

THE CORPORATION OF THE TOWNSHIP OF LAURENTIAN VALLEY

BY-LAW 2014-04-020

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BEING A BY-LAW TO REGULATE CERTAIN NOISES IN THE TOWNSHIP OF  
LAURENTIAN VALLEY

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**WHEREAS** section 9 of the *Municipal Act, 2001*, S.O. 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 this or any other Act;

**AND WHEREAS** Section 128 of the *Municipal Act, 2001*, S.O. 2001, authorizes a local municipality to prohibit and regulate with respect to public nuisance, including matters that, in the opinion of council, are or could become or cause public nuisances; and

**AND WHEREAS** section 129 of the *Municipal Act, 2001* authorizes a local municipality, to prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors; and

AND WHEREAS the people have a right to 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

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

**NOW THEREFORE BE IT RESOLVED** that the Council of the Corporation of the Township of Laurentian Valley ENACTS as follows:

1. **INTERPRETATION:**

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 Laurentian Valley.

(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) Municipality

“municipality” means the land within the geographic limits of The Corporation of the Township of Laurentian Valley.

(k) Unnecessary Noise

“Unnecessary Noise” means noise that is of such loud volume or continuous duration that it creates a nuisance, is likely to disturb the inhabitants of any dwelling and without limiting the generality of the foregoing. This includes the noise from or created by any radio, or television, or any musical or sound-production instrument when such device is played or operated in such a manner or with such volume as to disturb the inhabitants of any dwelling;

(l) 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.

## 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:

- a) Racing of any motorized conveyance other than in a racing event regulated by law.
- b) 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.
- c) 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 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.
- d) The operation of any item of construction equipment 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 3-1 if clearly audible at a point of reception located in an area of the municipality within a prohibited time shown for such an area.

**TABLE 3-1**                      **PROHIBITIONS BY TIME AND PLACE**

<b>Item No.</b>	<b>Description of Activity</b>	<b>Time Chart</b>
1	Detonation of Fireworks or Explosive Devices not used in construction	<b>A</b>
2	The operation of a combustion engine which is, is used in, or intended for a toy or model or replica of any device which model or replica has no function other than amusement and which is not a conveyance	<b>D</b>
3	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, re-production or amplification of sound	<b>A</b>
4	The operation of any auditory signaling device, including but not limited to the ringing of bells or gongs, the blowing of sirens, horns, whistles or the production, re-production, or amplification of any similar sounds by electronic means except where required or authorized by legislation or in accordance with good safety practice	<b>A</b>
5	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	<b>A</b>
6	Any selling or advertising by shouting or outcry or amplified sound	<b>B &amp; C</b>
7	Loading, unloading, delivering, packing, unpacking or otherwise handling any containers, products, materials or refuse whatsoever unless necessary for the maintenance of essential services or moving of private household effects	<b>C &amp; D</b>
8	The operation of any equipment in connection with construction	<b>A</b>
9	The operation or use of any tool for domestic purposes other than snow removal, not limited to lawnmowers, chainsaws, grinders, electric saws and other like shop tools and outdoor power products.	<b>E</b>
10	The operation of solid waste bulk lift or refuse compacting equipment	<b>B</b>

<b>Time Chart</b>	
<b>A</b>	<b>2300 hours one day to 0700 hours the next day (0900 hours Sunday)</b>
<b>B</b>	<b>1900 hours one day to 0700 hours the next day (0900 hours Sunday)</b>
<b>C</b>	<b>All day Sunday and all Statutory Holidays</b>
<b>D</b>	<b>2100 hours one day to 0700 hours the next day (0900 hours Sunday)</b>
<b>E</b>	<b>2100 hours one day to 0700 hours the next day (0900 hours Sunday)</b>

#### **4. EXEMPTIONS**

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; or
- 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.

Also Notwithstanding the provisions of Section 3 of this By-law, where the permitted timing of an activity has been established in an Agreement entered into between a Property Owner and the Township pursuant to the provisions of the Planning Act or the Municipal Act, or are set in a Licence issued by the Ministry of Natural Resources under the Aggregate Resources Act, the provisions of the Agreement shall prevail over the provisions of this By-law.

#### **5. 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) Breach

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

#### **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 any of the listed traditional, festive, religious and other activities:

- (1) The use in a reasonable manner of an apparatus or mechanism for the amplification of the human voice or of music in a public park or recreational area under the control and management of the Township of Laurentian Valley in connection with any public election meeting, public celebration or other lawful gathering, on the following festive days:

New Years Day	St. Patrick's Day
Civic Holiday (August)	Thanksgiving Day
Valentines Day	Easter Weekend (Good Friday, Easter Monday)
Labour Day	Christmas Day
Victoria Day	Boxing Day
Canada Day	Remembrance Day

- (2) All agricultural activities in the municipality.

