

**THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE**

**BY-LAW NUMBER 2024-077-RE**

BEING A BY-LAW to amend By-law 2019-092-RE, being a By-law to prohibit or regulate unusual noises or noises likely to disturb the inhabitants of the Town of Whitchurch-Stouffville.

**WHEREAS** section 129 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the “Act”) provides that, without limiting sections 9, 10 and 11 of the *Act*, a municipality may: (a) prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors; and (b) prohibit the matters described in clause (a) unless a permit is obtained from the municipality for those matters and may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans; and

**WHEREAS** Council passed By-law 2019-092-RE to prohibit and/or regulate unusual noises or noises likely to disturb the inhabitants of the Town of Whitchurch-Stouffville.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE ENACTS AS FOLLOWS:**

1. By-law 2019-092-RE is hereby amended by adding a new section labelling it 7. Rebuttal Presumption and that the existing section 7. be numbered 8. and all section numbering thereafter be updated accordingly.
2. By-law 2019-092-RE is hereby further amended by adding the following to the new section 7:
  - 7.1 An Owner, whether present or absent from the property, where the Noise is being emitted from shall be presumed to have permitted, or caused to be permitted, the Noise under this By-law, as the case may be, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

READ a first and second time this 19<sup>th</sup> day of June, 2024.

READ a third time and passed this 19<sup>th</sup> day of June, 2024.

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Iain Lovatt, Mayor

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Becky Jamieson, Clerk