

THE CORPORATION OF THE TOWN OF NORTH PERTH

BY-LAW NO. 32-AD-2001

A By-law to Control Noise

WHEREAS it is expedient to exercise the power conferred upon the Council pursuant to the *Environmental Protection Act*, R.S.O. 1990, C. E-19, as amended, and other statutory authority; and

WHEREAS a recognized body of scientific and technological knowledge exists by which sound and vibration may be substantially reduced; and

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

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

NOW THEREFORE, the Council of the Corporation of the Town of North Perth enacts as follows:

1. Interpretation

□

□ (1) In this By-law,

(a) Construction

“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 structural installation of construction components and materials in any form or for any purpose, and includes any work in connection therewith;

(b) Construction Equipment

“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;

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(c) Conveyance

“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 the premises of a person;

(d) Council

“Council” means the Council of the Corporation of the Town of North Perth;

(e) Highway

“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;

(f) Minister

“Minister” means the Minister of the Environment;

(g) Ministry

“Ministry” means Ministry of the Environment;

(h) Motor Vehicle

“motor vehicle” includes an automobile, motorcycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the Highway Traffic Act;

(i) Motorized Conveyance

“motorized conveyance” means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power;

(j) Municipality

“municipality” means the land within the geographic limit of the Corporation of the Town of North Perth;

(k) Noise

“noise” means unwanted sound;

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(l) Noise Control Administrator

“Noise Control Administrator” means the person or persons designated by Council as responsible for the administration of this By-law and shall be the Officer in Charge of the North Perth Ontario Provincial Police, and the Chief Building Official for the Town of North Perth;

(m) Point of Reception

“point of reception” means any point on the premises of a person where sound or vibration originating from other than those premises is received.

(2) Zones

In this By-law,

(a) Residential Zone

"residential zone" means those areas of the municipality specified in the North Perth Zoning By-law as follows:

R1, R2, R3, R4, R5, R6, R7, HVR, RR, MH.

(b) Quiet Zone

"quiet zone" means those areas of the municipality specified as institutional uses in the North Perth Zoning By-law as follows:

IN.

(c) Agricultural Zone

"agricultural zone" means those areas of the municipality specified agricultural zone in the North Perth Zoning By-law. as follows:

A-1, A-2.

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2. General Prohibitions

No person shall emit or cause or permit the emission of sound resulting from any act listed herein, and which sound is clearly audible at any point of reception located on land within the geographical limits of the Town of North Perth.

- a) Racing of any motorized conveyance other than in a racing event regulated by law.
- b) The operation of a motor vehicle in such a way that the tires squeal.
- c) The operation of any combustion engine or pneumatic device without an effective exhaust or intake muffling device in good working order and in constant operation.
- d) The operation of a vehicle or a vehicle with a trailer resulting in banging, clanking, squealing or other like sounds due to improperly secured load or equipment, or inadequate maintenance.
- e) The operation of an engine or motor in, or on, any motor vehicle or item of attached auxiliary equipment for a continuous period exceeding five minutes, while such vehicle is stationary in a Residential Zone or a Quiet Zone unless:
 - (i) the original equipment manufacturer specifically recommends a longer idling period for normal and efficient operation of the motor vehicle in which case such recommended period shall not be exceeded; or,
 - (ii) operation of such engine or motor is essential to a basic function of the vehicle or equipment, including but not limited to, operation of ready-mixed concrete trucks, lift platforms and refuse compactors; or,
 - (iii) weather conditions justify the use of heating or refrigerating systems powered by the motor or engine for the safety and welfare of the operator, passengers or animals, or the preservation of perishable cargo, and the vehicle is stationary for purposes of delivery or loading; or,
 - (iv) prevailing low temperatures make longer idling periods necessary immediately after starting the motor or engine; or,
 - (v) the idling is for the purpose of cleaning and flushing the radiator and associated circulation system for seasonal change of antifreeze, cleaning of the fuel system, carburetor or the like, when such work is performed other than for profit.
- f) The operation of a motor vehicle horn or other warning device except where required or authorized by law or in accordance with good safety practices.

- g) The operation of any item of construction equipment in a Quiet Zone or Residential Zone without effective muffling devices in good working order and in constant operation.

3. Prohibitions by Time

No person shall emit or cause or permit the emission of sound resulting from any act listed in Table 3-1 if clearly audible at a point of reception located on land within the geographical limits of the Town of North Perth within a prohibited time shown.

