

Extracts from Noise By-law (By-law 2014-53) as amended

8. Exemption of Traditional, Festive or Religious Activities

Notwithstanding any other provision 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 traditional, festive, religious and other activities listed in Schedule 4 of this by-law.

9. Severability

If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

11. Offence and Penalty Provisions

- a) Any person who contravenes any provision of this by-Law is guilty of an offence.
- b) Any Director or Officer of the Corporation who knowingly concurs in the contravention by the Corporation of any provision of this By-Law is guilty of an offence.
- c) Any person who contravenes an Order issued by a Court pursuant to this By-Law is guilty of an offence.
- d) Any person who is found guilty of an offence under this By-Law is liable:
 - (i) Upon a first conviction to a minimum fine of \$200.00 and a maximum fine of \$5,000.00; and
 - (ii) Upon any subsequent conviction, to a minimum fine of \$400.00 and a maximum fine of \$10,000.00.
- e) Notwithstanding the provisions of Section 11(d), where the person found guilty is a corporation, the corporation is liable:
 - (i) Upon a first conviction, to a minimum fine of \$500.00 and a maximum fine of \$10,000.00; and

(ii) Upon any subsequent conviction, to a minimum fine of \$1,000.00 and a maximum fine of \$25,000.00.

- f) If any provision of this By-Law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by this By-Law, the Court in which the conviction has been entered and any court of contempt jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

SCHEDULE 4

Activities to Which the By-law does Not Apply

1. The use in a reasonable manner of an apparatus or mechanism for the amplification of the human voice or of music within the North Bay Waterfront Park between the hours of 8:00 am and 11:00 pm provided that written permission approving the event has been obtained from the Director Parks, Recreation & Leisure Services or his or her designate.
2. The use in a reasonable manner of an apparatus or mechanism for the amplification of the human voice or of music within the City of North Bay in connection with any public election meeting, public celebration or other lawful gathering, provided that written permission of Council to hold the meeting, celebration, or gathering has been first obtained under the applicable By-Law of the Corporation of the City of North Bay.
1. Any band provided that written permission of Council to operate the band has been first obtained under any applicable By-Law of the Corporation of the City of North Bay.
2. Any parade, provided that a proper permit to carry out the parade has been first obtained from the North Bay Police Services.