

THE CORPORATION OF THE TOWNSHIP OF GEORGIAN BLUFFS

BY-LAW NO. 95-2011

Being a By-law to prohibit or regulate certain noises.

WHEREAS the Municipal Act, S.O. 2011, Section 129 provides that By-laws may be passed by the Councils of local municipalities for prohibiting or regulating noise and vibration within the municipality.

AND WHEREAS the Council of the Corporation of the Township of Georgian Bluffs deems it expedient to pass a By-law to prohibit and regulate certain noises;

NOW THEREFORE the Council of the Corporation of the Township of Georgian Bluffs enacts as follows:

1. That By-law 28-2002 is hereby rescinded.

2. **Interpretation:**

For the purposes of this By-law, the following terms shall have the corresponding meanings:

- 2.1 "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;
- 2.2 "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, trucks, ditches, compactors and rollers, pumps, concrete mixers, graders, or other material handling equipment;
- 2.3 "Clearly Audible" shall mean a noise level that a reasonable person would, in all of the circumstances, consider to be excessive, or unnecessary, or intrusive, or disturbing or unacceptable;
- 2.4 "Council" means the Council of the Corporation of the Township of Georgian Bluffs;
- 2.5 "Highway" means 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;
- 2.6 "Holiday" means any holiday set out as a holiday in the Retail Business Holidays Act, R.S. O. 1990, Chapter R. 30, or any successor thereof;
- 2.7 "Livestock" includes, but is not limited to chickens, turkeys or other fowl, swine, goats, sheep or cattle;

- 2.8 "Motor Vehicles" means 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, or road building machine within the meaning of the Highway Traffic Act;
- 2.9 "Motorized Conveyances" means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power;
- 2.10 "Municipality" means the lands within the geographic limit of the Township of Georgian Bluffs;
- 2.11 "Noise" means sounds that are of such a volume or nature that is likely to disturb the inhabitants of the Township of Georgian Bluffs.
- 2.12 "Officer" means any Police Officer or a Municipal Law Enforcement Officer so designated by the Council of the Township of Georgian Bluffs;
- 2.13 "Point of Reception" means any point on the premises of a person where sound or vibration originating from other than those premises is received.
- 2.14 "Residential area" means any area of the Municipality that is zoned R1, R2, R3, R4, R5 or R6 Residential in the Zoning By-law of the Municipality.

3. **General Prohibitions**

- (1) No person shall emit, cause or permit the emission of noise resulting from an act listed herein, likely to disturb the inhabitants of the Township of Georgian Bluffs, and which noise is clearly audible at a point of reception:
 - a. racing a motor vehicle other than in a racing event or as regulated by By-law;
 - b. the operation of any combustion engine, pneumatic device or construction equipment without an effective exhaust or intake muffling device in good working order and in constant operation;
 - c. the operation of a motor vehicle resulting in banging, clanking, squealing or other like sounds;
 - d. the operation of an engine or motor in, or on, any motor vehicle or item of attached auxiliary equipment for a continuous period exceeding ten 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;
 - II. the operation of such engine or motor is essential to a basic function of the vehicle or equipment, including but not limited to operation of a ready-mixed concrete trucks, lift platforms, or refuse compactors and heat exchange

systems normal operation;

- 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;
 - IV. 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;
- e. 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 in such a manner as to disturb the peace and comfort of a person or persons at the point of reception such as the operation of a radio, television, stereo or other electronic device including any amplification device or any musical or other sound producing instrument.
 - f. The operation of any item of construction equipment in a Residential area without effective muffling devices in constant operation;
 - g. The operation of any defective or otherwise item of heating or cooling equipment that is clearly audible in a Residential area and likely to disturb the inhabitants of the Township of Georgian Bluffs;

4. **Limitations by Time and Place**

No person shall emit, cause or permit to be emitted or caused any noise resulting from any activity listed on Schedule "A" of this By-law during the time and in the area such noise is prohibited as set out in such Schedule.

5. **Exemptions**

- (a) Despite the provisions of this By-law, any person may apply to Council for an exemption to any provision of the By-law with respect to any noise to allow such person to emit, cause or permit such noise for the period of time set out in such application, and Council may grant such exemption, grant an alternative exemption and may set out conditions to be met as Council sees fit for any exemption granted.
- (b) Where an exemption is granted by Council, breach of any terms or conditions of the exemptions shall render the exemption null and void.
- (c) Any person applying for an exemption shall provide a request in writing setting out the particulars respecting the exemption requested to the Municipal Clerk at least ten (10) days prior to the Council meeting.
- (d) Notwithstanding any of the above, this By-law does not apply to a person who emits or causes or permits the emission of noise in connection with:

- (i) races authorized by the Municipality;
- (ii) parades
- (iii) fireworks authorized by the Municipality;
- (iv) sporting, recreational or entertainment events in public parks or buildings;
- (v) municipal maintenance vehicles, including but not limited to snow clearing, street cleaning and garbage or recycling collection vehicles.
- (vi) airports.

6. **Enforcement**

The provisions of this By-law shall be enforced by an Ontario Provincial Police Officer, a Municipal Law Enforcement Officer or other person appointed by the Council of the Township of Georgian Bluffs to enforce the provisions of this By-law.

7. **Penalty**

Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*.

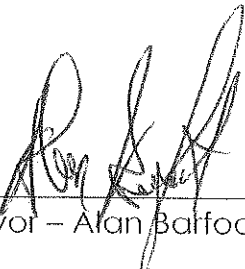
8. **Severability**

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 party 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.

