

THE CORPORATION OF THE TOWN OF WHITBY

BY-LAW NO. 292 - 70

*as amended by* 1091-73  
531-77  
201-77

BEING A BY-LAW TO REGULATE NOISES CALCULATED TO DISTURB  
THE INHABITANTS OF THE TOWN OF WHITBY

THE CORPORATION OF THE TOWN OF WHITBY BY ITS COUNCIL  
ENACTS AS FOLLOWS:

1. No person shall ring any bell, blow or sound any horn or cause same to be rung, blown, or sounded, shout or create, cause or permit any noise which disturbs the inhabitants of the Town of Whitby.
2. Without limiting the generality of paragraph 1 of this By-law the following Noises are hereby deemed to be noises calculated to disturb the inhabitants of the Town of Whitby.
  - (a) the ringing of bells, blowing of horns or sounding of sirens on any motor vehicle except to the extent that such ringing, blowing or sounding is required by law or by the requirement of safety.
  - (b) the sound or noise from or created by any radio or phonograph, or any musical or sound-producing instrument or whatsoever kind when such radio or phonograph or instrument is played or operated in such a manner or with such volume as to annoy or disturb the peace, quiet, comfort or repose of any individual in any dwelling house, apartment house, hotel motel, or other type of residence outside the premises where the instrument is being played.
  - (c) any sound made by any pet, animal or bird which persistently disturbs the peace, comfort or repose of any individual in the Town of Whitby.
  - (d) the grating, grinding or rattling noise or sound caused by a condition of disrepair or maladjustment of any motor vehicle, motorcycle, or other vehicle whatsoever or part or accessory thereof.
  - (e) the blowing of any steam or air whistle attached to or used in connection with any stationary boiler or other machine or mechanism except for the purpose of giving notice to workmen of the time to commence or cease work or as a warning of danger.
  - (f) the discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorcycle, or motorized snow vehicle except through a muffler or other device which effectively prevents louder explosive noises.
  - (g) any noise arising between the hour of 10:00 o'clock p.m. of any day and 7:00 o'clock a.m. of the next following day from any excavation or construction work whatsoever, including the erection, demolition, alteration or repair of any building, except in the case of repairs or demolition to a building of such urgency that that the lack of immediate attention to the same would result in severe damage to building or be likely to endanger the health or property of any person.

- (h) any noise arising on Sundays from any excavation work or construction work whatsoever, including erection, demolition, alteration or repairs of any building of such urgency that the lack of immediate attention to the same would result in severe damage to building or be likely to endanger the health or property of any person.
- (i) the noise or sound created by the use or operation of any drum, horn, bell, radio or mechanical loud-speaker, or other instrument or device or sound-producing, or sound transmitting instrument or apparatus for the purpose of advertising or for attracting attention to any performance, show, or sale or display of goods, wares, or merchandise or which projects noise or sound into any street or other public place.
- (j) the noise or sound created by the use or operation of any radio or mechanical loud-speaker or amplifier or other instrument or device or sound-producing, sound-reproducing, or sound transmitting instrument or apparatus in or upon any vehicle except for such time and under such conditions as Council may prescribe.
- (k) any noise made between the hours of ten o'clock in the evening and seven o'clock in the following morning in sufficient volume to disturb the sleep of persons residing in neighbouring houses.

3. None of the provisions of this By-law shall apply to:


- (a) 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 reasonable gathering, provided written permission of Council has first been obtained.
- (b) any military or other band or any parade, operating under written permission first obtained from Council.
- (c) any vehicle of the police or fire department, or any ambulance or any public service or emergency vehicle while answering a call.
- (d) any sound arising from the operation of any railway which operates under the R railway Act of Canada or from any plant or work in connection with any such railway.
- (e) the operations of any Religious Services as heretofor carried on. The ringing of bells or carillons in connection with any church or meeting house.

