

THE CORPORATION OF THE TOWNSHIP OF MOONBEAM
BY-LAW NO.18-20

A BY-LAW TO REGULATE NOISE



NOISE CONTROL BY-LAW
BY-LAW NO.18-20

Township of Moonbeam By-law Number 18-20
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1. Definitions

In this by-law:

"Agricultural property" means a property that is zoned for agricultural use in the zoning by-law that applies to the property;

Chief Fire Official" means the assistant to the Fire Marshal who is the Fire Chief of the Township of Moonbeam, or a member or members of the Moonbeam Fire Services.

"Town" and **"Township of Moonbeam"** mean The Corporation of the Township of Moonbeam;

"Construction" includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavation, blasting and 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, and includes any associated or related work;

"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, ditchers, compactors and rollers, pumps, concrete mixers, graders or other material handling equipment;

"Council" and **"Town Council"** mean the Council of the Corporation of the Township of Moonbeam;

"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;

"Emergency vehicle" includes a land ambulance, an air ambulance, a fire department vehicle, a police vehicle, and a motor vehicle being used to respond to an emergency;

"Explosives Act" means the Explosives Act, R.S.C. 1985, c. E-17, as amended, or any successor legislation thereof;

"Explosives Regulations" means the Explosives Regulations, 2013, SOR/2013-211, as amended, or any successor legislation thereof;

"Fireworks" means, in the context of this by-law, consumer fireworks as classified by the Chief Inspector of Explosives in accordance with the Explosives Act and the Explosives Regulations. It also means display fireworks and special effect pyrotechnics, as classified by the Chief Inspector of Explosives in accordance with the Explosives Act and the

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“Vehicle” includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine and other vehicle propelled or driven other than by muscular power; and

“Zoning by-law” means a by-law passed under section 34 of the Planning Act that restricts the use of land.

2. Application

- 2.1. The general prohibitions on activities described in Schedule A apply to everything that is within the boundaries of the Township of Moonbeam.
- 2.2. The prohibitions on activities by time and place described in Schedule B apply to everything that is within the boundaries of the Township of Moonbeam.

3. Administration

- 3.1. The Township of Moonbeam is responsible for the administration of this by-law.
- 3.2. All Provincial Offences Officers with authority to enforce the by-laws of the Township are responsible for enforcing the provisions of this by-law.
- 3.3. Any person may submit an application to the Township of Moonbeam requesting an exemption from any of the prohibitions described in Schedules A and B.
- 3.4. Council approved exemptions will be in effect for the dates specified, and Council may impose any conditions that it considers appropriate.
- 3.5. A Council approved exemption shall be invalid if these conditions are contravened.
- 3.6. Exemptions approved by the Township of Moonbeam administration shall be in effect for the dates specified, and the Township of Moonbeam may impose any conditions that he or she considers appropriate.
- 3.7. An exemption approved by the Township of Moonbeam administration shall be invalid if these conditions are contravened.

4. Regulations

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6. Schedules

6.1. The following schedules are attached to and form part of this by-law:

Schedule A – General Noise Prohibitions;

Schedule B – Noise Prohibitions by Time and Place;

Schedule C – Exemptions from the Noise Prohibitions;

Schedule D – Noise Exemptions Permit Application;

Schedule E – Noise Notes;

Schedule F – Noise Letter First Notice/Response Letter to Complainant;

Schedule G – Noise Violation Log Form;

Schedule H – Set fines.

7. Offence and Penalty Provisions

- 7.1. Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for under the provisions of the Provincial Offences Act.
- 7.2. Every person, other than a corporation, who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 for a first offence and \$25,000 for any subsequent offence, as provided for in subsection 429 (2) (c) of the Municipal Act, 2001, as amended from time to time
- 7.3. Every corporation that contravenes any provision of this By-Law and every officer or director of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 for a first offence and \$100,000 for any subsequent offence, as provided for in subsections 425(3) and 429(2) (a) of the Municipal Act, 2001, as amended from time to time.
- 7.4. If this by-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

