

THE CORPORATION OF THE TOWN OF KEARNEY

By-Law No.2025-72

Being a By-law to Control Noise within The Town of Kearney

WHEREAS Section 129 a) of the Municipal Act 2001, S.O. c.25 as amended authorizes the municipality to prohibit, regulate and otherwise control noise;

AND WHEREAS people have a right to and should be ensured an environment free from unusual, unnecessary or excessive noise which may degrade the quality and tranquility of their life or cause nuisance;

AND WHEREAS it is the policy of the Council to reduce and control such noise or vibration;

NOW THEREFORE the Council of the Corporation of The Town of Kearney hereby enacts as follows:

1. DEFINITIONS

"Appliance" means a household device whether fixed or portable;

"Applicant" means a person or persons seeking an exemption of either a temporary or permanent nature from the provisions and requirements of this By-law;

"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 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;

"Conveyance" includes a vehicle and any other device employed to transport a person or persons or goods from place to place but does not include any such device or vehicle if operated only within a building;

"Council" means the Council of The Municipal Corporation of The Town of Kearney;

"Excessive Noise" means noise under human control and of such a nature as to interfere with the peace, comfort and convenience of any person. The person making the complaint must not be in or at the same place where the noise is being emitted;

"Emergency Vehicles and Equipment" means any emergency services vehicle including fire trucks, ambulances, police vehicles, utility emergency vehicles, loud speakers or emergency siren and any other method of acquiring the public's attention during an emergency situation or mock disaster practice scenario owned by or operation on behalf of The Town of Kearney, the Province of Ontario, the Government of Canada or such agencies including but not limited to Canadian National Railway, Enbridge Gas, or Hydro One;

"Generator" means a device which consumes fuel (i.e. propane, diesel, natural gas) to produce electrical power;

"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 general public for the passage of vehicles;

"Motorized Conveyance" means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power;

"Noise" means unwanted sound and vibrations;

"Owner" means the registered owner of the land from which noise originates and also includes a trustee acting on behalf of the registered owner, the estate of a registered owner and a person with a leasehold interest in the land;

"Point of Reception" means any place on a property where sound or vibration is heard, the source of which does not originate from same property:

"Public Park" means any open space or recreational area, owned or controlled by The Municipal Corporation of The Town of Kearney, commission or other authority established under any statute of the Province of Ontario;

"Service Vehicle" means a vehicle operated by or on behalf of The Town of Kearney or private contractor, while such vehicle is being used in the clearing and removal of snow, sanding or salting;

2. PROHIBITIONS

- 2.1 No person or owner shall emit, cause or permit the emission of noise, which is clearly audible to a person at a point of reception, resulting from an act listed in Schedule "A" - Prohibitions within the prohibited time shown for such an act.
- 2.2 No person or owner shall emit, cause or permit the emission of excessive noise, which disrupts the normal living or working environment of a person at a point of reception, resulting from an act listed in Schedule "A" - Prohibitions, regardless of the prohibited time as listed.

3. GENERAL EXEMPTIONS

- 3.1 Notwithstanding any other provision of this By-law, it shall be lawful to emit or cause or permit the emission of sound or vibration in connection with emergency measures undertaken:
 - a) For the immediate health, safety or welfare of the inhabitants or any of them: or
 - b) For the preservation or restoration of property;

unless such sound or vibration is clearly of a longer duration, or nature more disturbing than is reasonably necessary to accomplish such emergency purpose.

- 3.2 The operation of service vehicles.
- 3.3 Audible pedestrian signals.
- 3.4 Section 2.2 of this By-law shall be deemed not to apply to the following:
 - a) Reasonably necessary sound or vibration related to industrial or commercial operations.

4. GRANT OF EXEMPTION BY COUNCIL

- 4.1 Notwithstanding anything contained in this By-law, any person may make application to Council to be granted an exemption from any of the provisions of this By-law with respect to any source of sound or vibration for which he/she might be prosecuted. Council, by resolution, may refuse to grant any exemption or may grant the exemption applied for or any exemption of lesser effect. Any exemption granted shall specify the time period, not in excess of six (6) months during which it is effective and may contain such terms and conditions as Council sees fit.
- 4.2 In deciding whether to grant the exemption, Council shall give the applicant and any person opposed to the application an opportunity to be heard and may consider such other matters as it sees fit.
- 4.3 Breach by the applicant of any of the terms or conditions of the exemption shall render the exemption null and void.

5. SEVERABILITY

If any section or sections of this By-law or parts thereof are found by a court of law to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this by-law shall be deemed to be separate and independent there from and to be enacted as such.

6. CONFLICT

If a provision of this By-law conflicts with an Act or regulation or another By-law the provision that is the most restrictive shall prevail.

7. PENALTY

Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction, shall be liable to a fine of not more than five thousand (\$5,000.00) dollars, as provided for in the *Provincial Offences Act, R.S.O. 1990, Chapter P. 33*.

8. SHORT TITLE

This By-law may be cited as the "Noise Control By-law"

9. REPEAL

This By-law repeals By-Law Number #.2017-30 Being a By-Law to regulate or prohibit noise in the Town of Kearney.

