



**THE CORPORATION OF THE
TOWN OF COBALT**

BY-LAW NO. 2021-016

Being a by-law to prohibit and regulate certain noises within the Town of Cobalt.

WHEREAS under Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal affairs;

AND WHEREAS under Section 9 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, a single-tier municipality may pass by-laws with respect to matters or economic, social and environmental well-being of the municipality;

AND WHEREAS under Section 10 (2) 6 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws with respect to matters of healthy, safety and well-being of persons;

AND WHEREAS under Section 129 (a) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws for prohibiting and regulating noise;

AND WHEREAS under Section 129 (b) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provide that a municipality may through a permit grant exemptions;

AND WHEREAS under Section 425 (1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence;

AND WHEREAS under Section 429 (1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under this Act;

AND WHEREAS the Council of the Town of Cobalt deems it desirable to pass a by-law to prohibit and regulate unusual noise, or noises likely to disturb the inhabitants of the municipality;

AND WHEREAS Council has ensured adequate notice has been given regarding the passing of this by-law;

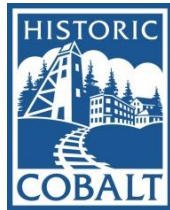
NOW THEREFORE the Council of the Corporation of the Town of Cobalt hereby enacts the following of this by-law:

1. That Council adopts a by-law to prohibit and regulate certain noises in the municipality and that the provisions of the said by-law are outlined in Schedule "A" hereto attached and forming part of this by-law.
2. That this by-law shall come into force and take effect on the date of its final passing.
3. That by-law 1984-019, as amended, being a by-law to control noises in the municipality is hereby repealed.
4. That the Clerk of the Town of Cobalt is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the by-law and schedule as may be deemed necessary after passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED this 27th day of April, 2021.

Mayor

Clerk-Treasurer



**THE CORPORATION OF THE TOWN OF COBALT
Schedule "A" TO BYLAW 2021-016
TO PROHIBIT AND REGULATE CERTAIN NOISES IN THE MUNICIPALITY**

PART 1 GENERAL PROVISIONS

1.1 Short Title

This by-law shall be cited as the "Noise By-Law"

1.2 Scope

The provisions of this by-law shall apply to all property within the geographic limits of the Town, except where otherwise provided.

1.3 Enforcement

This by-law shall be enforced by an Enforcement Officer or Police Officer.

1.4 Conflicts with other by-law

Where provisions of the by-law conflict with a provision of another by-law in force in the Town of Cobalt, the provisions that establish the higher standard in terms of protecting the health, safety and welfare of the general public and the environment well being of the municipality to the extent of the conflict.

PART 2 DEFINITIONS

Definitions of words, phrases and terms used in the by-law that are not included in the list of definitions in this section shall have the meanings which are commonly assigned to them in the context in which they are used in this by-law.

The words, phrases and terms defined in this section have the following meanings for the purpose of this by-law.

2.1 "Authorized Emergency Vehicle" includes any ambulance or hearse, any vehicle of the fire department, any vehicle of the municipal, provincial or federal police, any vehicle including snow removal equipment operated or for the Town or a public utility company while actively engaged in the construction, maintenance or repair of any highway, or any equipment or facilities thereon and any vehicle or equipment required to address an ongoing or imminent danger to persons or property or any extraordinary response required to mitigate harm to the environment or community.

2.2 "Construction" includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting or moving of any building or structure, the clearing of land, earth moving, grading, excavating, the laying of pipe, and conduit whether above or below grade level, street and highway building, concreting, equipment installation and alteration and the structural installation of construction component and materials in any form or for any purpose, and includes any work in connection therewith.

2.3 "Construction Equipment" means any equipment or device designed and intended for use 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 or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders or other materials handling equipment.

2.4 "Corporation" means the Corporation of the Town of Cobalt

- 2.5 “**Council**” means the Council of the Town of Cobalt.
- 2.6 “**Enforcement Officer**” means the person or persons duly appointed by Council as Municipal Law Enforcement Officer for the purpose of enforcing regulatory by-laws of the Town.
- 2.7 “**Highway**” includes a common and public highway, street, road, crescent, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for, or used by, the general public for the passage of vehicles.
- 2.8 “**Inhabitants**” means those person(s) occupying or residing within the municipality.
- 2.9 “**Lot Line**” means the boundary line between adjoining properties and or the boundary line between a property and a highway, laneway, municipal sidewalk or municipal road allowance.
- 2.10 “**Motor Vehicle**” includes a truck, automobile, motorcycle, motorize snow vehicle, all terrain vehicle and any other vehicle propelled or driven otherwise than by muscular power; but does not include a farm tractor or construction equipment.
- 2.11 “**Municipality**” means the land within the geographic limit of the Town of Cobalt.
- 2.12 “**Noise(s)**” means unwanted sound.
- 2.13 “**Owner**” means and includes: the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person’s own account or as an agent or trustee of any other person, or who would so receive the rent if such land premises were let.
- 2.14 “**Person**” means an individual, firm or corporation.
- 2.15 “**Police Officer**” means a member of the Ontario Provincial Police Service.
- 2.16 “**Town**” means the Corporation of the Town of Cobalt.
- 2.17 “**Zone**” means the various areas into which the Town is divided into in accordance with the Zoning By-Law.
- 2.18 “**Zoning By-Law**” means all current by-laws and amendments thereto and any subsequent by-laws which may be enacted in substitution thereof under the Planning Act with respect to land use within the Town.