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SCHEDULE A

General Noise Prohibitions

Table 1-1

1.	Operation of a motor vehicle or motorized snow vehicle in a race.
2.	Operation of a motor vehicle in such a way that the tires squeal.
3.	Operation of a combustion engine or pneumatic device without an effective exhaust muffling device that is in good working order and in constant operation.
4.	Operation of any item of construction equipment without an effective exhaust muffling device that is in good working order and in constant operation.
5.	Operation of a vehicle in a manner that results in banging, clanking, squealing or similar sounds because of inadequate maintenance or an improperly secured load.
6.	Operation of the horn of a vehicle or other warning device except where required or authorized, or in accordance with good safety practice.
7.	Operation of any outdoor auditory signaling device, including but not limited to outdoor paging systems, the ringing of bells or gongs, the use of sirens or chimes, or the sounding of whistles for any purpose other than to control organized sporting activities at a sports field, 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 practice.
8.	Persistent barking, calling or whining or other similar persistent noisemaking by animals and birds kept as household pets.
9.	Selling or advertising by shouting, yelling or amplified sound.
10.	No person shall make, cause or permit noise or vibration which is likely to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the inhabitants of the municipality.
11.	The revving of an engine or motor.

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10.	Operation of any motorized conveyance other than on a highway or other place intended for its operation.	B
11.	Outdoor operation of any powered or non-powered tool for domestic purposes other than snow removal.	C
12.	Loading, unloading, delivering, packing, unpacking or otherwise handling any containers, products, other materials or refuse, unless necessary for the maintenance of essential services or the moving of private household effects.	C
13.	Operation of a pit or quarry.	B
14.	Take-off or landing of a power-assisted hang glider, parafoil, or aircraft of any type.	B
15.	Yelling, shouting, hooting, whistling or singing, except during organized sporting activities at a sports field.	C
16.	Yelling, shouting, hooting, whistling or singing during organized sporting activities at a sports field.	E
17.	Amplification of voices or sound for the playing of the national anthem and for intermittent game related announcements during organized sporting activities at a sports field.	E
18.	Whistles when used to control organized sporting activities at a sports field.	E
19.	Collecting waste and refuse, including operation of a solid waste bulk lift or refuse compacting equipment within the geographical boundaries of the Township of Moonbeam.	B
20.	Setting off of fireworks.	F
21.	The play of music	D

Prohibited Times

Table 2-2

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4.	Midways that have been authorized by the Town.
5.	Circuses that have been authorized by the Town.
6.	Races, parades, processions, and events for ceremonial, religious or traditional purposes that have been authorized by the Town.
7.	Operation of bells, chimes, carillons and clocks in places of worship and public buildings.
8.	Cultural, recreational, educational, and political events in parks and other public places that have been authorized by the Town.
9.	Neighbourhood events on municipal highways and other municipal property that have been authorized by the Town
10.	Aviation activities on Remi Lake
11.	Agricultural activities on agricultural properties.

SCHEDULE D

Noise Exemption Permit Application



Application Form
Noise Exemption Permit

Noise Regulation

Township of Moonbeam By-law # 18-20, Noise, provides standards for noise and applies to all properties within the Township of Moonbeam, with the intention of reducing the impact of unwanted sound on the residents of the Township. It prevents persons from making, causing or permitting any noise, which is likely to disturb the quiet, peace, rest, enjoyment, comfort of Town inhabitants.

It also applies to construction noise. Vehicles or equipment operating in connection with the construction of any building are prohibited during certain periods, including after 7:00 p.m. and before 7:00 a.m. Monday to Saturday, 7:00 p.m. to 9:00 a.m. on Sunday. Review

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Applicant Information

First Name		Last Name	
Street Number	Street Name		Suite/Unit Number
City		Province	Postal Code
Home Telephone Number		Mobile Number	Work Telephone
Email		Other contact information	

Activity or Event Information

Activity or Event Name or Type

Please describe the event or activity and brief description of why a noise permit is required.

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Equipment

Please describe all sound or construction equipment which would be used.

Staff on site during activity

One or more persons are required to be on site supervising throughout the entire duration of the event and activity and are responsible to ensure compliance with the permit's terms. Please list their contact information

Application Checklist

In order for your application to be reviewed, it must be submitted **at least three weeks prior** to the event or activity and include:

1. This completed application form
2. A copy of the site plan that is no larger than legal sized, i.e., 8 by 14 inches.
3. The \$100.00 application fee.

