

THE CORPORATION OF THE TOWNSHIP OF NIPIGON

By-Law No. 1944

A By-law to prohibit and to regulate the making of unusual noise or noises likely to disturb the inhabitants of the Township of Nipigon.

WHEREAS Section 129 of the Municipal Act, 2001, S.O c.25 authorizes councils of local municipalities to pass by-laws 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 Nipigon ENACTS AS FOLLOWS:

1. **SHORT TITLE:**

This By-law may be referred to as the "Noise By-law".

2. **DEFINITIONS:**

(a) **Construction**

"Construction" means the erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavation, blasting, detonation of explosive devices other than fireworks, 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, including any associated or related work.

(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" means 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) **Corporation**

"Corporation" means The Corporation of the Township of Nipigon, a municipal corporation duly incorporated pursuant to the laws of the Province of Ontario.

(e) **Council**

"Council" means the Council of the Corporation of the Township of Nipigon.

(f) **Emergency**

"Emergency" means a situation or an impending situation, often dangerous, caused by the forces of nature, an accident, an intentional act, or otherwise, which arises suddenly and calls for prompt action.

(g) **Highway**

"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;

(h) **Motor Vehicle**

"Motor Vehicle" means an automobile, bus, truck, motorcycle, motor assisted bicycle,

off-road/all-terrain vehicle, and any other vehicle propelled or driven other than by muscular power, but does not include a traction engine, farm tractor, other farm vehicle or road-building machine.

(i) Motorized Conveyance

"Motorized Conveyance" means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power;

(j) Municipal Law Enforcement Officer

"Municipal Law Enforcement Officer" means any person duly appointed to enforce the provisions of this By-law or any member of the Ontario Provincial Police.

(k) Municipal Service Vehicle

"Municipal Service Vehicle" means a Motor Vehicle operated by or on behalf of the Corporation while the Motor Vehicle is being used for the construction, repair or maintenance of a highway, including the clearing and removing of snow or other municipal purpose.

(l) Nipigon

"Nipigon" means the geographic area within the jurisdiction of the Corporation.

(m) Noise

"Noise" means sound that is excessive, or that is reasonably unwanted by or disturbing to persons, in the circumstances within which it occurs.

(n) Premises

"Premises" means any land or building which is not a Residence.

(o) Residence

"Residence" means a room, suite of rooms, or dwelling, operating as a housekeeping unit that is lawfully used as a domicile.

(p) Utility

"Utility" means a system that is used to provide a utility service to the public, including electricity, telephone and communication networks.

(q) Utility Service Vehicle:

"Utility Service Vehicle" means a Motor Vehicle operated by Hydro One, Bell Canada, Tbaytel, Enbridge Gas, or any of their subsidiaries or other companies or agencies that supply or manage a Utility within the Township of Nipigon, while the Motor Vehicle is being used for the construction, repair or maintenance of that Utility.

(r) 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.

3. **GENERAL PROHIBITIONS**

3.1 At any time, no person shall emit or cause or permit the making of noise or emission of sound resulting from an act listed in Section 3.1, in which sound is clearly audible at a point of reception and is likely to disturb inhabitants:

- i. 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.
- ii. 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.
- iii. 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.
- iv. Yelling, shouting, hooting, whistling or singing or the playing of musical instruments, including percussion instruments.

- v. Racing of any motorized conveyance other than in a racing event regulated by law.
- vi. The operation of a motor vehicle in such a way that the tires squeal.
- vii. The operation of any combustion engine or pneumatic device without effective exhaust or intake muffling devices in good working order and in constant operation.
- viii. The excess and unnecessary revving of any vehicle, combustion engine, or pneumatic device.

- 3.2 No person shall operate 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.
- 3.3 No person shall operate a motor vehicle horn or other warning device at any time except where required or authorized by law or in accordance with good safety practices.
- 3.4 This By-law does not apply to prohibit persons using hearing-ear, seeing-eye dogs, or other similar working animals, from allowing those animals to make the sounds required for them in the course of their working duties.

4. **PROHIBITION BY TIME AND PLACE**

- 4.1 No person shall cause or permit the making of Noise within the Township of Nipigon that is the result of any of the activities listed in the Table 4-2 during the days and between the hours specified in Table 4-2 for that activity, that is audible to:
- i) A person in a Premises or Motor Vehicle other than the Premises or Motor Vehicle from which the noise is originating, or;
 - ii) A person in a Residence other than the Residence from which the Noise is originating.