10. SCHEDULES

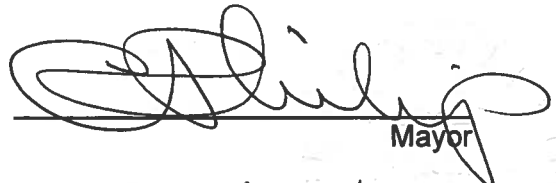
The schedules to this by-law shall be deemed to form part of this By-law.

11. ENACTMENT

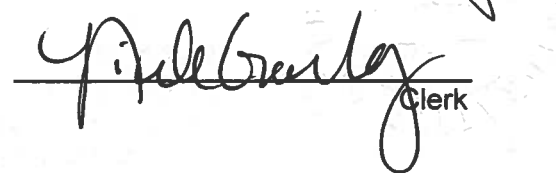
That this By-law shall take effect on the date it is passed.

READ A FIRST, SECOND AND THIRD TIME, passed, signed and the Corporate Seal attached hereto, this 11th day of December, 2025.

THE CORPORATION OF THE
TOWN OF KEARNEY



Mayor



Clerk

SCHEDULE "A"
By-law 2025-72 – Noise Control By-law

	Prohibitions	Prohibited Period of Time
1	The operation of any electronic devices intended for the production, reproduction or amplification of sound.	11:00 p.m. one day to 7:00 a.m. the next day
2	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.	11:00 p.m. one day to 7:00 a.m. the next day
3	The operation of any construction equipment or in connection with construction.	9:00 p.m. one day to 7:00 a.m. the next day
4	The operation of a toy, model or replica of a larger device, that has no function other than amusement.	11:00 p.m. one day to 7:00 a.m. the next day
5	The operation of any motorized conveyance other than on a highway or authorized snowmobile trail.	11:00 p.m. one day to 7:00 a.m. the next day
6	The operation of a motorized conveyance resulting in excessive noise.	11:00 p.m. one day to 7:00 a.m. the next day
7	Persistent barking, whining or other similar persistent noise making by a domestic pet.	11:00 p.m. one day to 7:00 a.m. the next day
8	The operation of any powered or nonpowered tool, equipment or appliance for domestic purposes other than snow removal.	11:00 p.m. one day to 7:00 a.m. the next day
9	The operation of solid waste bulk lift or refuse compacting equipment.	11:00 p.m. one day to 7:00 a.m. the next day
10	Yelling, shouting, hooting or hollering.	11:00 p.m. one day to 7:00 a.m. the next day
11	Loud playing of musical instruments.	11:00 p.m. one day to 7:00 a.m. the next day
12	The detonation of fireworks or explosive devices not used in construction.	11:00 p.m. one day to 7:00 a.m. the next day
13	The operation of a motorized conveyance in such a way as to rev the engine beyond what is required for normal operation and maintenance.	11:00 p.m. one day to 7:00 a.m. the next day
14	The operation of a Generator to provide power to a residential dwelling other than during a power outage or other than during the construction phase prior to power being installed in the constructed building.	11:00 p.m. one day to 7:00 a.m. the next day

SCHEDULE "B"
By-law 2025-72 – Noise Control By-law

Part I Provincial Offences Act

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Permitting noise from electronic device during prohibited time	Section 2.1 schedule A (1)	\$300.00
2	Permitting noise from auditory signaling device during prohibited time	Section 2.1 schedule A (2)	\$300.00
3	Permitting noise from construction equipment during prohibited time	Section 2.1 schedule A (3)	\$300.00
4	Permitting noise from a toy, model or replica during prohibited time	Section 2.1 schedule A (4)	\$300.00
5	Permitting noise from a motorized conveyance during prohibited time	Section 2.1 schedule A (5)	\$300.00
6	Permitting noise from a motorized conveyance resulting in excessive noise	Section 2.1 schedule A (6)	\$300.00
7	Permitting persistent noise from a domestic pet during prohibited time	Section 2.1 schedule A (7)	\$300.00
8	Permitting noise from any tool, equipment or appliance during prohibited time	Section 2.1 schedule A (8)	\$300.00
9	Permitting noise from solid waste bulk lift or refuse compacting	Section 2.1 schedule A (9)	\$300.00
10	Making or permitting noise by yelling, shouting, hooting or hollering during a prohibited time	Section 2.1 schedule A (10)	\$300.00
11	Permitting noise from loud playing of musical instruments during prohibited time	Section 2.1 schedule A (11)	\$300.00
12	Permitting noise by detonating fireworks or explosive devices during prohibited time	Section 2.1 schedule A (12)	\$300.00
13	Permitting the operation of a motorized conveyance in such a way to rev the engine	Section 2.1 schedule A (13)	\$300.00
14	Permitting noise from a domestic generator during prohibited time	Section 2.1 schedule A (14)	\$300.00

Note: The penalty provision for the offence listed above is Section 7 of By-law 2025-72, a certified copy of which has been filed.