

**THE CORPORATION OF THE
TOWNSHIP OF EAST ZORRA-TAVISTOCK
COUNTY OF OXFORD
BY-LAW #2008-36**

BEING a By-law to prohibit and regulate noise in the Township of East Zorra-Tavistock.

WHEREAS it is in the public interest to reduce the noise level in the Municipality, so as to preserve, protect and promote the public health, safety, welfare and the peace and quiet of the inhabitants of the Municipality, and

WHEREAS, the making, creation or maintenance of excessive and unreasonable noises within the Municipality affects and is a detriment to public health, comfort, convenience, safety and welfare and the prosperity of the people of the Municipality; and

WHEREAS Council has authority to pass this by-law under section 129 of the Municipal Act, 2001;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF EAST ZORRA-TAVISTOCK ENACTS AS FOLLOWS:

1. DEFINITIONS

1.1 In this By-law,

- (a) "Construction" includes, but is not limited to, 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 the structural installation of construction components and materials in any form or for any purpose, and includes any work in connection therewith;
- (b) "Construction Equipment" means any equipment or device designed and intended use in construction, or material handling, including but not limited to, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders, or other material handling equipment;

- (c) “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 a building;
- (d) “Council” means the Council of the Municipality of East Zorra-Tavistock;
- (e) “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) “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 vehicle 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;
- (g) “Motorized Conveyance” means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power;
- (h) “Municipality” means the land within the geographic limit of the Township of East Zorra-Tavistock;
- (i) “Noise” means unwanted sound;
- (j) “Noise Control Officer” means a person designated by Council as responsible for the administration of this By-law, and more specifically shall be a By-law Enforcement Officer;
- (k) “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. PROHIBITIONS

- 2.1 No person shall emit or cause or permit the emission of noise resulting from an act listed in Schedule A – General Prohibitions, and which noise is clearly audible at a point of reception.

3. LIMITATIONS BY TIME

- 3.1 No person shall emit or cause or permit the emission of a noise during the time periods as outlined in Schedule B.

4. EXEMPTION – PUBLIC SAFETY

- 4.1 Notwithstanding any other provision of this By-law, it shall be lawful during an emergency to emit or cause or permit the emission of noise or vibration in connection with emergency measures:

- (a) for the immediate health, safety or welfare of the inhabitants or any of them; or for the preservation or restoration of property, unless such noise or vibration is clearly of a longer duration, or nature more disturbing than is reasonably necessary for the accomplishment of such emergency purpose
- (b) for any activity as listed in Schedule "C"

5. EXEMPTION BY COUNCIL

5.1 Council may grant exemption to any provisions of this by-law on written application to Council, stating date, time, location and duration of event. The application must be received at least 30 days in advance of the event.

6. ENFORCEMENT

6.1 The provisions of this by-law shall be enforced by a Township By-law Enforcement Officer, Police Officer, Peace Officer, or other individual duly appointed for the purpose of enforcing this by-law.

7. PENALTY

7.1 Any person who contravenes any of the provision of this by-law is guilty of an offence and upon conviction is liable to a fine or penalty for each offence established pursuant to the Provincial Offences Act, R.S.O. 1990, c. P33 and included within Schedule "D" forming part of this by-law.

7.2 Each day of contravention shall be a separate offence.

8. GENERAL PROVISIONS

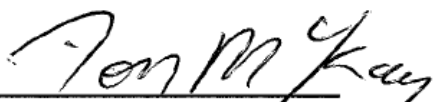
8.1 This by-law shall be called "The Noise By-law".

