

**The Corporation of the Town of South Bruce Peninsula**

**By-Law Number 28-2016**

**Being a By-Law to Prohibit and Regulate  
Unusual Noises and Noises Likely to  
Disturb the Inhabitants of the Town of  
South Bruce Peninsula**

**Whereas** Section 9 of the Municipal Act, 2001 c.25 as amended provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act;

**And whereas** Section 129 of the Municipal Act, 2001, c.25 as amended, authorizes municipalities to pass by-laws to prohibit and regulate noise;

**And whereas** Council deems it desirable to pass a by-law for the prohibition or regulation of noise within the Town of South Bruce Peninsula.

**Now therefore the Council of the Corporation of the Town of South Bruce Peninsula enacts as follows:**

**1. Short Title**

This by-law may be known as the "Noise By-Law".

**2. Definitions**

For the purpose of this by-law, the following definitions apply:

- 2.1 **"Agricultural Operation"** means as contained in the Farming and Food Production Protection Act, 1998, S.O. 1998 C.1 as amended, or any successor legislation.
- 2.2 **"Animal"** means any member of the animal kingdom other than a human and without limiting the generality of the foregoing, includes dogs, cats and birds.
- 2.3 **"Council"** means the Council of the Corporation of the Town of South Bruce Peninsula.
- 2.4 **"Construction"** means the 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.

- 2.5 **“Construction Equipment”** means any equipment or device designed and intended for the use in construction work or material handling, including but not limited to a bulldozer, excavator, trencher, jack hammer, crane, loader, scraper, paver, compactor, roller, grader, concrete mixer, off-highway haulers or trucks, tractor, ditchers, air compressor, pile drivers, pneumatic or hydraulic tools, generators, pumps or other material handling equipment.
- 2.6 **“Holiday”** means any holiday as set out as a holiday in the Retail Business Holidays Act, R.S.O. 1990, Chapter R.30 or any successor thereof.
- 2.7 **“Idling”** means the operation of a combustion engine of a vehicle while the vehicle is not moving forward or in reverse and not being used to operate auxiliary equipment essential to basic operation of the vehicle.
- 2.8 **“Noise”** means sound that is of such a volume or nature that it is likely to disturb the inhabitants of the Town.
- 2.9 **“Officer”** means person appointed as a By-Law Enforcement Officer, a Police Officer or any individual duly appointed to enforce the by-laws of the Town.
- 2.10 **“Point of Reception”** means any point on the premise occupied by a person where sound or vibration originating from other than those premises is received.
- 2.11 **“Stationary Source”** means a source of sound which does not normally move from place to place and includes the premises of a person as one stationary source, unless the dominant source of sound on those premises is construction or a conveyance as contained in the Ministry of Environment’s NPC publications, which cover individual sources such as heating, ventilation and air conditioning equipment, rotating machinery, impacting mechanical sources, generators burner, grain dryer, all activities taking place in a facility such as an industrial facility, commercial facility, ancillary transportation facility, aggregate extraction facility, warehousing facility, maintenance and repair facility, snow disposal sites, routing locating and unloading facilities (supermarkets, assembly plants, etc.) and includes other sources such as race tracks.
- 2.12 **“Special Event”** means an event as defined in the Town’s Special Events Policy and that is recognized by the Town as a special event.
- 2.13 **“Town”** means the Corporation of the Town of South Bruce Peninsula.
- 2.14 **“Zoning By-Law”** means the Comprehensive Zoning By-Law as adopted by Council and amended from time to time.

### 3. **General Provisions**

- 3.1 Any person who owns property in the Town is liable for allowing noise to be made by person(s) on said premises, providing the owner of said premises has been notified that said noise is taking place and has taken no action to remedy the situation.

#### **4. General Prohibitions**

- 4.1 Except to warn of danger or emergency, no person shall ring any bell, blow any horn, shout or make any unusual noise or noises likely to disturb the inhabitants of the Town or allow or permit such noises to be made.
- 4.2 Notwithstanding the provisions contained in Section 4.1, the following noises at point of reception are deemed to be noises likely to disturb the inhabitants of the Town:
  - 4.2.1 The persistent noise made by an animal except an animal used for and located on a property of an agricultural or livestock based use as set out in the Town Zoning By-Law.
  - 4.2.2 The playing of any radio, public address system, amplified sounds producing device or other sound device which can be heard over 30 meters from the stationary source or other source of the sound.
  - 4.2.3 The operation of any combustion engine without an effective muffling device.
  - 4.2.4 The racing of any motorized vehicle and squealing of vehicle tires other than in a racing event regulated by-law.
  - 4.2.5 The noise caused by construction and use of construction equipment that is clearly audible at point of reception between 9:00 pm of any day and 7:00 am of the following day (or 9:00 am if the following day is a Sunday or Holiday).
  - 4.2.6 The detonation of fireworks or explosive devices.
  - 4.2.7 Shouting, whistling, calling, hooting, singing or similar sounds in or adjacent to any public street or public place.
  - 4.2.8 The sound caused by the use or operation of a lawnmower, chain-saw, leaf-blower or any other such noise generating tool or device that is clearly audible at a point of reception between 10:00 pm of any day and 7:00 am of the following day (or 9:00 am if the following day is a Sunday or Holiday).
  - 4.2.9 The sound of operations of a quarry or pit audible at a point of reception between 7:00 pm of any day and 7:00 am of the following day and all day Sunday and Holidays unless as otherwise permitted by an approved quarry license.

