

THE CORPORATION OF THE TOWNSHIP OF SEGUIN

BY-LAW NUMBER 2023-030

**BEING A BY-LAW TO PROHIBIT AND REGULATE NOISE WITHIN THE TOWNSHIP OF SEGUIN
AND TO REPEAL BY LAW NO. 2002-45 AND ALL OF ITS AMENDING BY-LAWS IN THEIR
ENTIRETY**

WHEREAS Sections 8, 9 and 10 of the *Municipal Act, 2001 S.O. 2001* authorize the Township of Seguin to pass by-laws necessary or desirable for municipal purposes, and authorize by-laws respecting the economic, social and environmental well-being of the municipality; the health, safety and well-being of persons; the protection of persons and property; and animals;

AND WHEREAS Section 128 of the *Municipal Act, 2001 S.O. 2001* provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council are or could become public nuisances;

AND WHEREAS Section 129 of the *Municipal Act, 2001, S.O. 2001* provides authority for municipalities to prohibit and regulate noises and vibrations;

AND WHEREAS Section 425 of the *Municipal Act, 2001, S.O. 2001* authorizes the Township of Seguin to pass by-laws providing that a person who contravenes a by-law of Township of Seguin passed under that Act is guilty of an offence;

AND WHEREAS Section 436 of the *Municipal Act, 2001 S.O. 2001* provides that the municipality has the power to pass By-laws authorizing the power of entry for the purpose of inspecting land to determine compliance with a By-law, direction, order, or condition of licence;

AND WHEREAS Section 444 of the *Municipal Act, 2001, S.O. 2001* provides that the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity, and any person who contravenes such an order is guilty of an offence;

AND WHEREAS the *Municipal Act, 2001 S.O. 2001* further authorizes the Township of Seguin, amongst other things, to delegate its authority, to impose fees or charges on persons for services or activities provided or done by or on behalf of it, to provide for inspections and inspection orders, and to make orders to discontinue activity or to do work;

AND WHEREAS Section 23.1 of the *Municipal Act, 2001 S.O. 2001* authorizes a municipality to delegate its powers and duties to a person;

AND WHEREAS the Council of the Corporation of the Township of Seguin deems it appropriate and expedient to delegate authority to the Supervisor, By-law Services and Fire

Chief to exempt upon application and paying a fee, any person, including special event, from the by-law;

AND WHEREAS the Township recognized that excessive or inadequately controlled sound or vibration may impair public health, safety and welfare and may become a nuisance;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SEGUIN HEREBY ENACTS AS FOLLOWS:

1. SHORT TITLE

1.1 This By-law may be cited as the "Noise By-law".

2. DEFINITIONS

In this By-law, the following terms shall have the following meanings:

2.1 "Authorized Emergency Vehicle" includes any ambulance or hearse, any vehicle of the fire department, any vehicle of the local, provincial or federal police, any vehicle (including a snow plough) operated by or for the Township or a public utility company while actively engaged in the construction, maintenance or repair of any highway, or any equipment or facilities thereon, or a snow plough or other maintenance vehicle operated by or for the Ministry of Transportation;

2.2 "Construction" includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, the laying of pipe and 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; "construction" excludes activities associated with the operation at waste and snow disposal sites

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 material handling equipment;

2.4 "Conveyance" means the operation of any Motor Vehicle, Off Road Vehicle and any other vehicle used to transport a person or goods from place to place and includes any operation on the same property;

2.5 "Council" means the Council of The Corporation of the Township of Seguin;

2.6 "Dwelling Unit" means a room or rooms in which a kitchen, living quarters and sanitary conveniences are provided for the exclusive use of the residents and with a private entrance from outside the building or from a common hallway or stairway inside;

