

CORPORATION OF THE TOWNSHIP OF PRINCE

BY-LAW 86-10

being a By-law to amend By-law 77-4

The Council of the Corporation of the Township of Prince pursuant to the provisions of The Environmental Protection Act, R.S.O. 1980 and amendments thereto ENACTS as follows:
Page 1 - Paragraph 3 is amended by changing the word "degrade" in the third line to "degrade".

Page 1 - Section 1 is hereby amended to read as follows:

1. Interpretation

(1) In this by-law,

(a) Construction

"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;

(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" includes 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) Council

"Council" means the Council of the Corporation of the Township of Prince;

(e) Highway

"Highway" includes 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;

(f) Minister

"Minister" means Minister of the Environment;

(g) Ministry

"Ministry" means Ministry of the Environment;

(h) Motor Vehicle

"Motor Vehicle" includes 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, self-propelled implement of husbandry or road-building machine within the meaning of The Highway Traffic Act;

(i) Motorized Conveyance

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

(j) Motorized Snow Vehicle

"Motorized Snow Vehicle" means a self-propelled vehicle designed to be driven primarily on snow.

(k) Municipality

"Municipality" means the land within the geographic limit of the Township of Prince;

(l) Noise

"Noise" means unwanted sound;

(m) 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.

(n) Quiet Zone

"Quiet Zone" means an area of the municipality so designated by Council in this by-law as a place where quiet is of a particular importance, such as, but not limited to, the immediate vicinity of hospitals, convalescent homes or retirement homes;

(o) Stationary Source

"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 equipment or a conveyance.

Page 4 - Section 2 is amended as follows:

2. Prohibitions

No person shall emit or cause or permit the emission of sound resulting from an act listed herein and which sound is clearly audible at a point of reception;

- (1) Racing of any motorized conveyance other than in a racing event regulated by law.
- (2) The operation of a motor vehicle in such a way that the tires squeal.
- (3) The operation of any combustion engine without an effective exhaust muffling device in good working order and in constant operation.
- (4) The operation of a vehicle or a trailer with a trailer resulting in banging, clanking, squealing or other like

sounds due to improperly secured load or equipment, or inadequate maintenance.

- (5) The operation of an engine or motor in, or on, any motor vehicle or of attached auxiliary equipment for a continuous period exceeding five minutes, while such vehicle is stationary in a residential area as designated in the zoning by-law No. 77-7 as amended unless
 - (i) the vehicle is in an enclosed structure constructed so as to effectively prevent excessive noise emission; or
 - (ii) 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
 - (iii) 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 trucks, lift platforms or refuse compactors and heat exchange systems, or
 - (iv) 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; or
 - (v) prevailing low temperatures make longer idling periods necessary, immediately after starting the motor or engine; or
 - (vi) 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.
- (6) The operation of a motor vehicle horn or other warning device except where required or authorized by law.

- (7) The operation of any item of construction equipment in a Quiet Zone without effective muffling devices in good working order and in constant operation.

Page 4 - Section 3 is amended to read as follows:

3. Prohibitions by Time and Place

No person shall emit or cause or permit the emission of a sound resulting from any act listed in Schedule 3.
 Prohibitions by Time and Place, if clearly audible at a point of reception located in an area of the Municipality specified in Table 3 within a prohibited time shown for such an area.

TABLE 3

Prohibitions by Time and Place

	Prohibited Period of Time	
	Quiet Zone	Residential Area
1. The operation of any auditory signalling 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.	At any time	B & D
2. The operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers	At any time	C
3. All selling or advertising by shouting or outcry or amplified sound.	At any time	B & D
4. Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, products, materials, or refuse, whatsoever, unless necessary for the maintenance of essential services.	B	B & D
5. The operation of any construction equipment in connection with construction.	E & D	F & D
6. The detonation of fireworks or explosive devices.	At any time	A
7. The discharge of firearms.	At any time	At any time

8. The operation of a combustion engine which,
 - (i) is,
 - (ii) is used in, or
 - (iii) is intended for use in, a toy or a model or replica of a larger device, which model or replica has no function other than amusement and which is not a conveyance.At any time B
9. The operation of any powered rail car including but not limited to refrigeration cars, while stationary on property not owned or controlled by a railway governed by the Canada Railway Act. At any time A
10. The operation of any motorized conveyance other than on a highway or other place intended for its operation. At any time B
11. The venting, release or pressure relief of air, steam or other gaseous material, product or compound from any autoclave, boiler, pressure vessel, pipe, valve, machine, device or system. At any time A
12. Persistent barking or whining of any domestic dog or other persistent noise making by any domestic pet. At any time A
13. The operation of any powered or non-powered tool for domestic purposes other than snow removal. C B
14. The operation of solid waste bulk lift or refuse compacting equipment. C B
15. The operation of commercial car wash equipment. C A
16. Yelling, shouting, hooting, whistling or singing. At any time A

Restricted Times:

- A - 23:00 Hrs. of one day to 07:00 Hrs. next day (09:00 Hrs. Sundays)
- B - 19:00 Hrs. of one day to 07:00 Hrs. next day (09:00 Hrs. Sundays)
- C - 17:00 Hrs. of one day of 07:00 Hrs. next day (09:00 Hrs. Sundays)
- D - All day Sundays and Statutory Holidays.
- E - 17:00 Hrs. of one day of 07:00 Hrs. next day
- F - 19:00 Hrs. of one day to 07:00 Hrs. next day

Page 5 - Section 5(2) is amended to read as follows:

(2) Decision

In deciding whether to grant the exemption, Council shall give the applicant and any person opposed to the application an opportunity to be heard and may consider such other matters as it sees fit.

Page 5 - Section 5(3) is amended to read as follows:

(3) Breach

Breach by the applicant of any of the terms or conditions of the exemption shall render the exemption null and void.

Page 5 - Sections 5(4), 5(5) and 5(6) are hereby deleted.

Page 6 - Section 6 is amended to read as follows:

6. Exemption of Traditional, Festive or Religious Activities

Notwithstanding any other provision of this by-law, this by-law does not apply to a person who emits or causes or permits the emission of sound or vibration in connection with a traditional, festive or religious activity.

Page 7 - Section 8 is amended by changing "Summary Convictions Act" in the last line to "Provincial Offences Act."

Page 8 - Publications - is hereby deleted.

READ A FIRST, SECOND AND THIRD TIME and FINALLY PASSED
this 13th day of May, 1986.


Reeve


Clerk