8.2 This by-law shall come into force and effect on the final passing thereof.


8.3 Bylaw #44-89 is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 6TH DAY OF AUGUST, 2008.

seal



Don McKay, Mayor



Jeff Carswell, Clerk

SCHEDULE "A"**GENERAL PROHIBITIONS**

1. Racing of any motorized conveyances other than in a racing event regulated by law.
2. The operation of a motor vehicle in such a way that the tires squeal.
3. The operation of any combustion engine without an effective exhaust muffling device in good working order and in constant operation.
4. 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.
5. 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 unless:
 - (1) the vehicle is in an enclosed structure constructed so as to effectively prevent excessive noise emission; or
 - (2) 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
 - (3) 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-mix concrete trucks, lift platforms or refuse compactors and heat exchange systems; or
 - (4) weather conditions justifying 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; or
 - (5) 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.
 - (6) The operation of a motor vehicle horn or other warning device where required or authorized by law.
 - (7) The operation of any item of construction equipment without effective muffling devices in good working order and in constant operation.

SCHEDULE “B”

| Prohibition by time | | Prohibited period of time |
|----------------------------|---|---|
| 1 | The operation of any auditory signalling 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. | 19:00 hrs of one day to 07:00 hrs next day (09:00 Sunday) All day Sundays & Statutory Holidays |
| 2 | 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. | 17:00 hrs of one day to 07:00 hrs next day (09:00 Sunday) |
| 3 | All selling or advertising by shouting or outcry or amplified sound. | 19:00 hrs of one day to 07:00 hrs next day (09:00 Sunday) All day Sundays & Statutory Holidays |
| 4 | Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, products, materials, or refuse, whatsoever, unless necessary for the maintenance of essential services. | 19:00 hrs of one day to 07:00 hrs next day (09:00 Sunday) All day Sundays & Statutory Holidays |
| 5 | The operation of any construction equipment in connection with a construction project. | 19:00 hrs of one day to 07:00 hrs next day All day Sundays & Statutory Holidays |
| 6 | The detonation of fireworks or explosive devices. Exemptions will apply only for the following holidays: New Years Eve, Victoria Day and Canada Day, between 20:00 hrs to 24:00 of the same day. In the event that weather conditions such as rain, fog, or wind on these days make it impractical and/or unsafe to set off the fireworks, the next day preceding of these holidays shall be the designated day. | At all times other than those stated |

| | | |
|----|---|---|
| 7 | The discharge of any gun or other firearms, air gun or spring gun or any class or type thereof, provided that this shall not apply to peace officers in the performance of their duties, or hunters during a legalized hunt. | At all times |
| 8 | The operation of a combustion engine which is, is used in or is intended for use in a toy or a model or replica of a larger device, which model or replica has no function other than amusement and which is not a conveyance. | 21:00 hrs of one day to 07:00 hrs next day (09:00 Sunday) |
| 9 | 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. | 23:00 hrs of one day to 07:00 hrs next day (09:00 Sunday) |
| 10 | The operation of any motorized conveyance other than on a highway or other place intended for its operation. | 19:00 hrs of one day to 07:00 hrs next day (09:00 Sunday) |
| 11 | 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. | 23:00 hrs of one day to 07:00 hrs next day (09:00 Sunday) |
| 12 | Persistent barking, whining, calling or other similar persistent noise making by any domestic pet or any animals kept for commercial purposes. | At all times |
| 13 | The operation of any powered or non-powered tool for domestic purposes other than snow removal. | 21:00 hrs of one day to 07:00 hrs next day (09:00 Sunday) |
| 14 | The operation of solid waste bulk lift or refuse compacting equipment. | 19:00 hrs of one day to 07:00 hrs. next day (09:00 Sunday) |
| 15 | The operation of commercial car wash equipment. | 23:00 hrs. of one day to 07:00 hrs next day (09:00 hrs Sunday) |
| 16 | Yelling, shouting, hooting, whistling or singing. | 23:00 hrs. of one day to 07:00 hrs next day (09:00 hrs Sunday) |

SCHEDULE "C"**ACTIVITIES TO WHICH THIS BY-LAW DOES NOT APPLY**

The following list of sources or activities are considered by this Council to be exempt from the provisions of this By-law because of their traditional, festive, religious or other nature.