- 2.7 "Goods Distribution Facility" means a Premises used for the storage and/or distribution of goods, wares, merchandise, substances, articles or things, within a building and may include a commercial storage facility or facilities for an accessory wholesale or retail outlet, but does not include a transportation terminal;
- 2.8 "Hotel" means a Premises in which lodging or sleeping accommodation are provided to the general public and may include accessory services such as Restaurants, meeting facilities, recreation facilities, convention and banquet facilities;
- 2.9 "Motel" means a Premises that contains rooms with no private cooking facilities that are rented on a temporary basis to the public traveling predominantly by Motor Vehicle, with some of the rooms being accessed from the outside;
- 2.10 "Highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for or used by the public for the passage of vehicles and includes the area between the lateral property lines thereof;
- 2.11 "Motor Vehicle" means any vehicle and includes an automobile, motorcycle, snowmobile and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicle running only upon rails, farm tractor, self-propelled implement of husbandry or road building machine;
- 2.12 "Noise" means sound or vibration that is of such volume, level or nature that is likely to disturb the inhabitants of the Township;
- 2.13 "Off Road Vehicle" means a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel:
- (a) on not more than three wheels, or
 - (b) on more than three wheels and being of a class of vehicle prescribed by the regulations under the Off-Road Vehicles Act, R.S.O. 1990, c. O.4, as amended from time to time;
 - (c) and includes, but is not limited to, trail bikes, dirt bikes, dune buggies, all terrain vehicles, motorized snow vehicles and *motor vehicles* used during a demolition derby or intended to be used for a demolition derby.
- 2.14 "Officer" means a Municipal Law Enforcement Officer, a Police Officer or any other person designated by Council as responsible for the administration of this By-law from time to time.
- 2.15 "Person" or any expression referring to a person, means an individual, sole proprietorship, partnership, limited partnership, trust, corporate body, organization, charity and/or an individual in his or her capacity as a trustee, executor, administrator or other legal representative;

- 2.16 "Pit" means a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes;
- 2.17 "Point of Reception" means any point on a Premises where sound or vibration originating from other than that Premises is received;
- 2.18 "Premises" includes the area of a building and/or parcel of property or in a multiple unit building occupied by more than one (1) business, each business area shall be considered a separate premises and each Dwelling Unit shall also be considered a separate premises;
- 2.19 "Quarry" means a place where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes;
- 2.20 "Retail Business Establishment" means a Premises in which goods, wares, merchandise, substances, articles, things or services are offered or kept for sale at retail or on a rental basis;
- 2.21 "Restaurant" means a Premises in which the principal business is the preparation and serving of food and refreshments to the public for immediate consumption within the establishment or on an abutting terrace or patio, and which may include home delivery, catering or food pick-up/ take-out services;
- 2.22 "Supervisor" means the Supervisor, Municipal By-law Services;
- 2.23 "Township" means The Corporation of the Township of Seguin;
- 2.24 "Zoning By-Law" means by-laws passed by the Township pursuant to s. 34 of the Planning Act, R.S.O. 1990, P.13, as amended.

3. GENERAL PROHIBITIONS

- 3.1 If not otherwise provided for in this by-law, no Person shall emit or cause or permit the emission of Noise likely to disturb another between 11:00 p.m. and 7:00 a.m. of the following day.
- 3.2 No Person shall at any time emit or cause or permit the emission of Noise resulting from the following which Noise is clearly audible at a Point of Reception:
- (a) The operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers, and intended for the production, reproduction or amplification of sound;
 - (b) Racing of any Motor Vehicle other than in a racing event regulated by law;

- (c) The operation of a Motor Vehicle in such a way that the tires squeal;
- (d) The operation of any combustion engine without an effective exhaust-muffling device in good working order;
- (e) The operation of a Motor Vehicle or a Motor Vehicle with a trailer resulting in banging, clanking, squealing or other like Noise due to improperly secured load or equipment, or inadequate maintenance;
- (f) The operation of a Motor Vehicle horn or other warning device except where required or authorized by law or in accordance with good safety practices;
- (g) The noise from or created by any radio, amplifier, loud speaker, public address system, or equipment, device or instrument that emits sound when the same is used or operated from any Motor Vehicle, trailer or vehicle that is clearly audible at least 8 metres (25 feet) from the vehicle;
- (h) The persistent barking, calling, whining or other similar persistent sound made by any domestic pet or any other animal kept or used for any purpose other than agriculture which sound(s) is clearly audible at a Point of Reception.