If a monitoring fee is required, you will be notified by the Township and required to pay this fee prior to the permit being granted.

Authorized Signature

By submitting this application for this permit, the Applicant shall at all times observe and comply with, and endeavour to ensure strict observance of and compliance with, all statutory requirements, rules, regulations, by-laws, terms and conditions, or other authority which in any manner affect or related to this permit, including without limitation, the by-laws of the Township of Moonbeam.

Signature	Date (yyyy-mm-dd)
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Notice of Collection

The personal information on this form is used to determine the eligibility of your request and to communicate with you in the future regarding your application. Questions about this collection can be directed to the Clerk at 53 St-Aubin Avenue, P.O. Box 330 Moonbeam, Ontario, P0L 1V0 or by phone at 705-367-2244.

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5. The information collected will be entered as evidence if by-law charges are commenced. The complainant will be required to testify in court on the evidence collected in the presence of the occupant/owner of the property from which the noise has disturbed them. The complainant may also be asked questions by the alleged violator or their legal representative with respect to the evidence collected.

We hope this information has been of assistance to you and has clarified the Township of Moonbeam's role in assisting citizens in resolving neighbourhood noise issues.

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Response to Complainant



Date:

RE: Response to Noise Complaint

Dear

Thank you for calling us concerning excessive noise .

We have enclosed a copy of the letter sent to concerning excessive noise.

Should there continue to be problems please call us.

Thank you for your cooperation.

Sincerely,

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<u>This section also to be completed in full: (add pages if required)</u> Date: _____ Time From: _____ Time To: _____ Observations: _____ _____ _____	<u>This section also to be completed in full: (add pages if required)</u> Date: _____ Time From: _____ Time To: _____ Observations: _____ _____ _____
Date: _____ Time From: _____ Time To: _____ Observations: _____ _____ _____	Date: _____ Time From: _____ Time To: _____ Observations: _____ _____ _____
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Date: _____ Time From: _____ Time To: _____ Observations: _____ _____ _____	Date: _____ Time From: _____ Time To: _____ Observations: _____ _____ _____

SCHEDULE H

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13.	Making, causing or permitting the making of noise from the operation of construction equipment, as prohibited by time and place.	Schedule B Table 1-2(1)	\$ 150.00
14.	Making, causing, permitting the making of noise from playing of musical instruments, as prohibited by time and place.	Schedule B Table 1-2(2)	\$ 150.00
15.	Making, causing, permitting the making of noise from any activity related to construction, as prohibited by time and place.	Schedule B Table 1-2(3)	\$ 150.00
16.	Making, causing, permitting the making of noise from the operation of any device intended for the production, reproduction or amplification of voices or sounds, as prohibited by time and place.	Schedule B Table 1-2(4)	\$ 150.00
17.	Making, causing, permitting the making of noise from the operation of a combustion engine intended for use in a toy, model or replica of a larger device, as prohibited by time and place.	Schedule B Table 1-2(5)	\$ 150.00
18.	Making, causing, permitting the making of noise from venting, release or pressure relief, as prohibited by time and place.	Schedule B Table 1-2(6)	\$ 150.00
19.	Making, causing, permitting the making of noise from the operation of solid waste bulk lift or refuse compacting equipment, prohibited by time and place.	Schedule B Table 1-2(7)	\$ 150.00
20.	Making, causing, permitting the making of noise from the operation of commercial car wash equipment, as prohibited by time and place.	Schedule B Table 1-2(8)	\$ 150.00
21.	Making, causing, permitting the making of noise from the operation of any powered rail car while stationary, as prohibited by time and place.	Schedule B Table 1-2(9)	\$ 150.00
22.	Making, causing, permitting the making of noise from the operation of any motorized conveyance other than on a highway, as prohibited by time and place.	Schedule B Table 1-2(10)	\$ 150.00
23.	Making, causing, permitting the making of noise from an outdoor operation of any powered or non-powered tool for domestic purposes, as prohibited by time and place.	Schedule B Table 1-2(11)	\$ 150.00
24.	Making, causing, permitting the making of noise from loading, unloading, delivering, packing, unpacking, as prohibited by time and place.	Schedule B Table 1-2(12)	\$ 150.00