



**THE CORPORATION OF THE TOWNSHIP OF AUGUSTA  
BY-LAW NUMBER 3704-2024**

**BEING A BY-LAW TO PROHIBIT AND REGULATE NOISE WITHIN THE TOWNSHIP  
OF AUGUSTA**

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**WHEREAS**, Section 5(3) of the *Municipal Act, 2001 S.O. 2001, c.25, as amended*, provides that Council's powers shall be exercised by By-Law; and

**WHEREAS** Section 128 of the *Municipal Act, 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 or cause public nuisances; and

**WHEREAS** Section 129 of the *Municipal Act, 2001*, provides that a municipality may pass By-Laws to prohibit and regulate noise; and

**WHEREAS** Section 425 of the *Municipal Act, 2001*, provides that a municipality may create offences for the contravention of By-Laws; and

**WHEREAS** Section 429 of the *Municipal Act, 2001*, provides that a municipality may establish a system of fines for offences; and

**WHEREAS** Council of the Township of Augusta deems it advisable to prohibit and regulate the making of undue noise within the township.

**NOW THEREFORE BE IT RESOLVED THAT**, the Council of the Corporation of the Township of Augusta enacts as follows:

**1. DEFINITIONS**

"Agricultural Purposes" means animal husbandry including the raising, boarding, and keeping of all forms of livestock, and all related activities.

"Community Event" means an event open to the public and includes a public fair, public exhibition, public celebration, public sporting event, public concert, or school event.

"Construction Equipment" means any equipment or device designed and intended for use in construction or material handling, including but not limited to hand tools, power tools, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, forklifts, derricks, loaders, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors or rollers, pumps, concrete mixers, graders, and any other material handling equipment.

"Council" means the Council of the Corporation of the Township of Augusta.

"Electronic Device" means a device intended primarily for the production, reproduction, or amplification of noise, including, but not limited to, musical instruments, radio receivers, television receivers, recorders, phonographs, loudspeakers, amplifiers, microphones or reproducers or any combination of such equipment, including devices used in the reproduction of music, speech, or other noises.

"Lawn and Property Maintenance Equipment" means motorized or hand operated lawn care equipment, including mowers, hedgers, aerators, augers, blowers, brush clearers, brush cutters, dethatchers, edgers, pole saws, power rakes, compressors, chain saws,

woodchippers, high pressure washers, tillers, and other property or lawn maintenance equipment, but does not mean equipment used exclusively for fertilizer, pesticide, or herbicide application.

“Motor Vehicle” means any private or commercial automobile, motorcycle, motorized assisted bicycle, all-terrain vehicles, extreme terrain vehicle, multi-purpose off-road vehicle, boat, farm tractor, road building machine, and includes any vehicle propelled or driven otherwise that requires a motor or engine to be movable.

“Noise” means any sound or vibration that is of such a volume or nature that is likely to disturb any person in the Township.

“OEM” means Original Equipment Manufacturer.

“Officer” shall mean the By-Law Enforcement Officer for the Township of Augusta as appointed by Council, Police Officer, any other person or company directed by the Clerk to enforce parts of this By-Law, agents and all other Enforcement Officers as may be appointed by the Province of Ontario.

“Persistent” means a noise that is continuously heard for a period of thirty (30) minutes or more.

“Provincial Offence” means a provincial offence arising from a failure to comply with municipal By-Laws chargeable under the Provincial Offences Act.

“Person” means any human being, firm, organization, agency, association, corporation, or partnership that lives in or occupies a place located within the geographical jurisdiction of the Township of Augusta.

“Point of Reception” means any point on a property where noise originating from some other property is received.

“Private Event” means an event not open to the public and includes a fair, exhibition, celebration, sporting event, concert, or school event.

“Township” means the Corporation of the Township of Augusta.

“Zoning By-Law” means the Council approved By-Law governing zoning in accordance with the *Planning Act*, as amended.