4. PROHIBITIONS BY TIME AND PLACE

4.1 No Person shall emit or cause or permit the emission of Noise resulting from the following which Noise is clearly audible at a Point of Reception between 11:00 p.m. - 7:00 a.m.

- (a) The operation of any auditory signaling device, including but not limited to the ringing of bells or gongs and the blowing of horns or sirens or whistles, or the production, reproduction or amplification of any similar sounds by electronic means except where required or authorized by law or in accordance with good safety practices;
- (b) The operation of a motor which is, or is used in, or is intended for use in a toy, model, drone or replica of any device which model or replica has no function other than recreational or amusement purposes and which is not a Conveyance;
- (c) All selling or advertising by shouting out, yelling or amplified sound;
- (d) The venting, release or pressure relief of air, steam, or other gaseous material, product or compound from any autoclave, boiler, pressure vessel, pipe, valve, machine, device or system;
- (e) The operation of a power assisted hang glider or a parafoil;

- (f) The operation of Construction Equipment;
 - (g) The operation of any powered or non-powered tool for purposes other than snow removal.
- 4.2 No Person shall emit or cause or permit the emission of Noise resulting from the detonation of fireworks or explosive devices which Noise is clearly audible at a Point of Reception except between dusk and 11:00 p.m. with the exception of New Years Eve/Day where fireworks are permitted until 12:30am on New Years Day;
- 4.3 No Person shall emit or cause or permit the emission of Noise resulting from the operation of any motorized Conveyance or machinery or explosive devices used in the operation of a Pit or Quarry between 11:00 p.m. – 7:00 a.m.
- 4.4 No Person shall emit or cause or permit the emission of Noise resulting from the loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, produce, materials, or refuse whatsoever which Noise is clearly audible at a Point of Reception between 11:00 p.m. - 7:00 a.m. unless defined as a Retail Business Establishment; a Restaurant, including cafes and bars; a Hotel or Motel; or a Goods Distribution Facility.
- 4.5 No Person shall emit or cause or permit the emission of Noise resulting from the operation of a sound emitting pest control device between dusk and dawn.
- 4.6 No Person shall emit or cause or permit emission of Noise resulting from yelling, shouting, hooting, whistling or singing which Noise is clearly audible at a Point of Reception between 11:00 p.m. - 7:00 a.m.
- 4.7 No Person shall emit or cause or permit emission of Noise resulting from the banging of drums or production of Noise by any other unamplified musical instrument which Noise is clearly audible at a Point of Reception between 11:00 p.m. - 7:00 a.m.
- 4.8 No Person shall emit or cause or permit emission of Noise resulting from the operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers, and intended for the production, reproduction or amplification of sound used in commercial operations, including but not limited to marinas and camping establishments, which Noise is clearly audible at a Point of Reception between 11:00 p.m. – 7:00 a.m.

5. EXEMPTIONS

- 5.1 Notwithstanding any other provision of this by-law, this by-law shall not apply to a Person who emits or causes or permits the emission of Noise in connection with any of the following activities:

- (a) Operation of Authorized Emergency Vehicles;

- (b) Undertaking emergency measures for the immediate health, safety or welfare of any Person or the preservation or restoration of property;
- (c) Operation of machines or equipment by or on behalf of the Township for emergency purposes;
- (d) Operation of bells, tones or whistles utilized as traffic control devices including those at traffic signal locations and railway crossings;
- (e) Operation of snow removal equipment while in the operation of snow removal;
- (f) A normal farm practice carried on as part of an agricultural operation under the Farming and Food Productions Protection Act, 1998, S.O. 1998, c-1 or any successor legislation thereto.
- (g) Operation of bells, chimes, carillons, and clocks in religious or public buildings.
- (h) A normal aggregate Pit or Quarry or wayside pit or quarry carried on outside of prohibited hours described in section 4.3. of this By-law as part of a commercial operation authorized through the Zoning By-law and under the Aggregate Resources Act, R.S.O. 1990, c. A.8 or any successor legislation thereto.