- 4.2.10 The noise associated with unloading, loading, packing, delivering or otherwise handling any container, product or material unless necessary for the maintenance of essential services or the moving of a private household between 11:00 pm of any day and 7:00 am of the following day.
- 4.2.11 The noise associated with the operation of waste and refuse collection machinery, waste and refuse storage equipment/facilities/containers or waste and refuse compacting equipment between 11:00 pm of any day and 7:00 am of the following day.

## **5. Idling Provisions**

- 5.1 No person shall cause or permit the idling of an engine or motor in or on any motor vehicle or attached auxiliary equipment for a continuous period exceeding 10 minutes.
- 5.2 No person shall cause or permit the idling of an engine or motor in any loading or bus loading zone, as signed and approved by Council from time to time.
- 5.3 Notwithstanding the generality of the foregoing, Section 5.1 and 5.2 do not apply to the following provisions:
- 5.3.1 Police, fire or emergency medical service vehicle while engaged in operational activities, including training and patient transfer activities.
- 5.3.2 Vehicles assisting in an emergency activity including tow trucks while engaged in hooking up to or moving another vehicle.
- 5.3.3 Vehicles required to remain motionless because of an emergency, traffic (congestion and signals), weather conditions or mechanical difficulties over which the driver has no control.
- 5.3.4 Mobile work (delivery) vehicles while they are in the course of being used for their function but excluding a passenger vehicle or bus between 7:00 am of one day and 9:00 pm of the same day (9:00 am on Sundays and Holidays).
- 5.3.5 During weather conditions where outside temperatures are over 27 degrees Celsius or below 5 degrees Celsius where idling may be necessary for the operation of air conditioning or heating equipment as long as the vehicle is occupied.
- 5.3.6 Vehicles engaged in the course of a special event.
- 5.3.7 Vehicles transporting a person where a medical doctor certifies in writing for medical reasons that a person in a vehicle requires temperature or humidity to be

maintained within a certain range and where the medical note is up to date and is kept with the vehicle operator.

- 5.3.8 Vehicles where idling is required as part of the repair process or to prepare a vehicle for service while the vehicle is in the possession or on the property of a commercial vehicle repair facility.
- 5.3.9 Agricultural vehicles and such equipment unlicensed under the Highway Traffic Act and used exclusively for operations off the public highway in the performance of agricultural work or animal husbandry.
- 5.3.10 Armoured vehicles where a person remains inside the vehicle while guarding the contents of the vehicle or while the vehicle is being loaded or unloaded.
- 5.3.11 Commercial vehicles using heating or refrigeration systems powered by the motor or engine for the preservation of perishable cargo.
- 5.3.12 A vehicle whose engine is being operated to boost the battery of another vehicle, or which vehicle is connected to an external stationary device which relies on the power of the vehicle to carry out work.
- 5.3.13 Prevailing low temperatures making longer idling periods necessary, immediately after starting the motor or engine.
- 5.3.14 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.
- 5.4 No person shall permit mobile work (delivery) vehicles to idle from 9:00 pm of one day to 7:00 am of the following day (9:00 am on Sundays and Holidays) unless they fall within one of the exemptions contained herein.

## **6. General Exemptions**

- 6.1 Notwithstanding any provision to the contrary, the provisions contained in this by-law do not apply as follows:
  - 6.1.1 During an emergency jeopardizing the health, safety or welfare of the public.
  - 6.1.2 Where the Town, its servants, employees, contractors or agents are carrying out Town operations and construction.
  - 6.1.3 To noise created by the activity of snow removal.
  - 6.1.4 To the use of implements of husbandry in the operation of agricultural endeavours.

- 6.1.5 To the operation of construction equipment when used in a cemetery in conjunction with interment services.
- 6.1.6 In all areas of the Town designated as agricultural in the Zoning By-Law.
- 6.1.7 To the ringing or sounding of bells or chimes associated with church activities.
- 6.1.8 To the operation of auditory safety or warning devices or signals utilized as traffic control devices.
- 6.1.9 To working service animals such as hearing-ear dogs, seeing-eye dogs or other similar working animals while making the sound required in the course of their working duties.
- 6.1.10 To the authorized use of fireworks and explosives as per the Town Fireworks By-Law.
- 6.1.11 To any special event approved by the Town of South Bruce Peninsula.