## 2. GENERAL PROHIBITIONS

- 2.1. No person shall emit, cause, or permit the emission of noise resulting from an act set out in Schedule A that is likely to disturb any person in the Township at any time

## 3. PROHIBITIONS BY TIME

- 3.1. No person shall emit, cause, or permit the emission of noise resulting from an act set out within the prohibited time shown in Schedule B that is likely to disturb any person in the Township.

## 4. GENERAL EXEMPTIONS

- 4.1. This By-Law shall not apply to a person who emits, causes, or permits the emission of noise in connection with any of the activities listed in Schedule C, attached hereto, of this By-Law.

## 5. EXEMPTION APPLICATION

- 5.1. Notwithstanding anything in this By-Law, any Person may request an exemption to any provision of this By-Law within a minimum of 45 days prior to the commencement of the event. The request shall be submitted to the Township using the Temporary Exemption Application in Schedule D, and by providing the non-refundable fee listed in Schedule E, An Officer may approve, decline, or approve the request with conditions using Schedule D.
- 5.2. An exemption request shall be made for each individual event. Consecutive day events shall be considered an individual event.
- 5.3. Exemption applications related to a Private or Community Event shall only be extended to 01:00, on Friday, Saturday, or Statutory Holidays.
- 5.4. A breach of any of the terms or conditions of any exemption granted by the Township shall render the exemption null and void.
- 5.5. If the Township refuses to grant an exemption application, it may be appealed to Council through a delegation.

## 6. ENTRY AND INSPECTION

- 6.1. An Officer may at any time, enter onto a property to determine whether this By-Law is being complied with, provided that any such entry be in accordance with ss. 435-439 of the *Municipal Act, 2001*

## 7. VALIDITY AND SEVERABILITY

- 7.1. If any section, subsection, clause, paragraph or provision of this By-Law or parts thereof are declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Council to enact, such a section, subsection, clause, paragraph, provision or parts thereof shall be deemed to be severable and shall not effect the validity or enforceability of any other provisions of the By-Law as a whole or part thereof and all other sections of the By-Law shall be deemed to be separate and independent there from and enacted as such.
- 7.2. Whenever any reference is made under this By-Law to a statute or regulation of the Province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute or regulation and all successor legislation to such legislation.

## 8. ENFORCEMENT & PENALTIES

- 8.1. This By-Law shall be enforced by any Officer having jurisdiction in the Township.
- 8.2. No person shall obstruct or hinder or attempt to obstruct or hinder an Officer in the exercise of a power or the performance of a duty under this By-Law.
- 8.3. In addition to any other remedy and to any penalty imposed by this By-Law, the Officer or the Township may make an order prohibiting the continuation or repetition of the offence by the Person, pursuant to Section 431 of the *Municipal Act, 2001*.
  - 8.3.1.1. An order under this section may be served personally to the person to whom it is directed.
- 8.4. Any person who contravenes any provision of this By-Law shall be guilty of an offence and upon conviction, shall be liable to a penalty as provided under the *Provincial Offences Act* including set fines as set out in in Schedule 'F'.
- 8.5. In addition to any penalty imposed under this By-Law, a court in which a conviction has been entered make thereafter make an order:
  - 8.5.1. Prohibiting the continuation or repetition of the violation by the Person convicted.

8.5.2. Require the Person convicted to correct the violation in the manner and within the period that the court considers appropriate.