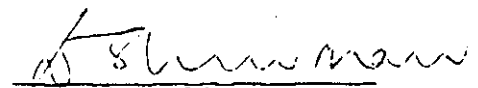
4. This By-law shall take effect on the date of the final passing thereof.

5. By-law Number 1935, 1953 of the former Township of Whitby and By-law Number 2512 of the Town of Whitby and any by-law inconsistent with the provisions hereof be and are hereby repealed.

Any person who contravenes any of the provisions of this By-law shall upon conviction thereof, forfeit and pay at the discretion of the convicting Judge, a penalty of not more than \$300.00, exclusive of costs for each offence.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 26TH DAY OF JANUARY, A.D. 1970.

  
CLERK

  
MAYOR

THE CORPORATION OF THE TOWN OF WHITBY


BY-LAW NO. 531-77

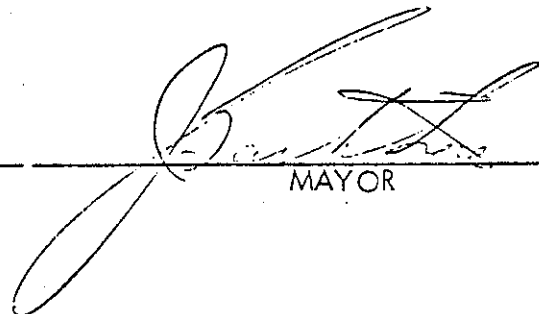
BEING A BY-LAW TO AMEND BY-LAW NO. 292-70 TO REGULATE NOISES  
CALCULATED TO DISTURB THE INHABITANTS OF THE TOWN OF WHITBY

BE IT ENACTED, AND IT IS HEREBY ENACTED AS A BY-LAW OF THE  
CORPORATION OF THE TOWN OF WHITBY BY THE COUNCIL THEREOF  
AS FOLLOWS:-

1. That Section 2. of By-Law No. 292-70, as amended, be amended by deleting subsection (g) thereof in its entirety, and substituting in its place and stead, the following:-  
  
"(g) Any noise arising between the hours of 8 o'clock in the evening and 7 o'clock in the following morning from any excavation or construction work, whatsoever, including the erection, demolition, alteration or repair of any building, except in the case of repairs or demolition of a building of such urgency that the lack of immediate attention to same would result in severe damage to the building, or be likely to endanger the health or property of any person."
  
2. That Section 2. of By-Law No. 292-70, as amended, be further amended by deleting subsection (k) thereof in its entirety, and substituting in its place and stead, the following:-  
  
"(k) Any noise made between the hours of 8 o'clock in the evening and 7 o'clock in the following morning in sufficient volume to annoy or disturb the peace, quiet, comfort or repose of persons residing in neighbouring houses."

BY-LAW READ A FIRST, SECOND AND THIRD TIME, AND FINALLY PASSED  
THIS 27TH DAY OF JUNE, A.D., 1977.

  
DEPUTY-CLERK

  
MAYOR

THE CORPORATION OF THE TOWN OF WHITBY

BY-LAW NO. 891-79

BEING A BY-LAW TO AMEND BY-LAW NO. 292-70, AS AMENDED,  
TO REGULATE NOISES CALCULATED TO DISTURB THE INHABITANTS  
OF THE TOWN OF WHITBY

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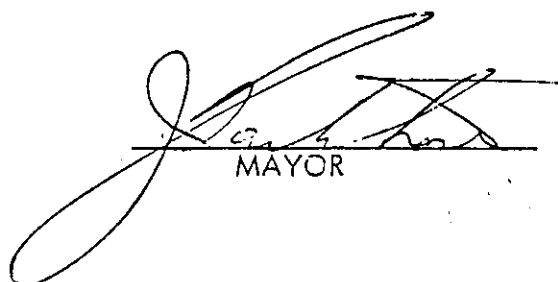
BE IT ENACTED, AND IT IS HEREBY ENACTED, as a By-law of the  
Corporation of the Town of Whitby by the Council thereof as follows:-

1. That Subsection 2(h) of By-law No. 292-70, as amended, be  
further amended by deleting this subsection in its entirety and  
inserting in its place and stead the following new Subsection 2(h):-

"any noise arising on Sundays from any excavation  
work or construction work whatsoever, including  
erection, demolition, alteration, or repairs to  
any building, except in the case of repairs or  
demolition to a building of such urgency that the  
lack of immediate attention to the same would  
result in severe damage to a building or be likely  
to endanger the health or property of any person."

