

**THE CORPORATION OF THE MUNICIPALITY OF GORDON/BARRIE  
ISLAND**

**BY-LAW 2010-033**

**BEING A BY-LAW TO PROHIBIT NOISES LIKELY TO DISTURB THE  
INHABITANTS OF THE MUNICIPALITY OF GORDON/BARRIE ISLAND**

WHEREAS THE MUNICIPAL ACT s.o. 2001 c. 25 Section 129 (1) and (2) provides that Councils of Municipalities may pass by-laws prohibiting or regulating noises and vibrations,

AND WHEREAS property owners have a right to quiet enjoyment of their property, free from unnecessary, excessive or persistent sounds which may degrade the tranquility of their lives,

NOW THEREFORE the Council of the Township enacts as follows:

**Interpretation:**

As per the caution forming an integral part of this Act, the nature of the locality must be considered in interpreting if a noise or vibration is a violation of this By-law.

Zones and Zoning Regulations shall be Gordon/Barrie Island Restrictive Zoning By-Law 492 & 343.

**BUSINESS and ENTERTAINMENT AREA NOISE:** In HAMLET and INDUSTRIAL Zones, being designated for business and public establishments, the noise and vibration of vehicles, persons gathering, and business operations is deemed acceptable.

**AGRICULTURAL AND BUSINESS NOISE:** In RURAL and AGRICULTURAL Zones, being designated for farming and business operations, noise created by livestock, tractors, agricultural machinery, and other operations of farming, and by operations of businesses as permitted by Zoning Regulations shall be deemed acceptable.

**CONSTRUCTION:** includes erection, alteration, repair, dismantling, demolition, structural maintenance, moving. Land clearing, earth moving, grading, excavating, laying of pipe or conduit, whether above or below ground level, street and highway building, concreting, equipment installation and alteration and the structural installation of construction components and materials in any form or for any purpose, and includes any work in connection therewith;

**HIGHWAY:** includes a common and public highway, street, boulevard, parkway, driveway, place, bridge, deemed and intended for, or used by, the general public for the passage of vehicles.

**NOISE** means sound unwanted at the point of reception.

**POINT of RECEPTION** means any point on the premises of a person where sound or vibration originating from other than those premises is received.

**GENERAL PROHIBITION**

No person shall emit or cause or permit the emission of sound resulting from an act listed herein, and which sound is clearly audible at a point of reception and likely to disturb the inhabitants, including

(a) the sounding of any bell, horn, siren or signal device for an unnecessary or unreasonable period of time.

(b) any unnecessary noise arising between the hour of 9 p.m. of any day and 7 a.m. of the next following day from any excavation or construction work whatsoever, including the erection, demolition, alteration or repair of any building, authorized by the Township, except in case of urgent necessity, and then only under a permit from the Clerk of the Municipality of Gordon/Barrie Island.

(c) continuous shouting, singing, or playing of music in a disturbing manner, in or adjacent to any public street, boat docking area or private residence between 11 p.m. and 7 a.m.

(d) Between the hours of 7 a.m. and 11 p.m. persistent and ongoing shouting, singing, playing of music, recreational noise or operating of machinery which is distressing to adjacent property owners, beyond the normal household levels and beyond what would be expected of a household in a residential or seasonal residential area while on vacation, and persists beyond three consecutive days or 7 days within a month.

(e) Pet barking, calling or any sound that is persistent in nature.

NONE OF THE PROVISIONS OF THIS BY-LAW SHALL APPLY TO:

- (a) Any vehicle of the police or fire department or any ambulance or public service or emergency vehicle while answering a call,
- (b) Any case of public necessity, including plowing or emergency repair of roadways, or water system maintenance or repair.
- (c) Municipal Halls and Facilities, and Manitoulin Island Country Club, and Gore Bay-Manitoulin Airport during functions.

Except where otherwise expressly provided by law, every person who is convicted of an offence is liable to a fine of \$200.00, and as provided by the Provincial Offences Act, payment may be made out of court.

Read a first time in Open Council this 2nd day of November, 2010

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Art Madore, Reeve

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Carrie Lewis, CAO-Clerk-Treasurer

Read a second and third time and finally passed this 2nd day of November, 2010.

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Art Madore, Reeve

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Carrie Lewis, CAO-Clerk Treasurer