworks, explosives, littering, nuisances, and noise;

AND WHEREAS Council did, on the 17th day of February, 2016 pass By-law No. 2016-20 to prohibit or regulate public nuisance;

AND WHEREAS Council has determined that an updated by-law is required;

NOW THEREFORE the Council of The Township of South Stormont enacts as follows.

1. That By-law No. 2016-20, Definitions, 2. Interpretation, (1), be amended by deleting (f) "Noise" and replacing it with:

"(f) Noise" means a sound that is likely to disturb the peace, rest, enjoyment, comfort or convenience of a reasonable person or that is likely to interfere with the reasonable use and enjoyment of a premise or residence, but does not include commonplace household or workplace sounds such as sound from furniture being moved, children playing or people engaging in conversation;

2. That By-law No. 2016-20, Definitions, 2 Interpretations (1), be amended by adding:

"(j) Persistent noise means any noise that is continuously heard for a period of ten minutes or more, or intermittently heard over a period of one hour or more."

3. That By-law No. 2016-20, Definitions, 2 Interpretations (1), be amended by deleting (k) "Point of Reception" and replacing it with:

“(k) “Point of reception” means any location on the premises of a person or within a structure where sound originating from other than those premises is received, including an outdoor area that is:

- near the façade of a building at a height of 1.5 metres above ground; or
- on a balcony, elevated terrace or accessible rooftop;”

4. That By-law No. 2016-20, Definitions, 2 Interpretations (1), be amended by deleting (l) “Villages and Hamlets” in its entirety.

5. That By-law No. 2016-20 General Provisions, (3) General Prohibitions, be amended by deleting (a) in its entirety and replacing it with:

(a) No person shall make, cause or permit any unusual noise, likely to disturb the inhabitants of the Municipality that is Persistent noise, or that is audible at a point of reception.

6. That By-law No. 2016-20, Schedule 1 – General Prohibitions, 1, be amended by deleting j. pertaining to discharge of firearms, in its entirety.

7. That By-law No. 2016-20, Schedule 2 – Prohibitions by Time, be amended by adding the following:

Activity	Prohibited Period of Time
9. The operation of any combustion engine or pneumatic device without an effective exhaust muffling device in good working order and in constant operation	11:00 pm one day to 7:00 am the next day (9:00 am on Sundays)
10. Racing of any motorized vehicle.	11:00 pm one day to 7:00 am the next day (9:00 am on Sundays)

8. That paragraph numbering be amended to reflect amended number sequencing.

9. That all relevant portions of By-law No. 2016-20 shall apply.

READ AND PASSED in open Council, signed and sealed this 15th day of December, 2021.

Mayor

Clerk