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY  
PASSED THIS 10TH DAY OF SEPTEMBER, A.D., 1979.

  
CLERK-ADMINISTRATOR

  
MAYOR

THE CORPORATION OF THE TOWN OF WHITBY

BY-LAW NO. 2786-90

BEING A BY-LAW TO PROVIDE FOR THE IMPOSITION OF FINES FOR THE CONTRAVENTION OF VARIOUS BY-LAWS OF THE CORPORATION OF THE TOWN OF WHITBY

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WHEREAS, Section 321 of the Municipal Act, R.S.O. 1980, c. 302, as amended, provides that by-laws may be passed by the councils of all municipalities for providing that any person who contravenes any by-law of the council passed under the authority of the Municipal Act is guilty of an offence;

AND WHEREAS, Section 62 of the Provincial Offences Act, R.S.O. 1980, C. 400, as amended, provides that except where otherwise expressly provided by law, every person who is convicted of an offence is liable to a fine of not more than \$5,000.00;

AND WHEREAS, the Council of the Corporation of the Town of Whitby considers it desirable to amend the fine provisions of certain by-laws in accordance with the provisions of the Municipal Act and the Provincial Offences Act;

NOW THEREFORE, the Council of the Corporation of the Town of Whitby enacts as follows:

1. The sections, subsections or clauses of the by-laws set out in Schedule "A" to this by-law are revoked and the following substituted therefor:

"Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction thereof is liable to a fine of not more than \$5,000.00, exclusive of costs, which shall be recoverable under the provisions of the Provincial Offences Act and all the provisions of the said Act shall apply to any prosecution for any offence under the provisions of this by-law."

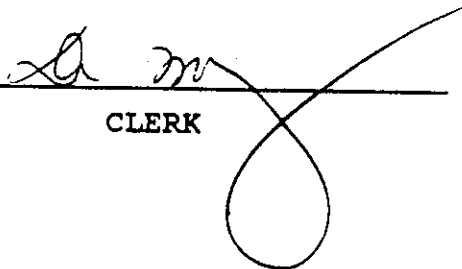
REPEAL OF EXISTING BY-LAWS


2. By-law Nos. 660-78 and 1334-82 are repealed.

EFFECTIVE DATE

3. The provisions of this by-law shall come into force and take effect on the day Section 18 of the Provincial Penalties Adjustment Act, 1989, comes into force.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 15TH DAY OF JANUARY, A.D., 1990.

  
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CLERK

  
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MAYOR

SCHEDULE "A"

TO

BY-LAW NO. 2786-90

<u>BY-LAW NUMBER</u>	<u>SECTION, SUBSECTION OR CLAUSE NUMBER</u>
258-69, as amended	6
280-69, as amended	5
292-70, as amended	6
326-70, as amended	5
332-70, as amended	11
378-70, as amended	9
559-71	8
661-71, as amended	29
702-72, as amended	10(b)
51-74, as amended	3
96-74, as amended	7
185-75, as amended	22
488-77, as amended	8
749-78, as amended	15
1258-81, as amended	4
1639-84	6
1745-84	11
1846-85, as amended	5
1878-85, as amended	15
1912-85	3(1)

<u>BY-LAW NUMBER</u>	<u>SECTION, SUBSECTION OR CLAUSE NUMBER</u>
2059-86	5(1)
2263-87	10
2617-89	4
2695-89	3