

THE CORPORATION OF THE TOWN OF CALEDON

BY-LAW NO. 2008-31

Being a by-law to regulate vibrations and nuisances

WHEREAS the Council for The Corporation of the Town of Caledon considers that the presence of vibrations may, and from time to time, does interfere with the rights of owners, occupants and users of property to enjoy and use their property in a reasonable manner;

AND WHEREAS the Council of The Corporation of the Town of Caledon considers it in the public interest to prohibit and regulate such vibrations;

AND WHEREAS the Council of the Corporation of the Town of Caledon is of the opinion that vibrations are, could become, or could cause public nuisances and that it is in the public interest to prohibit and regulate public nuisances.

NOW THEREFORE the Council of the Corporation of the Town of Caledon **ENACTS AS FOLLOWS:**

1. No person shall create, cause, emit or permit to be created, caused or emitted any vibration whose duration or frequency or intensity or strength is likely to disturb the inhabitants during the hours between 7:00 p.m. in the evening and 7:00 a.m. in the morning Mondays to Fridays and between 5:00 p.m. in the evening and 9:00 a.m. in the morning on Saturdays, Sundays and holidays.
2. For the purpose of this by-law and without limiting the generality of section 1, vibrations which are likely to disturb the inhabitants and include vibrations occurring during the prohibited times
 - (1) which annoy or disturb the peace, quiet, comfort or repose of any person in any dwelling house, apartment house, hotel or any other form of residence, or
 - (2) which interrupt or interfere with any person in the lawful use, enjoyment or operation of his property.
3. In section 2 of this by-law,
 - (1) “use” and “enjoyment” is not limited to property rights and includes the common everyday reasonable use of property for the purposes of cooking, eating, cleaning, resting, sleeping, listening to the radio or watching television, and similar uses to allow the owner or occupant or user to use his property without interference, and
 - (2) “operation” includes the conduct of a commercial, institutional or industrial enterprise.
4. No person shall create, cause or permit to be created or caused a public nuisance which is the result of any vibration.

5. (1) Any person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in section 429 of the *Municipal Act, 2001*.
- (2) Every director or officer of a corporation who knowingly concurs in the contravention of any provision of this by-law by the corporation is guilty of an offence.
6. A person who is convicted of an offence is liable:
 - (1) on a first offence, to a fine of not less than \$500.00 and to a fine of not more than \$50,000.00 and
 - (2) on a second and each subsequent offence, to a fine of not less than \$500.00 and a fine of not more than \$100,000.00.
7. Every person who permits or causes a contravention of any provision of this by-law is guilty of an offence, and on conviction, is liable to a fine of not less \$500.00 and to a fine of not more than \$10,000 per day for each day or part of a day that the offence is permitted or caused to be continued.
8. In regard to vibrations, where there is a conflict between the provisions of this by-law and By-law No. 95-67, as amended, the provisions of this by-law shall prevail.
9. This by-law may be cited as the "Nuisance/Vibration By-law".

READ A FIRST AND SECOND TIME


IN OPEN COUNCIL THIS

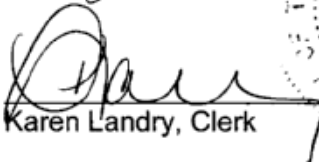
18TH DAY OF MARCH 2008

READ A THIRD TIME

AND PASSED IN OPEN COUNCIL

THIS 1ST DAY OF APRIL 2008


Marilyn Morrison, Mayor


Karen Landry, Clerk

