

THE CORPORATION OF THE TOWNSHIP OF RED ROCK

BY-LAW 2001-852

A by-law to control noise

WHEREAS Section 210, subsection 138 of the Municipal Act R.S.O. 1990 permits councils of local municipalities to pass by-laws for prohibiting or regulating, within the municipality or within any defined area or areas thereof, noises likely to disturb the inhabitants; 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 tranquility of their life or cause nuisance;

NOW THEREFORE, the Council of the Corporation of the Township of Red Rock ENACTS AS FOLLOWS:

Section 1 – Definition

1.1 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 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

"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;

(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 Township of Red Rock.

(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;

By-law 2001-852 cont'd (2)

- (g) Ministry
"Ministry" means the 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 Township of Red Rock;
- (k) Noise
"noise" means any annoying or undesired sound;
- (l) 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.

1.2 Zones

In this by-law,

- (a) Residential Area
"Residential Area" means those areas of the municipality specified as follows:

Plan 780	Lots 1 – 308
784	309 – 343
800	344 – 373
848	374 – 400
843	500 – 507
844	508
M183	1 – 46

Section 2 General Prohibitions

No person shall emit or cause or permit the emission of sound resulting from an act listed herein, and which sound is clearly audible at a point of reception:

- 2.1 Racing of any motorized conveyance other than in a racing event regulated by law.
- 2.2 The operation of a motor vehicle in such a way that the tires squeal.
- 2.3 The operation of any combustion engine or pneumatic device without effective exhaust or intake muffling devices in good working order and in constant operation.

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- 2.4 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 Area 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 truck, 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 temperature 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.
- 2.5 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.
- 2.6 The operation of any item of construction equipment in the Residential Area without effective muffling devices in good working order and in constant operation.

Section 3 Prohibitions by Time and Place

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 in an area of the municipality indicated within a prohibited time shown for such an area.

TABLE 3-1

PROHIBITIONS BY TIME AND PLACE

	Prohibited Period of Time Residential Area
3.1 The operation of a combustion engine which, <ul style="list-style-type: none">(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	At all times

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| | no function other than amusement and which is not a conveyance. | |
| 3.2 | 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. | At all times |
| 3.3 | 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 or in accordance with good safety practices. | At all times |
| 3.4 | The operation of any motorized conveyance other than on a highway or other place intended for its operation. | At all times |
| 3.5 | Persistent barking, calling or whining or other similar persistent noise made by any domestic pet, or any other animal kept or used for any purpose. | At all times |
| 3.6 | Yelling, shouting, hooting, whistling or singing. | At all times |
| 3.7 | The operation of any equipment in connection with construction. | Sundays and
Statutory Holidays |
| 3.8 | The operation or use of any tool or equipment for domestic purposes other than snow removal. | 11:00 p.m. to
7:00 a.m. |

Section 4 Exemption

- 4.1 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.

Section 5 Grant of Exemption by Council

5.1 Application to Council

Notwithstanding anything contained in this by-law, any person may make application to the 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 the Council, by resolution, may refuse to grant any exemption applied for or 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 the Council sees fit.

- 5.2 In deciding whether to grant the exemption, the Council shall consider the application and any written submission then received by the Council and made by the applicant and the Council may consider such other matters as it sees fit.

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

Section 6 Exemption of Traditional, Festive or Religious Activities

- 6.1 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 listed traditional, festive, religious and other activities:

Royal Canadian Legion Remembrance Day Parade
Municipal Public Works Department essential work

Section 7 Severability

- 7.1 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 the 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.

Section 8 Penalty

8.1 Penalty

Every 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 the Provincial Offences Act.

Section 9 Date By-law Comes Into Force

9.1 This by-law comes into force and takes affect upon receiving written approval of set fines and short form wording from lthe Ministry of the Attorney General.

9.2 By-law 405 and by-law 2000-839 are hereby repealed.

Read a first and second time

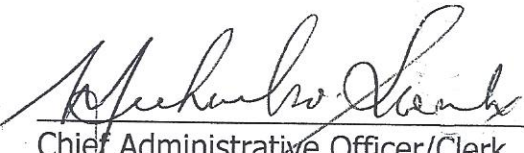
this 22nd day of January 2001.

Read a third time and finally passed

this 22 day of *January* 2001.



Reeve



Chief Administrative Officer/Clerk

Set Fine Schedule

TOWNSHIP OF RED ROCK

PART 1 Provincial Offences Act

By-law 2001-852, noise control By-law

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence creating provision or Defining Offence	COLUMN 3 Set Fine (includes costs)
1	Emission of noise attributable to unauthorized racing of a motor vehicle	Section 2.1	\$100.00
2	Noise from operation of an ineffectively equipped combustion engine or pneumatic device	Section 2.3	\$100.00
3	Unauthorized engine or motor noise in a Residential Zone in a stationary vehicle or attached auxiliary equipment	Section 2.4	\$100.00
4	Noise from unauthorized use of a motor vehicle horn or other warning device	Section 2.5	\$100.00

Note: Penalty provision for the offences indicated above is Section 8 of By-law No. 2001-852\$100.00

Set Fine Schedule

TOWNSHIP OF RED ROCK
PART 1 Provincial Offences Act

By-law 2001-852, noise control By-law

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5	Noise in a Residential Area from operation of ineffectively equipped construction equipment	Section 2.6	\$100.00
6	Noise in a Residential Area from unauthorized operation of a toy or model equipped with a combustion engine	Section 3.1	\$100.00
7	Emission of noise in a Residential Zone attributable to operation of any electronic device intended for amplification of sound	Section 3.2	\$100.00
8	Unlawful emission of noise in a Residential Zone attributable to operation of an auditory signaling device	Section 3.3	\$100.00

NOTE: Penalty provision for the offences indicated above is Section 9 of By-law No. 2001-852.

Set Fine Schedule

TOWNSHIP OF RED ROCK
PART 1 Provincial Offences Act

By-law 2001-852, noise control By-law

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9	Noise in a Residential Area from operation of a motorized conveyance other than in its intended place of operation	Section 3.4	\$100.00
10	Persistent noise in a Residential Area made by any domestic pet or kept animal	Section 3.5	\$100.00
11	Noise from yelling, shouting, hooting, whistling or singing in a Residential Zone	Section 3.6	\$100.00
12	Noise from prohibited operation of construction equipment in a Residential Zone	Section 3.7	\$100.00
13	Noise from prohibited operation of any tool or equipment for domestic purposes in a Residential Zone	Section 3.8	\$100.00

NOTE: Penalty provision for the offences indicated above is Section 8 of By-law No. 2001-852.