

**THE CORPORATION OF THE TOWNSHIP OF SPRINGWATER**

**BY-LAW No. 95-081**

Being a By-law for prohibiting or regulating within the Municipality of the Township of Springwater the making of noises likely to disturb the inhabitants of the said Township, and to repeal Vespra By-law No. 93-18 and Elmvale By-law No. 92-40.

WHEREAS Section 210 (138) of the Municipal Act, R.S.O. 1990, C.M45 permits Municipalities to pass by-laws for prohibiting or regulating within the Municipality any noise or noises likely to disturb the Inhabitants;

AND WHEREAS the Council for The Corporation of the Township of Springwater deems it necessary and expedient to pass such a by-law;

NOW THEREFORE Council for The Corporation of the Township of Springwater hereby enacts as follows:

1. That this By-law shall be known as a By-law for the regulating of noise in the Municipality of the Township of Springwater and may be cited by short title as "The Noise By-law".
2. That the provisions of this By-law shall apply to all lands located in and all activities that may create any noise or unusual noise as hereinafter defined occurring within the municipal boundaries of the Township of Springwater.
3. Definitions:
  - 3.1. "CORPORATION" means The Corporation of the Township of Springwater.
  - 3.2. "NOISE(S)" means shouting, singing, use of offensive language or any unusual noise (as defined in Section 3.5. below) likely to disturb the inhabitants.
  - 3.3. "PERSON(S)" shall mean an individual, human being, his/her personal representative and their heirs, executors and assigns and shall also include a corporation with or without share capital.
  - 3.4. "TOWNSHIP" means The Corporation of the Township of Springwater.
  - 3.5. "UNUSUAL NOISE(S)" means:
    - 3.5.1. The sound or noise from a private residence or residential property created by any radio, phonograph, television, public address system, sound equipment, loudspeaker or similar device or devices or any musical or sound producing instrument of whatever kind when such device or instrument is played or operated at such volume as to annoy or disturb the peace, quiet, comfort or repose of any individual in the neighbourhood.
    - 3.5.2. Any sound made by any dog or dogs, whether housed individually or in kennels which disturbs the peace, quiet, comfort or repose of any individual in the neighbourhood.

4. No person shall create or suffer to be created any one or more of the noises or unusual noises as defined in Sections 3.2. and 3.5. respectively within the limits of the Township of Springwater which is likely to disturb any inhabitants thereof.
5. None of the provisions of this By-law shall apply to any case of public or private activity or necessity where written permission has been obtained from the Council of the Township.
6. Any person who contravenes any provision of this By-law is guilty of an offense and is subject to a penalty pursuant to the Provincial Offenses Act, R.S.O. 1990, C400. Each time a breach of this By-law occurs it shall constitute a separate offense.
7. The conviction of any offender upon the breach of any provision of this By-law shall not operate as a bar to a prosecution against the same offender upon any continued or subsequent breach of any provisions and the Judge may convict any offender repeatedly for continued or subsequent breaches of the By-law and the provisions of the Municipal Act, R.S.O. 1990, C45, subparagraph 327 as amended from time to time shall further apply to any continued or repeated breach of this By-law.
8. If any court of competent jurisdiction finds any of the provisions of the By-law are ultra vires the jurisdiction of the Council, or are invalid for any other reason such provisions shall be deemed to be severed and shall not invalidate any other provision of the By-law which shall remain in full force and effect.
9. Where the context permits, words importing the singular member or masculine gender shall also include more persons, parties or things of the same kind than one and female as well as male.
10. That Vespra By-law No. 93-18 and Elmvale By-law No. 92-40 be and are hereby repealed.
11. That this By-law shall come into force and take effect on the date of the final passing thereof.

**READ A FIRST AND SECOND TIME THIS 14th DAY OF AUGUST, 1995.**

**READ A THIRD TIME AND FINALLY PASSED THIS 14th DAY OF AUGUST, 1995.**

**THE CORPORATION OF THE TOWNSHIP OF  
SPRINGWATER**

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**Mayor Helen Coutts**

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**Acting Clerk Norma I. Bryant, AMCT**