

A BY-LAW TO CONTROL NOISE

By-Law 91-15

A by-law of the Corporation
of the Township of Prince

WHEREAS it is expedient to exercise the power conferred upon the Council by The Environmental Protection Act, R.S.O. 1980, as amended, and other statutory authority; and

WHEREAS a recognized body of scientific and technological knowledge exists by which sound and vibration may be substantially reduced; and

WHEREAS the people have a right and should be ensured an environment free from unusual, unnecessary, or excessive sound or vibration which may degrade the quality and tranquillity of their life or cause nuisance; and

WHEREAS it is the policy of the Council to reduce and control such sound or vibration;

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

1. Interpretation

(1) Technical Terms

In this by-law all the words which are of a technical nature and are related to sound or vibration shall have the meanings specified for them in Publication NPC-101 - Technical Definitions.

(2) Definition

In this by-law,

(a) Certificate

"Certificate" means a Certificate of Competency in Environmental Acoustics Technology if a specified class issued by the Minister of the Environment;

(b) Construction

"construction" includes erection, alteration, repair, dismantling, 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;

(c) 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;

(d) 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;

(e) Council

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

(f) 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;

(g) Minister

"Minister" means Minister of the Environment;

(h) Ministry

"Ministry" means Ministry of the Environment;

(i) 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 car 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;

(j) Motorized Conveyance

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

(k) Municipality

"municipality" means the land within the geographic limit of the Corporation of the Township of Prince;

(l) Noise

"noise" means unwanted sound;

(m) Noise Control Officer

"Noise Control Officer" means a person designated by Council as responsible for the administration of this by-law;

(n) 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;

(o) Publication

"Publication" means a specified publication of the Noise Pollution Control Section of the Pollution Control Branch of the Ministry of the Environment, which is named in Schedule I is attached hereto and is hereby made part of this by-law;

(p) 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 or a conveyance.

(3) Zones

In this by-law,

(a) Residential Area

"Residential Area" means those areas of the municipality specified and defined in Zoning By-law 77-7 of the Corporation of the Township of Prince as follows:
Rural Residential, Summer Cottage, Hamlet, Shield, Commercial, Rural Agricultural

2. General 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 or pneumatic device without an effective exhaust or intake muffling device in good working order and in constant operation.
4. The operation of a vehicle or a vehicle 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 item of attached auxiliary equipment for a continuous period exceeding five minutes, while such vehicle is stationary in a Residential Area or a Quiet Zone 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 trucks, 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 temperatures 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.

6. The operation of a motor vehicle horn or other warning device except where required or authorized by law in accordance with good safety practices.

7. The operation of any item of construction equipment in a Quiet Zone or Residential Area without effective muffling devices in good working order and in constant operation.

3. Prohibitions by Time and Place

No person shall emit or cause or permit the emission of sound resulting from any act listed in Table 1. if clearly audible at a point of reception located in an area of the municipality within a prohibited time shown for such an area.

4. General Limitations on Sound Levels

Due to Stationary Sources

(1) No person shall emit or cause or permit the emission of sound from a stationary source such that the level of sound from that source at a point of reception located in a Quiet Zone or Residential Area, exceeds the applicable sound level limit prescribed in Publication NPC-105 - Stationary Sources.

(2) Subsection (1) does not apply to any equipment, apparatus or device used in agriculture for food crop seeding, chemical spraying or harvesting.

5. Limitation on Sound and Vibration Levels at a Point of Reception for Specific Sources

(1) Residential Air Conditioners

No person shall emit or cause or permit the emission of sound from the operation of a residential air conditioning device of a type referred to in Publication NPC-116 - Residential Air Conditioners, resulting in a sound level at a point of reception located in a Quiet Zone or a Residential Area in excess of the applicable sound level limit set out in Publication NPC-116 - Residential Air Conditioners.

(2) Blasting Operations

No person shall emit or cause or permit the emission of sound (concussion) or vibration from a blasting operation of a type mentioned in Publication NPC-119 - Blasting, such that the peak pressure level or peak particle velocity at a point of reception located in Quiet Zone or Residential Area, exceeds the applicable limit set out in Publication NPS-119 - Blasting.

6. Preemption

Where a source of sound is subject to both Sections 4 and 5, the less restrictive provisions shall prevail.

7. Sound Emission Standards

(1) Construction Equipment - Residential Areas

No person shall emit or cause or permit the emission of any sound from any item of construction equipment of a type referred to in Publication NPC-115 - Construction Equipment, at a work site, any part of which is located in or within 600 meters of a Residential Area or a Quiet Zone, unless:

(a) the item of equipment was manufactured prior to January 1st, 1979; or

(b) the item of equipment bears a label affixed by the manufacturer or distributor which states, the year of manufacture and that the item of equipment when new complies with the Residential Area sound emission standard set out in Publication NPC-115 - Construction Equipment, as applicable to that type of equipment and date of manufacture; or

(c) the owner, operator, manufacturer or distributor provides proof that the item of equipment when new complied with the Residential Area sound emission standard set out in Publication NPC-115 - Construction Equipment, as applicable to that type of equipment and date of manufacture.

(2) Domestic Outdoor Power Tools

No person shall emit or cause or permit the emission of any sound in a Residential Area or Quiet Zone from any domestic outdoor power tool of a type referred to in Publication NPC-117 - Domestic Outdoor Power Tools, which device is powered by an electric motor or an internal combustion engine unless:

(a) the device was manufactured prior to January 1st, 1979; or

(b) the device bears a label affixed by the manufacturer or distributor which states, the year of manufacture and that the device when new complies with the sound emission standard set out in

Publication NPC-117 - Domestic Outdoor Power Tools, as applicable to that type of device and date of manufacture; or

(c) the owner, operator, manufacturer or distributor provides proof that the device when new complied with the sound emission standard set out in Publication NPC-117 - Domestic Outdoor Power Tools, as applicable to that type of device and date of manufacture.

