

# **The Corporation of the Town of Tecumseh**

## **By-Law Number 2021-67**

Being a by-law to amend By-law No. 2002-07 being a by-law to respecting the emission of sound.

**Whereas** By-law No. 2002-07 being a by-law respecting the emission of sound was adopted by the Council of The Corporation of the Town of Tecumseh (Council) on the 22<sup>nd</sup> day of January 22, 2002 (Noise By-law);

**And Whereas** the Noise By-law was amended by By-law No. 2007-39 on the 26<sup>th</sup> day of June 2007, and By-law No. 2007-48 on the 28<sup>th</sup> day of August 2007;

**And Whereas** Council is desirous of further amending the Noise By-law.

**Now Therefore the Council of The Corporation of The Town of Tecumseh Enacts as follows:**

1. **That** Section 1 (1)(m) of the Noise By-law be repealed and replaced with the following:

“Noise Control Officer” means the Ontario Provincial Police, By-law Enforcement Officer, or any other person designated by Council as responsible for the administration and enforcement of this by-law from time to time.

2. **That** Section 6 Grant of Exemption of the Noise By-law be repealed and replaced with the following:

“(a) Application to Clerk

Notwithstanding anything contained in this by-law, any person may make application to the Clerk, or designate, to be granted an exemption, not later than 11:30 pm from any of the provisions of this by-law with respect to any source of sound or vibration for which they might be prosecuted and the Clerk may refuse to grant any exception or may grant the exemption applied for or any exemption of lesser effect and 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.

(b) Application to Director Parks & Recreation

Notwithstanding anything contained in this by-law, any person may make application to the Director Parks & Recreation, or designate, to be granted an exemption, for special events held in compliance with the Outdoor Special Events Policy No. 85, which do not offer the sale and/or consumption of alcohol and are scheduled within the hours of 8:00 am to 11:00 pm.

(c) Application to Council

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 and Council, by resolution, may refuse to grant any exception or may grant the exemption applied for or any exemption of lesser effect and 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.

(c) Decision

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.

(d) Breach

Breach by the applicant of any of the terms or conditions of any exemption granted by Council, the Clerk or Director Parks & Recreation shall render the exemption null and void."

3. **That** Section 7 Exemption of Traditional, Festive or Religious Activities of the Noise By-law be repealed and replaced with the following:

"Notwithstanding any other provisions of this by-law, this by-law does not apply to a person who emits or causes or permits the emission of sound or vibration in connection with any of the hereinafter listed traditional, festive, religious and other activities, namely:

- (a) Corn Festival
- (b) Christmas in Tecumseh and Santa Parade
- (c) Canada Day
- (d) Any community event organized by the Town of Tecumseh, and
- (e) Ringing of Church bells or chimes."

4. **That** Section 8 of the Noise By-law be amended by adding the following:

"Notwithstanding any other provision of this by-law, noise related to the loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, products, materials, or refuse whatsoever to the following destinations is permissible:

- 1. Retail business establishments;
- 2. Restaurants, including cafes and bars;

3. Hotels and motels; and
4. Goods distribution facilities”
5. **That** this by-law shall come into force and take effect upon third and final reading.

**Read** a first, second, third time and finally passed this 14th day of September, 2021.

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Gary McNamara, Mayor

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Laura Moy, Clerk