PART 3 GENERAL PROHIBITION

- 3.1 **Likely to disturb – unusual – prohibited**
No person or owner shall cause or permit to be caused any unusual noise, or noises likely to disturb inhabitants.

3.2 Likely to disturb – unusual – set out

For the purpose of and not so as to limit the generality of section 3.1 of this by-law, the noises or sounds set out in section 3.3 to 3.11 inclusive of this by-law shall be deemed to be unusual noise or noises likely to disturb inhabitants.

3.3 Horn - Siren – Bell

Any sounds or noises caused by the use or operation of any horn, bell, siren, signal device or other sound-producing device whether stationary or on any motor vehicle or bicycle

3.4 Radio – loud speaker – other – annoying – disturbing

The sounds or noises from or created by any radio or phonograph, public address system, sound equipment, loud speaker, or similar device or devices, or any musical or sound producing instrument of whatever kind, when such device or instrument is played or operated in such a manner or with such volume, as to likely annoy or disturb the peace, quiet, comfort of repose of any individual in any location beyond the lot line of the property on which such device or instrument is located, is prohibited.

3.5 Shouting – Verbal Sound

Any noises cause by loud shouting, or excessive sound generated by a human voice, is prohibited.

3.6 Animal – bird – disturbing peace – quiet

Any noises made by any domestic pet, or any other animal or bird kept or used for any purpose other than agriculture, which is likely to disturb the peace, or comfort of any individual in any location beyond the lot line of the property on which such domestic pet, other animal or bird is located, is prohibited.

3.7 Vehicle – rattling – in disrepair – maladjusted

The grating, grinding, or rattling noises or sounds cause by condition of disrepair or maladjustments or any motor vehicle, or other vehicle or part of accessory thereof is prohibited.

3.8 Vehicle – load – improperly secured

The noises created by driving any motor vehicle or other vehicle bearing materials, articles or things which are loaded upon such vehicles in such a manner as to create such noises is prohibited.

3.9 Exhaust – discharge – without muffler

The discharge into the open air of the exhaust of any stationary internal combustion engine or motor vehicle except through a muffler or other device, which effectively prevents loud or explosive noises is prohibited.

3.10 Compression Release Engine Brake 9 p.m. to 7 a.m. all days

Between the hours of 9:00 p.m. of any day and 7:00 a.m. of the next following day, any noise arising from a compression release engine brake and the operation of a compression release engine brake is prohibited.

**3.11 Construction 9 p.m. to 7 a.m. Sunday to Saturday
9 p.m. to 9 a.m. Saturday to Sunday**

Between the hours of 9 p.m. of any day and 7 a.m. of the next following day, Sunday to Saturday, and 9 p.m. Saturday until 9 a.m. Sunday, the noises arising from any construction and the operation of construction equipment related thereto is prohibited.

3.12 Residential Power Equipment

9 p.m. to 7 a.m. Sunday to Saturday
9 p.m. to 9 a.m. Saturday to Sunday

Between the hours of 9 p.m. of any day and 7 a.m. of the next following day, Sunday to Saturday, and 9 p.m. Saturday to 9 a.m. Sunday, the noises or sounds created by the use or operation of any residential power equipment including lawn and garden maintenance equipment and chainsaws is prohibited.

PART 4 EXEMPTION

4.1 Agriculture Exemption

Notwithstanding any other provision of this by-law, this by-law does not apply to a person or agriculture use that emits, causes, or permits the emission of sound or vibration that is normal and incidental to the specific agriculture use.

4.2 Commercial Exemption

Notwithstanding any other provision of this by-law, this by-law does not apply to a commercial use that emits, or causes, or permits the emission of sound or vibration that is not normal and incidental to the specific commercial use.

4.3 Commercial Establishment – Licensed Premises

Premises licensed by the Alcohol and Gaming Commission of Ontario for the sale of alcoholic beverages shall be governed by the permitted hours of sale of alcohol as set out in the terms and conditions in the license issued by the said Commission. Notwithstanding, Section 3.1 through 3.12 shall apply.