5.2 Notwithstanding any other provision of this by-law, the Supervisor, Municipal By-law Services, may, upon application by any Person for an exemption from a provision or provisions under this by-law and the payment of the applicable application fee,

- (a) exempt the applicant from any provision or provisions of this by-law on such terms and conditions as he/she may determine; or
- (b) refuse to grant any exemption from any provision of this by-law.

5.3 Every Person applying for an exemption shall, at least thirty (30) business days prior to the event, provide the Supervisor, Municipal By-law Services with:

- (a) A completed and signed application form;
- (b) Payment of the appropriate fee for an Application for Noise Exemption as set in Schedule "A" of this By-Law.

5.4 The Supervisor, Municipal By-law Services, may cancel, revoke, or suspend any exemption granted in section 5.2 on the grounds that:

- (a) it is in the public interest to do so, including, but not limited to, for public health and safety reasons;

- (b) the applicant has misrepresented or omitted a material fact in his or her application for the exemption being applied for; and/or;
 - (c) the applicant has not complied with the terms and conditions as provided for in the exemption.
- 5.5 Where a Person has been granted an exemption by the Supervisor, Municipal By-law Services, under Section 5.2 and the exemption is subject to any conditions, the exemption shall immediately be revoked, without further process, in the event that there is any contravention of any of the conditions of the exemption.
- 5.6 In considering an application for an exemption in this by-law, the Supervisor, Municipal By-law Services, shall have regard to:
 - (a) Any negative effects the issuance of the exemption permit may have on neighbouring properties or on the Township;
 - (b) Any benefits the issuance of the exemption permit may have on neighbouring properties or on the Township;
 - (c) Any previous violations of this By-law or contraventions of an exemption permit by the applicant; and
 - (d) Anything the Supervisor, Municipal By-law Services, considers relevant, acting reasonably.
- 5.7 The conditions that the Supervisor, Municipal By-law Services, or delegate, may impose on an exemption under section 5.2 of this by-law may include but are not limited to:
 - (a) The type and volume of the sound;
 - (b) The days during which the exemption is in effect;
 - (c) The times during which the exemption is in effect;
 - (d) That the surrounding neighbourhood be notified by the Person making the application, to the satisfaction of the Supervisor, Municipal By-law Services. The notice period, method of notification and area of notification to be determined on a case by case basis by the Supervisor, Municipal By-law Services;
 - (e) That the Ontario Provincial Police Service be notified by the Person making the application, of the event and exemption;
 - (f) That a qualified individual or qualified individuals, as determined by the Supervisor, Municipal By-law Services, monitor the sound and file a report with the Supervisor, Municipal By-law Services, at the applicant's expense. Prior to this determination, the qualified individual(s) shall, in advance of

the monitoring, provide the Supervisor, Municipal By-law Services with a report setting out details of the sound measuring device to be used for the purposes of monitoring of the sound including its sensitivity and calibration;

- (g) That any Noise created by an event shall not begin before 11:00 a.m. and shall end at 11:00 p.m. on all days of the week, except Sunday, when the sound shall not begin before 12:00 noon and shall end at 10:00 p.m.; and
- (h) That a Municipal Law Enforcement Officer monitor an event at the expense of the organizer as set out in Schedule "A" of this By-law, if deemed appropriate by the Supervisor, Municipal By-law Services or delegate.

6. ENFORCEMENT AND ADMINISTRATION

6.1 This by-law may be enforced by a Municipal Law Enforcement Officer or a police officer.

6.2 If a Municipal Law Enforcement Officer or a police officer is satisfied that this by-law has been contravened, the Officer may make and issue an "Order to Discontinue Activity", requiring the Person who contravened the by-law, or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravention.

6.3 An "Order to Discontinue Activity" shall set out:

- (a) The municipal address of the property on which the contravention occurred;
- (b) The date of the contravention;
- (c) The reasonable particulars of the contravention of the by-law; and
- (d) The date and time by which there must be compliance with the Order.