1. Any parade duly authorized by permit, issued under the authority of the Council of the Township of East Zorra-Tavistock.
2. The use of bells or chimes normally associated with church activities.
3. Any vehicle of the police or fire department or any ambulance or any public service or emergency vehicle while answering a call.
4. A train whistle used at vehicular crossings to warn of impending train.
5. Any sporting, recreational or entertainment event in Public Parks or Buildings.
6. Any musical or other performance in Public Parks or Buildings.
7. Special neighbourhood social activities on streets or other Public land when duly authorized by the Township of East Zorra-Tavistock.
8. Normal activities of both industry and agriculture, as defined in the Township of East Zorra-Tavistock Zoning By-laws.
9. The operation of construction projects when such is duly certified as essential to the project by the By-law Enforcement Officer.

SCHEDULE "D"

Part I Provincial Offences Act

| Item | Short form wording | Provision creating or defining offence | Set fine |
|------|---|--|----------|
| 1. | Racing motorized conveyances other than in a racing event regulated by law. | S. 2.1 Sch. A(1) | \$50.00 |
| 2. | Operation of a motor vehicle in such a way that the tires squeal. | S. 2.1 Sch. A(2) | \$50.00 |
| 3. | Operation of any combustion engine without an effective exhaust muffling device. | S. 2.1 Sch. A(3) | \$50.00 |
| 4. | 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. | S. 2.1 Sch. A(4) | \$50.00 |
| 5. | 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 where permitted. | S. 2.1 Sch. A(5) | \$50.00 |
| 6. | Operation of any auditory signalling device except where required or authorized by law. | S. 3.1 Sch. B(1) | \$50.00 |
| 7. | Operation of any electronic device intended for the production, reproduction or amplification of sound when prohibited. | S. 3.1 Sch. B(2) | \$50.00 |
| 8. | Selling or advertising by shouting or outcry or amplified sound when prohibited. | S. 3.1 Sch. B(3) | \$50.00 |
| 9. | Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, products, materials, or refuse, whatsoever, when prohibited unless necessary for the maintenance of essential services. | S. 3.1 Sch. B(4) | \$50.00 |

| Item | Short form wording | Provision creating or defining offence | Set fine |
|------|---|--|----------|
| 10. | Operation of construction equipment in connection with a construction project when prohibited. | S. 3.1 Sch. B(5) | \$50.00 |
| 11. | Detonation of fireworks or explosive devices when prohibited. | S. 3.1 Sch. B(6) | \$50.00 |
| 12. | Discharge of firearms when prohibited. | S. 3.1 Sch. B(7) | \$50.00 |
| 13. | Operation of a combustion engine which when prohibited. | S. 3.1 Sch. B(8) | \$50.00 |
| 14. | Operation of a powered rail car on property not owned or controlled by a railway governed by the Canada Railway Act when prohibited. | S. 3.1 Sch. B(9) | \$50.00 |
| 15. | Operation of motorized conveyance other than on a highway or other place intended for its operation when prohibited. | S. 3.1 Sch. B(10) | \$50.00 |
| 16. | 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 when prohibited. | S. 3.1 Sch. B(11) | \$50.00 |
| 17. | Persistent barking, whining, calling or other similar persistent noise making by any domestic pet or any animals kept for commercial purposes. | S. 3.1 Sch. B(12) | \$50.00 |
| 18. | Operation of any powered or non-powered tool for domestic purposes other than snow removal when prohibited. | S. 3.1 Sch. B(13) | \$50.00 |
| 19. | Operation of solid waste bulk lift or refuse compacting equipment when prohibited. | S. 3.1 Sch. B(14) | \$50.00 |
| 20. | Operation of commercial car wash equipment when prohibited. | S. 3.1 Sch. B(15) | \$50.00 |
| 21. | Yelling, shouting, hooting, whistling or singing when prohibited. | S. 3.1 Sch. B(16) | \$50.00 |

Note: The general penalty provision for the offences cited above is Section 7.1 of By-law #2008-36, a certified copy of which has been filed.

**Set Fines approved September 23, 2008 by
Ontario Court of Justice.**