TABLE 4-2
PROHIBITIONS BY TIME AND PLACE

	<u>Noise Causing Activity</u>	<u>Prohibited Time Periods</u>
1.	Make, cause or permit the making of Noise through Construction, including the operation of Construction Equipment during prohibited time.	From 11:00 p.m. any day until 7:00 a.m. the following day, unless the following day is a Sunday or a statutory holiday, in which case the prohibition continues until 9:00 a.m.
2.	Make, cause or permit the making of noise through the outdoor operation or use of any tool or equipment for domestic purposes other than snow removal during prohibited time.	From 11:00 p.m. to 7:00 a.m.

5. **SPECIFIC EXEMPTIONS**

- 5.1 This By-law does not prohibit Noise caused by any one or more of the following activities:
- i. For the immediate health, safety or welfare of the inhabitants or any of them; or,
 - ii. 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.
- iii. The operation of Municipal Service Vehicles and related equipment;
 - iv. The operation of Emergency Helicopters
 - v. The authorized use of fireworks;
 - vi. Special events that are sanctioned, sponsored, or approved by the Corporation, including festivals, races, parades, exhibitions, sports tournaments, etc.
 - vii. The operation of bells, chimes, carillons, speakers and clocks on churches, schools, or public buildings;
 - viii. Cultural, recreational, educational and/or political events in parks or other public areas that are sanctioned or approved by the Corporation;
 - ix. Activities normally associated with a lawful commercial or industrial use unless specifically prohibited elsewhere in this By-law.
 - x. Any event hosted by the Royal Canadian Legion
 - xi. Temporary exemptions may be issued upon conditions that assist in Achieving the desired balance of interests as determined by Council.
 - xii. Any freight being transported by train/rail, including any sound emitted from maintaining any track/rail.

6. GRANT OF EXEMPTION BY COUNCIL

- 6.1 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.
- 6.2 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.
- 6.3 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.

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 remained of the by-law shall be valid and shall remain in force.

8. PENALTY

- 8.1 Every person who contravenes any provision of the by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.I. 1990, c. P. 33, in addition to any other remedies provided under the Municipal Act or Provincial Offences Act.

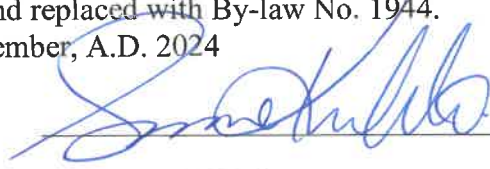
9. ENACTMENT

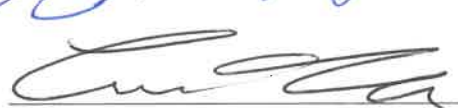
This By-law shall come into force and take effect on:

- 9.1 That this By-law shall come into force and take effect upon the final passing thereof.

9.2 That By-law No. 1365 is hereby repealed and replaced with By-law No. 1944.

ENACTED AND PASSED this 24th of September, A.D. 2024

 MAYOR

 CLERK

TOWNSHIP OF NIPIGON
BY-LAW No. 1944

Schedule “A”

THE TOWNSHIP OF NIPIGON
PART 1 PROVINCIAL OFFENCES ACT
BY-LAW NO. 1944: NOISE REGULATION

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence creating provision or Defining Offence	COLUMN 3 Set Fine (includes costs)
1.	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.	Section 3.1(i)	300.00
2.	Operation of an auditory signaling device.	Section 3.1(ii)	300.00
3.	Permit noise by animals likely to disturb inhabitants.	Section 3.1(iii)	300.00
4.	Cause noise by yelling, shouting, hooting, whistling, singing, or playing of musical instruments.	Section 3.1(iv)	300.00
5.	Unauthorized Motorized Conveyance	Section 3.1(v)	300.00
6.	Operating a vehicle in such a way that the tires squeal	Section 3.1(vi)	300.00
7.	The operation of any combustion engine or pneumatic device without effective exhaust or intake muffling devices in good working order and in constant operation.	Section 3.1(vii)	300.00
8.	The excess revving of any vehicle, combustion engine, or pneumatic device is prohibited.	Section 3.1(viii)	300.00
9.	Operation of an engine or motor exceeding five continuous minutes	Section 3.2	300.00
10.	Cause noise by the operation of a motor vehicle horn.	Section 3.3	300.00
11.	Cause noise through construction and/or the operating of construction equipment during a prohibited time.	Section 4.1, Table 4-2 Section 1	300.00
12.	Cause or permit the making of noise through outdoor operations for domestic purposes during prohibited time.	Section 4.1, Table 4-2 Section 2	300.00

NOTE: The penalty provision for the offences indicated above is section 8.1 of by-law No. 1944, a certified copy of which has been filed.