6.4 An "Order to Discontinue Activity" may be served personally on the Person to whom it is directed or by regular mail to the last known address of that Person, in which case it shall be deemed to have been served on the third day after it is mailed or by the posting of the Order in a conspicuous location on the Property of which the contravention occurred. Service on a corporation can be affected by registered mail to the corporate mailing address and will be deemed to have been served on the third day after it is mailed by registered mail.

6.5 Every person shall comply with an order to discontinue activity.

6.6 Every Person other than a corporation who fails to comply with any provision of this by-law, or an Order or other direction made under this by-law is guilty of an offence and, upon conviction, is liable to a fine of:

- (a) Not more than \$10,000 for a first offence and
 - (b) Not more than \$25,000 for a second or subsequent offence.
- 6.7 Every corporation that fails to comply with any provision of this by-law or an Order or other direction made under this by-law is guilty of an offence and, upon conviction, is liable to a fine of:
 - (a) Not more than \$50,000 for a first offence and
 - (b) Not more than \$100,000 for a second or subsequent offence.
- 6.8 Every director or officer of a corporation who knowingly concurs in the contravention of this by-law by the corporation is guilty of an offence and, upon conviction, is liable to a fine of:
 - (c) Not more than \$50,000 for a first offence and
 - (d) Not more than \$100,000 for a second or subsequent offence.
- 6.9 If this by-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an Order prohibiting the continuation or repetition of the offence by the Person convicted.
- 6.10 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law. Any Person who is alleged to have contravened any of the provisions of this By-law shall identify themselves to the Officer upon request, failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of his duties.
- 6.11 Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

7. INSPECTION FEE

- 7.1 In addition to any fines that may be imposed as a result of a conviction where the Municipal Law Enforcement Officer or police officer determines that an activity producing noise or sound is not in compliance with this by-law or with an Order to Discontinue Activity, a noise inspection fee or charge set out in Schedule "A" of this By-law for inspection may be imposed on the owner, Person responsible for the noise or sound, or temporary noise permit holder.
- 7.2 The fees imposed under section 7.1 constitute a debt of the Person to the Township. The Township Treasurer may add such debt or fees to the tax roll and collect them in the same manner as municipal taxes on any property for which all the owners are responsible for paying the fees.

8. POWERS OF ENTRY

8.1 An Officer may enter on a property at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- (a) The provisions of this By-law;**
- (b) A direction, Order or notice issued under this By-law.**

8.2 Where an inspection is conducted by the Township, an Officer may:

- (a) Require the production for inspection of documents or things relevant to the inspection;**
- (b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;**
- (c) Require information from any Person concerning a matter related to the inspection including their name, address, phone number and identification.**

8.3 Every Owner or Person occupying the property shall permit an Officer to conduct an inspection for the purposes as set out in this By-law.

8.4 An Officer may be accompanied by a person under the Officer's direction for the purposes as set out in the By-law.

9. SEVERABILITY

9.1 Should any section, clause or provision of this by-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof, other than the part which was declared to be invalid.

10. REPEAL

10.1 By-law No. 2002-45 and all of its amending by-laws are hereby repealed in its entirety and any By-laws or Resolutions, or portions thereof, inconsistent with or contrary hereto are hereby repealed.

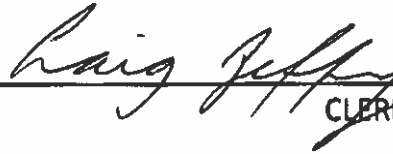
11. ENACTMENT

This By-law shall come into full force and effect on the date it is passed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED AND ENACTED this 3rd day of April, 2023.