4.4 Industrial Exemption

Notwithstanding any other provision of this by-law, this by-law does not apply to a person or industry use that emits, causes, or permits the emission of sound or vibration that is normal and incidental to the specific industrial use.

4.5 Public Celebration – Election – Gathering

None of the provisions of this by-law shall apply to the use in a reasonable manner of any apparatus or mechanism for the amplification of the human voice or of music in a public park or any other commodious space in connection with any public election meeting, public celebration or other lawful gathering, provided that Council of the Corporation has passed a resolution in accordance with Section 5.

4.6 Authorized Emergency Vehicles

None of the provisions of this by-law shall apply to any authorized emergency vehicles answering a call or carrying out their duty.

4.7 Snow Removal

None of the provisions of this by-law shall apply to any vehicle of the Corporation or their agents working on behalf of the Corporation to perform snow removal, snow plowing, or snow clearing of any Municipal highways and properties or to private contractors or persons performing snow removal, snow plowing or snow clearing.

4.8 Traditional or Festive Activities and Events

Notwithstanding any other provision of this by-law, this by-law does apply to a person who emits, causes, or permits the emission of sound in connection with any traditional or festive activities and events that have been authorized by Council.

Persons seeking exemption from this by-law for other activities and events shall be subject to the provision of Section 5 of this By-Law.

4.9 Railway – operations- under Railway Act

None of the provisions of this by-law shall apply to any sound arising from the operation of any railway, which operates under the Railway Act of Canada.

**PART 5
GRANT OF EXEMPTIONS BY COUNCIL**

5.1 Council may grant exemption

Council may by resolution, upon receipt of written application, grant an exception to provisions of the by-law for a specified period of time, not to exceed 6 months, subject to such terms and conditions as considered reasonable and appropriate.

5.2 Form of Application

The application shall include:

- a) the name and address of the applicant;
- b) a description of the source of sound in respect of which an exemption is sought;
- c) a statement of the section of the by-law for which an exemption is being sought;
- d) the period of time for which the exemption is being sought;
- e) the reason why exemption is being sought.

5.3 Exemption application to be published

Such applications shall be accompanied by proof of publication, within the preceding 10 days, in a newspaper of general circulation within the applicable service area of the *Corporation*, of a notice of intention to apply for an exemption to this bylaw, containing the information required by Clauses 5.2(a) through (e) inclusive and stating the date which the application the Council is intended to be made.

5.4 Procedure

In deciding whether to grant the exemption, Council will review the application and any written or verbal submissions and grant the applicant and any person opposed to the application an opportunity to speak in accordance with Council's Procedural Bylaw.

5.5 Procedure breach of Provisions of Exemption

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

**PART 6
PENALTIES**

6.1 Offence – Penalty

Every person who contravenes, suffers or permits any act or thing to be done in contravention of, or neglects to do or refrains from doing anything required to be done pursuant to any provisions of Bylaw or any permit or order issued pursuant therefore, commits an offence and except where specifically provided under Appendix "1", shall be liable to a penalty as provided under the "Provincial Offences Act".

6.2 Continuation – New Offence

Where an offence is a continuing offence, each new day that the offence is continued shall constitute a separate and distinct offence.

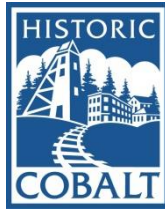
6.3 Continuation – Repetition – Prohibited – By Order

The Court in which conviction has been entered in any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the Person convicted, and such order shall be in addition to any other penalty imposed and enacted as such.

**PART 7
VALIDITY**

7.1 Validity

It is declared that notwithstanding that any section or sections of this Bylaw, or parts thereof, may be found by any court or law to be bad or illegal or beyond the power of the Council to enact, such section or sections or parts thereof shall be deemed to be severable and that all sections or parts of this Bylaw are separate and independent from the other and enacted as such.



THE CORPORATION OF THE TOWN OF COBALT
Appendix "1" of Schedule "A"
TO NOISE BYLAW NO. 2021-016

PART 1 PROVINCIAL OFFENCES ACT
SET FINES

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1	Cause noise.	Section 3.1	\$100.00
2	Noise caused by horn.	Section 3.3	\$100.00
3	Noise caused by speaker.	Section 3.4	\$100.00
4	Noise caused by shouting.	Section 3.5	\$100.00
5	Noise caused by pet.	Section 3.6	\$100.00
6	Noise caused by vehicle.	Section 3.7	\$100.00
7	Noise caused by load improperly secured.	Section 3.8	\$100.00
8	Noise caused by engine.	Section 3.9	\$100.00
9	Noise caused by compression release brake.	Section 3.10	\$100.00
10	Noise caused by construction.	Section 3.11	\$100.00
11	Noise caused by residential equipment.	Section 3.12	\$100.00

Note: The general penalty provision for the offences listed above is Section 61 of the Provincial Offences Act, R.S.O. , 1990, c. P 33, as amended.