TABLE 3-1
PROHIBITIONS BY TIME

	Prohibited Period of Time
1. The detonation of fireworks unless used during specified public holidays as per 6.(f) or explosive devices not used in construction.	At all times
2. The discharge of firearms.	At all times
3. The operation of a combustion engine which, (i) is, or (ii) is used in, or (iii) is intended for use in, a toy or a model or replica of any device, which model or replica has no function other than amusement and which is not a conveyance.	At all times
4. The operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers, and intended for the production, reproduction or amplification of sound.	C

TABLE 3-1

PROHIBITIONS BY TIME (cont'd.)

	Prohibited Period of Time
5. 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, or the production, reproduction or amplification of any similar sounds by electronic means except where required or authorized by law or in accordance with good safety practices.	D & E
6. The operation of any powered rail car including but not limited to refrigeration cars, locomotives or self-propelled passenger cars, while stationary on property not owned or controlled by a railway governed by the Canada Railway Act.	B
7. The operation of any motorized conveyance other than on a highway or other place intended for its operation.	B
8. The venting, release or pressure relief of air, steam or other gaseous material, product or compound from any autoclave, boiler pressure vessel, pipe, valve, machine, device or system.	A
9. Persistent barking, calling or whining or other similar persistent noise made by any domestic pet or animal kept or used for any purpose other than agriculture.	At all times

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TABLE 3-1

PROHIBITIONS BY TIME (cont'd.)

	Prohibited Period of Time
10. Yelling, shouting, hooting, whistling or singing.	A
11. All selling or advertising by shouting or outcry or amplified sound.	D & E
12. Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, products, materials, or refuse, whatsoever, unless necessary for the maintenance of essential services or the moving of private household effects.	D & E
13. The operation of any equipment in connection with construction.	D & E
14. The operation or use of any tool for domestic purposes other than snow removal.	B
15. The operation of solid waste bulk lift or refuse compacting equipment.	B

Prohibited Periods of Time:

- A - 23 00 one day to 07 00 next day (09 00 Sundays)
- B - 19 00 one day to 07 00 next day (09 00 Sundays)
- C - 17 00 one day to 07 00 next day (09 00 Sundays)
- D - All day Sundays and Statutory Holidays
- E - 19 00 one day to 07 00 next day

4. Exemption

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Public Safety

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 for the accomplishment of such emergency purpose.

5. *Grant of Exemption by Council*

- (a) 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 might be prosecuted and Council, by resolution, may refuse to grant any exemption 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 months, during which it is effective and may contain such terms and conditions as Council sees fit.

- (b) 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.

- (c) Breach

Breach by the applicant of any of the terms or conditions of any exemption granted by Council shall render the exemption null and void.

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6. *Exempted Activities*

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 activities set out in Sections 6 a) through 6 (f);

- (a) Parade – authorized
Noise from any parade duly authorized by the Town of North Perth Ontario Provincial Police is permissible.
- (b) Bells – chimes – Church activities
Noise from the use of bells or chimes normally associated with Church activities is permissible.
- (c) Carnival – circus – midway – valid license
Noise from any carnival, midway or circus holding a valid license issued by the Corporation of the Town of North Perth is permissible.
- (d) Event – performance – permit – issued
Noise from any sporting, recreational, musical, entertainment or other event or performance in municipal or municipal buildings for which a permit has been issued by the Council for the Town of North Perth.
- (e) Agricultural Activities
Noise from any equipment, apparatus or device used in agriculture for food crop seeding, chemical spraying or harvesting.
- (f) Fireworks – detonation
On the Victoria Day holiday and the July 1st holiday (Canada Day).

7. *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.

8. *Penalty*

Any person who contravenes any of the provisions described above shall be guilty of an offence and, upon conviction shall be subject to a fine as prescribed in the Provincial Offences Act R.S.O. 1990, in C.P. 33 as amended.

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9. *Enforcement*

The provisions of this By-law shall be enforced by the Noise Control Administrator.

10. *Repeal*

The existing noise By-law of the former municipality of the Town of Listowel, #79-26 passed prior to this By-law is hereby repealed.

11. *Effective Date*

THIS BY-LAW shall come into force and effect upon the signing of this By-law by the Minister.

READ A FIRST AND SECOND TIME this 19th day of February, 2001.

READ A THIRD TIME AND FINALLY PASSED this 19th day of February, 2001.

DEPUTY-MAYOR

CLERK

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I hereby certify the foregoing to be a complete and true copy of By-law Number 32-AD-2001.

CLERK

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This By-law is approved pursuant to the provisions of the *Environmental Protection Act*, R.S.O. 1990, C. E-19, as amended, at Toronto this _____ day of _____ 2001.

MINISTER OF THE ENVIRONMENT