9. Short Title

9.1. This By-Law may be referred to as the "Noise By-Law".

10. GENERAL


10.1. That Schedules "A", "B", "C", "D", "E", and "F" shall constitute part of this By-Law.

10.2. That By-law 3646-2023 is hereby rescinded.

10.3. That this By-Law shall come into force and take effect on its passing.

**Read a first, second, and third time and finally passed this 15<sup>th</sup> day of April 2024.**

  
MAYOR

  
CLERK

**BY-LAW 3704-2024  
SCHEDULE A  
GENERAL PROHIBITIONS**

No person shall emit, cause, or permit the emission of noise resulting from an act set out below that is likely to disturb any person in the Township at any time

1. The operation of any electronic device or group of connected electronic devices incorporating one or more speakers, and intended for the production, reproduction, or amplification of noise.
2. The operation of any construction equipment, combustion engine or pneumatic device without an OEM specification exhaust or intake muffling device in good working order and in constant operation.
3. Excessive revving of any motor vehicle engine except as required for by a licensed mechanic at a place of business for automotive repair.
4. 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.
5. Persistent barking, calling, whining or noise of any domestic pet except an animal used for agricultural purposes.

**BY-LAW 3704-2024  
SCHEDULE B  
PROHIBITIONS BY TIME**

No person shall emit, cause, or permit the emission of noise resulting from an act set out below within the prohibited time shown that is likely to disturb any person in the Township.

<b>Item</b>	<b>Prohibition</b>	<b>Monday to Friday</b>	<b>Saturday and Sunday</b>
1	The operation of any Construction Equipment.	23:00 to 07:00	23:00 to 08:00
2	Noise produced by yelling and shouting, whistling, singing, and noise produced during any community or private event.	23:00 to 07:00	23:00 to 08:00
3	The operation of Lawn and Property Maintenance Equipment	23:00 to 07:00	23:00 to 08:00
4	Detonation of fireworks or similar explosive pyrotechnic devices with exception of January 1st	23:00 to 08:00	23:00 to 08:00
5	Detonation of fireworks or similar explosive pyrotechnic devices on January 1st	01:00 to 08:00	01:00 to 08:00

**BY-LAW 3704-2024**  
**SCHEDULE C**  
**GENERAL EXEMPTIONS**

This By-Law shall not apply to a person who emits, causes, or permits the emission of noise in connection with any of the activities listed below

1. Emergency measures undertaken for the immediate health, safety, or welfare of any person, or the preservation or restoration of property.
2. Sirens, bells or noise associated with emergency services, essential services, and all other activities conducted by the Municipal, Federal or Provincial Governments, any utility provider, or their agents associated with the provisions of maintenance of essential services.
3. The activities of snow plowing, snow blowing and/or snow removal.
4. Measures undertaken where the Township, its servants, employees, contractors, or agents are carrying out Township operations or operating, maintaining, or installing Township-owned infrastructure, facilities, or the like.
5. Audible pedestrian signals.
6. The performance of any use permitted in a Commercial or Industrial zone as defined in the Zoning By-Law, and further that the Noise generated is pursuant to work done in the normal manner or in order to maintain continuous operation, and that the work does not contravene any Municipal, Federal or Provincial Governments laws or regulations.
7. The use of church bells, chimes or carillons normally associated with religious, traditional, and festive activities and the ringing of bells, blowing, or sounding of any horn, yelling, shouting, hooting, or hollering at a community or private events during permitted times.
8. Noise related to activities permitted under a Township approved exemption application.
9. Aircraft, airports, trains, and railways subject to regulation by Municipal, Federal or Provincial Governments
10. Generators in use due to power outages or required testing where electricity is normally supplied by an electrical provider such as Hydro One.
11. Normal farm practices in accordance with the *Farm Practices Protection Act* and any amendments thereto.

**BY-LAW 3704-2024  
SCHEDULE D  
TEMPORARY EXEMPTION APPLICATION**

Application for temporary exemption permit to the Noise By-Law.

