

THE CORPORATION OF THE TOWNSHIP OF BECKWITH

BY-LAW NO. 2019-39

BEING A BY-LAW TO REGULATE NOISE WITHIN THE TOWNSHIP OF BECKWITH

WHEREAS, pursuant to Section 129 of the Municipal Act, S.O. 2001, Chapter 45 as amended, the Council of a local municipality may pass a by-law to: prohibit or regulate with respect to noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors.

NOW THEREFORE the Council of the Corporation of the Township of Beckwith enacts as follows:

DEFINITIONS

1. For the purposes of this by-law:
 - a. **"Accessory"** shall mean a use that is customarily incidental and subordinate to the main use and located on the same lot with such main use.
 - b. **"Adverse Effect"** means one or more of:
 - i. Harm or material discomfort to any person;
 - ii. A detrimental effect on health of any person;
 - iii. Loss of enjoyment of normal use of property; or
 - iv. Interference with the normal conduct of business.
 - c. **"Construction"** means the erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, the laying of pipe or conduit above or below ground level, street and highway building, pouring of concrete, 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.
 - d. **"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.
 - e. **"Clearly Audible"** shall mean a noise level that a reasonable person would, in all of the circumstances, consider to be excessive, intrusive, disturbing or unacceptable.
 - f. **"Commercial"** shall mean activities involved with or intended to generate income.

- g. **"Council"** means the Council of the Corporation of the Township of Beckwith.
- h. **"Effective Noise Reduction Devices"** shall mean professionally manufactured exhaust and intake muffling devices in good working order and in constant operation to prevent excessive or unusual noise and excessive smoke but does not include modifications to generate excessive noise such as a cut-off muffler, straight exhaust, gutted muffler, hollywood muffler, bypass or similar device.
- i. **"Motor Vehicle"** shall mean a vehicle or any other device employed to transport a person or person or goods from place to place propelled, driven or drawn by any means other than by muscular, gravitational or wind power, including but not limited to motor vehicle, motorcycle, trailer, farm tractor, road building machine, snowmobile, all-terrain vehicle and off-road motorcycles.
- j. **"Municipality"** means the Corporation of the Township of Beckwith.
- k. **"Noise"** means unwanted sound.
- l. **"Point of Reception"** shall mean an area within 30 metres of a residential dwelling or commercial business where sound originating from another premises is received.
- m. **"Residential Area"** shall mean the residential zones identified within Section 5 of the Zoning By-law No. 91-14, including the flood plain zones where residential uses are present.
- n. **"Rural Area"** shall mean all other areas in the Township not considered within the definition of 'Residential Area'.
- o. **"Track"** means a course designed and created for the usage of motor vehicles and may include drag strips or circuits that start and finish at the same place. The track or course may be purpose built or established by the constant travelling of vehicles across the same point to create an established route.

GENERAL PROHIBITIONS

- 2. No person shall emit, cause or permit the emission of noise resulting from an act listed herein, and which noise is clearly audible at a point of reception:
 - a. The operation of any combustion engine, pneumatic device or construction equipment without effective noise reduction devices;
 - b. The operation of a motor vehicle resulting in banging, clanking, squealing or other like sounds;
 - c. Persistent or repetitive barking, whining, or other similar persistent noise-making from any domestic pet or any other animal kept or used for any purpose other than agriculture.

LIMITATIONS BY TIME AND PLACE

3. No person shall emit, cause or permit the emission of noise resulting from any act listed in Schedule 'A' – Prohibitions by Time and Place, if clearly audible at a point of reception.

EXEMPTION

4. Notwithstanding any other provisions of this by-law to the contrary, this by-law does not apply to a person who emits or causes or permits the emission of noise in connection with:
 - a. Emergency vehicles;
 - b. The immediate health, safety or welfare of inhabitants;
 - c. Motor vehicle races, authorized by the Municipality;
 - d. Regimental salutes;
 - e. Parades authorized by the Municipality;
 - f. Fireworks displays authorized by the Municipality;
 - g. Community public events authorized by the Municipality;
 - h. Sporting, recreational and entertainment events in or on public parks or buildings;
 - i. Musical and other performances in public parks or buildings authorized by the Municipality;
 - j. Municipal maintenance vehicles, including but not limited to snow clearing, street cleaning and garbage collection vehicles;
 - k. Common agricultural activities, as determined by the Agricultural Code of Practice;
 - l. Blasting authorized by the Municipality;
 - m. Any airport in existence prior to the passing of this By-law; or
 - n. Maintenance of a golf course.