MAYOR Ann MacDiarmid



CLERK Craig Jeffery



Schedule "A" to By-Law No. 2023-030

Noise Exemption Fees	
Application for Noise Exemption	\$100.00
Inspection Fee	\$50.00
Monitoring Fee	\$60.00 per hour per officer plus applicable taxes

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
NORTHEAST REGION

159 CEDAR STREET
3rd FLOOR, SUITE 303
SUDBURY, ONTARIO P3E 6A5



CABINET DU JUGE PRINCIPALE RÉGIONALE
COUR DE JUSTICE DE L'ONTARIO
RÉGION DU NORD-EST

159, RUE CEDAR
3^e ÉTAGE, BUREAU 303
SUDBURY (ONTARIO) P3E 6A5

TELEPHONE/TÉLÉPHONE (705) 564-7624
FAX/TÉLÉCOPIEUR (705) 564-7620

April 17, 2023

Mr. Rory Payton, C.P.S.O, M.L.E.O.
Supervisor, By-law Services
Seguin Township
5 Humphrey Drive
Seguin, Ontario, P2A 2W8

Dear Mr. Payton;

**Re: Set Fines – Provincial Offences Act
Part I – Seguin Township, Parry Sound District**

Thank you for your letter dated April 5th, 2023, directed to The Ministry of the Attorney General, Crown Law Office-Criminal, regarding set fines for By-Law 2023-030.

I have had an opportunity to consider your request. For the reasons that follow, I have set appropriate amounts for the fines, which do not necessarily accord with the amounts you requested.

A set fine is a sentencing process and must consider the circumstances of the offence, the need for deterrence and must also consider proportionality (minor versus serious offences). Early guilty pleas are also an important consideration.

The set fine regime is meant to encourage out of court settlements, while also considering the above principles and must also consider similar sentences for similar offences in the region.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
NORTHEAST REGION

159 CEDAR STREET
3rd FLOOR, SUITE 303
SUDBURY, ONTARIO P3E 6A5



CABINET DU JUGE PRINCIPALE RÉGIONALE
COUR DE JUSTICE DE L'ONTARIO
RÉGION DU NORD-EST

159, RUE CEDAR
3^e ÉTAGE, BUREAU 303
SUDBURY (ONTARIO) P3E 6A5

TELEPHONE/TÉLÉPHONE (705) 564-7624
FAX/TÉLÉCOPIEUR (705) 564-7620

I have forwarded the copy of the Orders and the schedules of these set fines to the Ontario Court of Justice in Parry Sound together with a certified copy of the By-Law.

Yours truly,

A handwritten signature in blue ink that reads "Karen Lische".

KAREN LISCHE
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

KLL/hrd

Encl.

c.c.: His Worship Gary McMahon, Regional Senior Justice of the Peace

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
NORTHEAST REGION

159 CEDAR STREET
3rd FLOOR, SUITE 303
SUDBURY, ONTARIO P3E 6A5



CABINET DU JUGE PRINCIPALE RÉGIONALE
COUR DE JUSTICE DE L'ONTARIO
RÉGION DU NORD-EST

159, RUE CEDAR
3^e ÉTAGE, BUREAU 303
SUDBURY (ONTARIO) P3E 6A5

TELEPHONE/TÉLÉPHONE (705) 564-7624
FAX/TÉLÉCOPIEUR (705) 564-7620

April 17, 2023

Ms. Devyani Anandjit
Crown Law Office, Criminal
720 Bay Street, 10th floor
Toronto, Ontario
M5G 2S9

Dear Ms. Anandjit:

RE: Set Fines - Provincial Offences Act
Part 1, Sequin Township, Parry Sound District

Please find enclosed a copy of an Order dated April 17, 2023, and a copy of a letter to Mr. Rory Payton, C.P.S.O, M.L.E.O., Supervisor, By-law Services.

Should you have any questions, please do not hesitate to contact me at (705) 564-7624.

Yours truly,

A handwritten signature in blue ink that reads "Karen Lische".

KAREN LISCHE
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

KLL/hrd

Encl.

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
NORTHEAST REGION

159 CEDAR STREET
3rd FLOOR, SUITE 303
SUDBURY, ONTARIO P3E 6A5



CABINET DU JUGE PRINCIPALE RÉGIONALE
COUR DE JUSTICE DE L'ONTARIO
RÉGION DU NORD-EST

159, RUE CEDAR
3^e ÉTAGE, BUREAU 303
SUDBURY (ONTARIO) P3E 6A5

TELEPHONE/TÉLÉPHONE (705) 564-7624
FAX/TÉLÉCOPIEUR (705) 564-7620

PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-Law No. 2023-030, of Seguin Township, Parry Sound District, attached hereto is the set fine for that offence. This Order is to take effect April 17th, 2023.