Applicant's Name: \_\_\_\_\_

Applicant's Address: \_\_\_\_\_

Applicant's Phone Number: \_\_\_\_\_

Applicant's Email: \_\_\_\_\_

Group or Organization: \_\_\_\_\_

Event Type: \_\_\_\_\_

Date, Time, and Location of Event: \_\_\_\_\_

\_\_\_\_\_

Description of Event – Include the source of noise in respect of which the exemption is being requested:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Office Use Only:

\$25 Fee Paid    Tender: \_\_\_\_\_    Invoice #: \_\_\_\_\_

Date: \_\_\_\_\_     Approved     Declined

Approved with the following conditions: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Officer Name (Print)

\_\_\_\_\_  
Officer Signature

\_\_\_\_\_  
Date



**THE CORPORATION OF THE TOWNSHIP OF AUGUSTA  
BY-LAW 3704-2024  
A BY-LAW TO PROHIBIT AND REGULATE NOISE  
SCHEDULE E – FEES**

<b>Item</b>	<b>COLUMN 1 Reason for Fee</b>	<b>COLUMN 2 Non-Refundable Fee</b>
1.	Exemption Application – Per Event	\$25.00

**THE CORPORATION OF THE TOWNSHIP OF AUGUSTA  
PART 1 PROVINCIAL OFFENCES ACT  
BY-LAW 3704-2024**

**A BY-LAW TO PROHIBIT AND REGULATE NOISE WITHIN THE TOWNSHIP OF AUGUSTA  
SCHEDULE "F" – SET FINES**

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Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1.	Emit, cause, or permit to be emitted or caused, any noise disturbing any person as prohibited by Schedule A.	2.1	\$200.00
2.	Emit, cause, or permit to be emitted or caused, any noise disturbing any person from an act or device during prohibited times.	3.1	\$200.00
3.	Obstructing or hinder an officer.	8.2	\$300.00

Note: The general penalty provision for the offences listed above is Section 8.4 of Bylaw 3704-2024, a certified copy of which has been filed.

The fine amounts listed above have been approved by the Regional Senior Justice.

Dated: April 18, 2024

Electronic Signature:

*W. Vincent Clifford*

W. Vincent Clifford

Regional Senior Justice

Ontario Court of Justice - East Region

THE HONOURABLE  
W. VINCENT CLIFFORD  
REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE  
EAST REGION

COURTHOUSE  
161 ELGIN STREET, 6<sup>TH</sup> FLOOR  
OTTAWA, ONTARIO  
K2P 2L1



L'HONORABLE  
W. VINCENT CLIFFORD  
JUGE PRINCIPAL RÉGIONAL  
COUR DE JUSTICE DE L'ONTARIO  
RÉGION DE L'EST

PALAIS DE JUSTICE  
161, RUE ELGIN, 6<sup>e</sup> ÉTAGE  
OTTAWA (ONTARIO)  
K2P 2L1

TELEPHONE/TÉLÉPHONE (613) 239-1520  
FAX/TÉLÉCOPIEUR (613) 239-1572

April 18, 2024

[asimonian@augusta.ca](mailto:asimonian@augusta.ca)

Township of Augusta  
3560 County Road 26  
Prescott ON K0E 1T0

**Attention: Annette Simonian, Clerk**

Dear Annette Simonian:

**Re: *Set Fines – Provincial Offences Act – Part I*  
*By-Law No. 3704-2024: Noise***

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Enclosed herewith is the original Order (Part I) dated April 18, 2024, and original schedule of set fines for By-Law No. 3704-2024, the By-Law indicated in the schedule.

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

Please ensure that a copy of the said documents is forwarded to the Provincial Offences Office, which has jurisdiction for the Township of Augusta.

Yours truly,

*W. Vincent Clifford*

W. Vincent Clifford  
Regional Senior Justice  
Ontario Court of Justice  
East Region

/nl

Enclosures

c.c.: Melissa Adams  
Crown Counsel, Crown Law Office - Criminal  
Municipal Set Fines

# ***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. 3704-2024, of the Township of Augusta attached hereto is the set fine for that offence. This Order is to take effect on April 18, 2024.

Dated at Ottawa, this 18<sup>th</sup> day of April 2024.

Electronic Signature:

*W. Vincent Clifford*

W. Vincent Clifford  
Regional Senior Justice  
Ontario Court of Justice  
East Region