PENALTIES

5. Every person who contravenes any of the provisions of this by-law is guilty of any offence and shall, upon conviction be liable to a fine pursuant to the Provincial Offences Act;

ENFORCEMENT

6. This by-law shall be enforced during the normal business hours of 8:30am and 4:30pm Monday through Friday by the by-law enforcement officer of the Municipality;
7. This by-law shall be enforced outside of normal business hours by the Ontario Provincial Police;
8. Schedule 1 to this by-law forms part and parcel of this by-law;

VALIDITY

9. If any section, clause or provision of this by-law is for any reason declared by a court of competent jurisdiction, found to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining section, clause or provisions of the by-law remain in effect until repealed;

REPEAL

10. This by-law repeals any previous By-laws, Resolutions, Motions or Actions of Council relating to noise regulation;

EFFECTIVE DATE

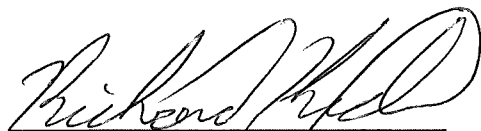
11. This by-law shall come into effect on the date of passing thereof;

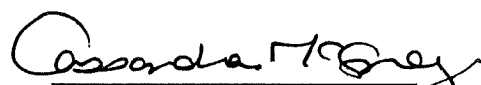
TITLE OF BY-LAW

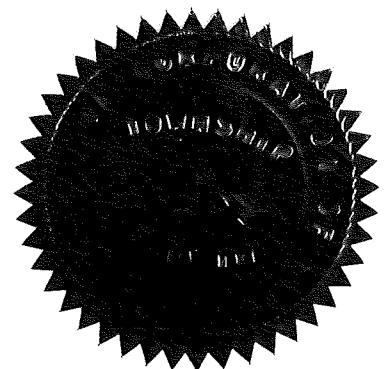
12. This by-law may be cited as the "noise by-law".

BY-LAW READ a first and second time this 27th day of August, 2019.

BY-LAW READ a third time, signed, sealed and passed in open council this 27th day of August, 2019.


Richard Kidd, Reeve


Cassandra McGregor,
Clerk Administrator



SCHEDULE 'A'
BY-LAW No. 2019-39
"NOISE BY-LAW"
PROHIBITION BY TIME AND PLACE

Activity	Prohibited Time	
	Residential Areas	Rural Areas
The operation of any motorized conveyance, including snowmobiles, all-terrain vehicles and off-road motorcycles, other than on a highway or a trail maintained and operated by a club or organization with public membership.	8pm on one day to 8am the next day (9:00am on Sundays and Statutory holidays).	8pm on one day to 8am the next day (9:00am on Sundays and Statutory holidays).
The operation of any motorized conveyance, including snowmobiles, all-terrain vehicles and off-road motorcycles on a track that is accessory to a dwelling.	At any time.	8pm on one day to 12noon the next day. Not on Sundays or statutory holidays.
The commercial operation of any motorized conveyance, including snowmobiles, all-terrain vehicles and off-road motorcycles on any track.	At all times unless specified by a zoning amendment to permit and regulate the use.	At all times unless specified by a zoning amendment to permit and regulate the use.
The operation, loading or unloading of any construction equipment in connection with construction or any construction related activity, including those activities that use explosive devices.	7pm on one day to 7am the next day (9am on Sundays). Not on Statutory holidays.	7pm on one day to 7am the next day (9am on Sundays). Not on Statutory holidays.
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.	11pm on one day (11:59pm on Fridays, Saturdays or Statutory Holidays) to 7am the next day (8 am on Sundays or Statutory Holidays).	11pm on one day (11:59pm on Fridays, Saturdays or Statutory Holidays) to 7am the next day (8 am on Sundays or Statutory Holidays).
Any activity that is likely to cause an adverse effect for an adjacent or neighbouring property owner.	11pm on one day to 7am the next day (8am on Sundays and Statutory holidays).	11pm on one day to 7am the next day (8am on Sundays and Statutory holidays).