(3) Air Conditioners

No person shall emit or cause or permit the emission of any sound from any air conditioning device of a type referred to in Publication NPC-116 - Residential Air Conditioners unless:

(a) the device was manufactured prior to January 1st, 1979; or

(b) the device bears a label affixed by the manufacturer or distributor which states, the year of manufacture and that the device when new complies with the sound emission standard set out in Publication NPC-116 - Residential Air Conditioners, as applicable to that type of device and date of manufacture; or

(c) the owner, operator, manufacturer or distributor provides proof that the device when new complied with the sound emission standard set out in Publication NPC-116 - Residential Air Conditioners, as applicable to that type of air conditioner and date of manufacture.

(4) Motorized Conveyances

No person shall emit or cause or permit the emission of any sound from any motorized conveyance of a type referred to in Publication NPC-118 - Motorized Conveyances unless the motorized conveyance complies with the sound emission standard set out in Publication NPC-118 - Motorized Conveyances, as applicable to that type of motorized conveyance and date of manufacture.

8. Exemption

Public Safety

Notwithstanding any other provision of this by-law, it shall be lawful to emit or cause or permit the emission of sound or vibration in connection with emergency measures undertaken:

(a) for the immediate health, safety or welfare of the inhabitants or any of them;

(b) 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.

9. Grant of Exemption by Council

(1) Application to Council

Notwithstanding anything contained in this by-law, any person may make application to 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 Council, by resolution, may refuse to grant 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 Council sees fit.

(2) Details of Application for Exemption

The application mentioned in subsection (1) shall be made in writing, in duplicate, and shall contain:

- (a) the name and address of the applicant;
- (b) a description of the source of sound or vibration in respect of which exemption is sought;
- (c) a statement of the particular provisions or provisions of the by-law from which exemption is sought;
- (d) the period of time, of a duration not in excess of six months, for which the exemption is sought;
- (e) the reasons why the exemption should be granted;
- (f) a statement of the steps, if any, planned or presently being taken to bring about compliance with the by-law; and
- (g) proof of publication within the preceding ten days, in a newspaper of general circulation within the Municipality, of a notice of intention to apply for an exemption to this by-law, containing the information required by clauses (a) through (e) hereof, and further stating the date upon which it is intended that application will be made to Council.

(3) Noise Control Officer

Council shall cause one copy of the application for exemption to be delivered to the Noise Control Officer and he shall prepare a report to Council forthwith, stating his opinion of the merits of the application and his recommendations as to terms and conditions which, in his opinion, should be imposed upon the applicant if the exemption is

granted and Council will not consider the application for exemption until it has received the report of the Noise Control Officer.

(4) Report

The Noise Control Officer shall forward a copy of his report to the applicant at the address shown on the application by prepaid registered mail and shall, not sooner than two weeks after the mailing of the report to the applicant, submit the report to Council and shall, on request, make his report available for public inspection.

(5) Decision

In deciding whether to grant the exemption, Council shall consider the application, the report of the Noise Control Officer and any written submission then received by Council and made by the applicant after receipt of the report of the Noise Control Officer and the Council may consider such other matters as it sees fit.

(6) Breach

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

10. 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 any of the listed traditional, festive, religious and other activities sponsored by the Municipality

- (a) parades,
- (b) ceremonies

11. Severability

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 Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

12. Penalty

Every person who contravenes any of the provisions of this by-law is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than \$5,000.00 for a first offence and subsequent offences, exclusive of cost, and every such fine is recoverable under the Provincial Offences Act.

13. By-law 91-11 passed on June 11, 1991 is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME, AND FINALLY PASSED, this 10th day of September, A.D., 1991.




Reeve



Administrator

This By-law is approved pursuant to the provisions of the Environmental Protection Act, 1980, as amended, at Toronto, this 22nd day of ~~October~~ 1991.



Minister of the Environment

TABLE 1.

PROHIBITIONS BY TIME AND PLACE

	Prohibited Period of Time	Residential Area
1. The detonation of fireworks or explosive devices not used in construction.	At all times.	
2. The discharge of firearms.	At all times.	
3. The operation of a combustion engine which (i) is, or (ii) is used in, or (iii) is intended for use in, a toy or a model or replica of any device, which model or replica has no function other than amusement and which is not a conveyance.		
4. 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.		C
5. 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 or the municipality in accordance with good safety practices.		D & E
6. The operation of any powered rail car including but not limited to refrigeration cars, locomotives or self-propelled passenger cars, while stationary on property not owned or controlled by a railway governed by the Canada Railway Act.		B
7. The operation of any motorized conveyance other than on a highway or other place intended for its operation.		B
8. 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.		A
9. Persistent barking, calling or whining or other similar persistent noise making by any domestic pet or any other animal kept or used for any purpose other than agriculture.		A
10. The operation of a commercial car wash with air drying equipment.		D & E
11. Yelling, shouting, hooting, whistling or singing.		A

12. The operation of a power assisted hang glider or parafoil. D & E
13. The operation of any item of snow making equipment. E
14. All selling or advertising by shouting or outcry or amplified sound. D & E
15. Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, products, materials, or refuse, whatsoever, unless necessary for the maintenance of essential services or the moving of private household effects. D & E
16. The operation of any equipment in connection with construction. D & E
17. The operation or use of any tool for domestic purposes other than snow removal. B
18. The operation of solid waste bulk lift or refuse compacting equipment. B
19. The operation of a commercial car wash of a type other than mention in item 10. A

Prohibited Periods of Time:

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