## **7. Exemptions by Council**

- 7.1 Despite the provisions of this by-law, any person may apply to Council for an exemption to any provision of this 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. Council may grant such exemption, in form of a resolution, grant an alternative exemption or refuse such exemption and may set out conditions to be met as Council sees fit for any exemption granted.
- 7.2 Any appeal to Council must be made before the noise is to occur. An appeal to Council may not be made after an infraction has occurred.
- 7.3 Where an exemption is granted by Council, breach of any of the terms or conditions of the exemption shall render the exemption null and void.
- 7.4 Every person applying for an exemption shall follow the Towns Procedural By-Law with respect to making a delegation to Council.

## **8. Penalty**

- 8.1 Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction, is liable to the penalty specified by the Provincial Offences Act, R.S.O. 1990, c.P.33 as amended.
- 8.2 An Officer of the Town shall enforce the provisions of this by-law in accordance with the provisions set forth herein.

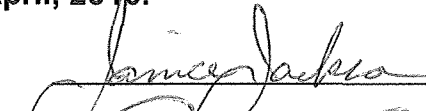

**9. Force and Effect**

9.1 Where any provision or clause is found to be invalid by a court of competent jurisdiction, that provision or clause shall be considered to be severed from the by-law and will not affect the other provisions contained herein.

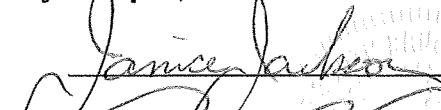

9.2 Any by-law or a portion thereof that is inconsistent with this by-law is hereby repealed.

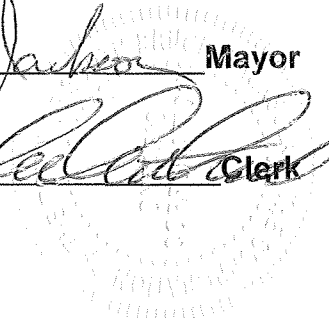
9.3 This by-law shall take effect upon the final passing thereof.

**Read a first and second time this 19th day of April, 2016.**

  
\_\_\_\_\_  
Mayor  
  
\_\_\_\_\_  
Clerk

**Read a third time and finally passed this 19th day of April, 2016.**

  
\_\_\_\_\_  
Mayor  
  
\_\_\_\_\_  
Clerk



**The Town of South Bruce Peninsula  
By-Law 28-2016  
Prohibit and Regulate Noise  
Part 1 Provincial Offences Act**

<b>Item</b>	<b>Column 1 Short Form Wording</b>	<b>Column 2 Provision Creating of Defining Offence</b>	<b>Column 3 Set Fine</b>
1	Ring a bell, blow a horn or shout	Section 4.1	250.00
2	Make or allow or permit any unusual noise likely to disturb the inhabitants of the Town	Section 4.1	250.00
3	Persistent noise made by an animal	Section 4.2.1	250.00
4	Playing of any radio, public address system, amplified sounds producing device or other sound device heard over 30 meters	Section 4.2.2	250.00
5	Operation of any combustion engine without an effective muffling device	Section 4.2.3	250.00
6	Noise from racing of any motorized vehicle and squealing of vehicle tires	Section 4.2.4	250.00
7	Noise caused by construction equipment when prohibited	Section 4.2.5	250.00
8	Noise from the detonation of fireworks or explosives	Section 4.2.6	250.00
9	Shouting, whistling, calling, hooting, singing or similar sounds adjacent to public street or public place	Section 4.2.7	250.00
10	Sounds by lawnmower, chain-saw, leaf-blower or other noise generating tool or device when prohibited	Section 4.2.8	250.00
11	Operations of a quarry or pit when prohibited	Section 4.2.9	250.00

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<b>Item</b>	<b>Column 1 Short Form Wording</b>	<b>Column 2 Provision Creating of Defining Offence</b>	<b>Column 3 Set Fine</b>
12	Noise associated with unloading, loading, packing, delivering or otherwise handling any container, product or material when prohibited	Section 4.2.10	250.00
13	Noise associated with the operation of waste and refuse collection machinery when prohibited	Section 4.2.11	250.00
14	Noise associated with the operation of waste and refuse storage equipment/facilities/containers when prohibited	Section 4.2.11	250.00
15	Noise associated with the operation of waste and refuse compacting equipment when prohibited	Section 4.2.11	250.00
16	Idling of an engine or motor for a continuous period exceeding 10 minutes	Section 5.1	250.00
17	Idling of an engine or motor in any loading or bus loading zone	Section 5.2	250.00
18	Idling of any mobile work (delivery) vehicles when prohibited	Section 5.4	250.00

**Note: The general penalty provision for the offences listed above is Section 8.1 of By-Law Number 28-2016, a certified copy of which has been filed.**

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5	Operation of any combustion engine without an effective muffling device	Section 4.2.3	
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7	Noise caused by construction equipment when prohibited	Section 4.2.5	
8	Noise from the detonation of fireworks or explosives	Section 4.2.6	
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