9. This By-law shall come into force and effect upon final passing hereof and shall remain in force until repealed by Council.

Read a first and second time this 2nd day of November, 2011.

Read a third time and passed this 2nd day of November, 2011.



Mayor – Alan Barfoot



Clerk – Bruce Hoffman

Schedule "A"
To By-law 95-2011

| Item | Noise Created from the Following activities is prohibited | Prohibited Time Of day | Prohibited Area | Received |
|------|---|--|----------------------------|-----------------------|
| 1 | The operation of a radio, television, stereo or other electronic device including any amplification device or any musical or other sound producing instrument | At all times <hr/> 11:00 p.m. to 8:00 a.m. | Residential <hr/> other | At Point of Reception |
| 2 | Permit emission of sound clearly audible at point of reception at prohibited time and place - yelling, shouting, hooting, whistling, or singing | At all times <hr/> 11:00 p.m. to 8:00 a.m. | Residential <hr/> other | At Point of Reception |
| 3 | The venting or release of steam, the operation of a generator or air filtration system, noise from grinding, milling, the operation of machinery, or the like. | 11:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays, Sundays & holidays | Residential | At Point of Reception |
| 4 | The operation of non-municipal waste collection machinery or refuse compacting equipment | 11:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays, Sundays & holidays | Residential and other | At Point of Reception |
| 5 | Loading, unloading, packing, delivering or otherwise handling any container, product or material unless necessary for the maintenance or essential services or for the moving of private household effects. | 11:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays, Sundays & holidays | Residential and other | At Point of Reception |
| 6 | The operation of any power tool including a saw, nail gun, lawnmower, hedge trimmer, drill or the like. | 11:00 p.m. to 6:00 a.m. (to 9:00 a.m. on Saturdays, Sundays & holidays | Residential | At Point of Reception |
| 7 | The operation of a combustion engine for a toy or a replica of a larger device such as a remote controlled toy airplane and has no function other than amusement and which is not a conveyance. | 9:00 p.m. to 9:00 a.m. | Residential | At Point of Reception |
| 8 | The operation of a dirt bike, all-terrain cycle, snowmobile, go-cart, dune buggy or like conveyance. | 11:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays, Sundays & holidays | Residential | At Point of Reception |
| 9 | The operation of an unlicensed dirt bike, all-terrain cycle, snowmobile, go-cart, dune buggy or like conveyance. | At All Times | Residential | At Point of Reception |
| 10 | The operation of construction equipment. | 11:00 p.m. to 6:00 a.m. (and at all times on Sundays and holidays) | Residential | At Point of Reception |
| 11 | The operation of any motorized conveyance other than on a highway or other place intended for its operation. | At all times. | Residential and other | At Point of Reception |
| 12 | Persistent barking, calling, whining or other similar persistent noise made by any domestic pet or any other animal kept or used for any purpose other than agriculture. | At all times. | Residential and other | At Point of Reception |

THE CORPORATION OF THE TOWNSHIP OF GEORGIAN BLUFFS
PART 1 PROVINCIAL OFFENCES ACT
Set Fine Schedule

| Colum 1 Short From Wording | | Colum 2 Provision Creating or Defining Offence | Colum 3 Set Fine |
|-------------------------------|--|--|---------------------|
| 1 | Emit noise by excessive idling of a vehicle motor. | s. 3 (1) (d) | \$125.00 |
| 2 | Emit noise by the operation of any or cooling equipment | s. 3 (1) (g) | \$125.00 |
| 3 | Noise from electronic device during prohibited time. | s. 4 Schedule "A" Item 1 | \$125.00 |
| 4 | Noise from shouting, hooting, whistling, or singing during prohibited time. | s. 4 Schedule "A" Item 2 | \$125.00 |
| 5 | Noise from the venting or release of steam, the operation of a generator or air filtration system, or from grinding, milling, the operation of machinery, when prohibited. | s. 4 Schedule "A" Item 3 | \$125.00 |
| 6 | Noise from the operation of non-municipal waste collection machinery or refuse compacting equipment when prohibited. | s. 4 Schedule "A" Item 4 | \$125.00 |
| 7 | Noise from loading, unloading, packing, delivering or otherwise handling any container, product or material when prohibited | s. 4 Schedule "A" Item 5 | \$125.00 |
| 8 | Noise from the operation of any power tool including a saw, nail gun, lawnmower, hedge trimmer, drill or the like when prohibited | s. 4 Schedule "A" Item 6 | \$125.00 |
| 9 | Noise from the operation of a combustion engine for a toy or a replica of a larger device when prohibited. | s. 4 Schedule "A" Item 7 | \$125.00 |
| 10 | Noise from the operation of a dirt bike, all-terrain cycle, snowmobile, go-cart, dune buggy or like conveyance when prohibited. | s. 4 Schedule "A" Item 8 | \$125.00 |
| 11 | Noise from the operation of an unlicensed dirt bike, all-terrain cycle, snowmobile, go-cart, dune buggy or like conveyance when prohibited. | s. 4 Schedule "A" Item 9 | \$125.00 |
| 12 | Noise from the operation of construction equipment when prohibited | s. 4 Schedule "A" Item 10 | \$125.00 |
| 13 | Noise from the operation of any motorized conveyance other than on intended for its operation. | s. 4 Schedule "A" Item 11 | \$125.00 |
| 14 | Noise from persistent barking, calling, whining or other similar persistent noise made by any animal. | s. 4 Schedule "A" Item 12 | \$125.00 |

Note that the general penalty for the offences noted above is s. 7 of by-law no. 95-2011 as amended, a certified copy, of which has been filed.