Dated at the City of Greater Sudbury, this 17th day of April, 2023.

A handwritten signature in blue ink that reads "Karen Lische".

KAREN LISCHE
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

THE CORPORATION OF THE TOWNSHIP OF SEGUIN

PART I Provincial Offences Act

By-law No. 2023-030: Noise By-law

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1.	Cause or permit noise that is clearly audible within prohibited times	3.1	\$400.00
2.	Cause or permit noise resulting from the amplification by an electronic device	3.2 (a)	\$400.00
3.	Cause or permit noise resulting from racing a motor vehicle	3.2 (b)	\$400.00
4.	Cause or permit noise resulting from operation of a motor vehicle in such a way that the tires squeal	3.2 (c)	\$400.00
5.	Cause or permit noise from operation of a combustion engine without effective exhaust-muffling device	3.2 (d)	\$400.00
6.	Cause or permit noise resulting from operation of a motor vehicle or a motor vehicle with a trailer resulting in banging, clanking, squealing or other like noise	3.2 (e)	\$400.00
7.	Cause or permit noise resulting from operation of a motor vehicle horn or other warning device except where required or authorized by law	3.2 (f)	\$400.00
8.	Cause or permit noise from a radio, amplifier, loud speaker, public address system, or equipment, device or instrument from a motor vehicle, trailer or vehicle that is clearly audible 8 metres (25 feet) from the vehicle	3.2 (g)	\$400.00
9.	Cause or permit continuous barking, calling, whining by any animal used for any purpose other than agriculture	3.2 (h)	\$400.00
10.	Cause or permit noise from auditory signaling device except where required or authorized by law within prohibited times	4.1 (a)	\$400.00

K. Racho

11.	Cause or permit noise from the operation of a motor for use in a toy, model, drone or replica of any device within prohibited times	4.1 (b)	\$400.00
12.	Cause or permit noise from selling or advertising by shouting, yelling or amplified sound within prohibited times	4.1 (c)	\$400.00
13.	Cause or permit noise from venting, release or pressure relief of air, steam, or other gaseous material, product or compound from any autoclave, boiler, pressure vessel, pipe, valve, machine, device or system within prohibited times	4.1 (d)	\$400.00
14.	Cause or permit noise from operation of a power assisted hang glider or a parafoil within prohibited times	4.1 (e)	\$400.00
15.	Cause or permit noise from operation of construction equipment within prohibited times	4.1 (f)	\$400.00
16.	Cause or permit noise from operation of any powered or non-powered tool for purposes other than snow removal within prohibited times	4.1 (g)	\$400.00
17.	Cause or Permit noise from fireworks within prohibited times	4.2	\$400.00
18.	Cause or permit noise from operation of any motorized conveyance or machinery or explosive devices used in the operation of a pit or quarry within prohibited times	4.3	\$400.00
19.	Cause or permit noise from the handling of containers, products, materials or refuse within prohibited times	4.4	\$400.00
20.	Cause or permit noise from operation of a sound emitting pest control device between dusk and dawn	4.5	\$400.00
21.	Cause or permit noise from yelling, shouting, hooting, whistling or singing within prohibited times	4.6	\$400.00
22.	Cause or permit noise from the banging of drums or production of noise by any other unamplified musical instrument within prohibited times	4.7	\$400.00

K. Frische

23.	Cause or permit noise resulting from the amplification by an electronic device used in commercial operations	4.8	\$400.00
24.	Fail to comply with an order to discontinue activity	6.5	\$750.00 \$500.00
25.	Hinder or obstruct or attempt to hinder or obstruct an officer	6.10	\$500.00

NOTE: The penalty provision for the offences indicated above is section 6.11 of By-law no. 2023-030, a certified copy of which has been filed.

K. Hysick