

**CORPORATION OF THE TOWNSHIP OF  
ALFRED and PLANTAGENET**

**BY-LAW NUMBER 2007-53**

**Being a By-Law of the Corporation of the Township of Alfred and Plantagenet  
to prohibit and regulate noise.**

**WHEREAS** Section 129 of *The Municipal Act, 2001*, S.O. 2001, c.25 provides that the Council of a Municipality may pass by-laws for prohibiting or regulating, noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors;

**AND WHEREAS** Section 129 of *The Municipal Act, 2001*, S.O. 2001, c.25 provides that the Council of a Municipality may pass by-laws for issuing permits for those matters and may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring submission of plans;

**AND WHEREAS** the Corporation of the Township of Alfred and Plantagenet deems it desirable to do so;

**NOW THEREFORE** the Council of the Township of Alfred and Plantagenet enacts as follows:

**SHORT TITLE**

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

**DEFINITIONS**

2. In this by-law:

- (a) "Auxiliary equipment" shall mean any device, attachment, delivery body or apparatus attached to a motor vehicle, either permanently or temporarily;
- (b) "Construction" shall mean 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; activities associated with the operation at municipal waste and snow disposal sites are excluded;
- (c) "Construction equipment" shall mean 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, drills, loaders, scrapers, pavers, generators, off-highway haulers or trucks, compactors and rollers, pumps, concrete mixers, graders or other material handling equipment;
- (d) "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) "Corporation" shall mean the Corporation of the Township of Alfred and Plantagenet;
- (f) "Council" shall mean the Council of the Corporation of the Township of Alfred and Plantagenet;
- (g) "Highway" includes a common and public highway, street, concession, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for, or used by, the general public for the passage of vehicles;
- (h) "Inhabitant" means any owner, tenant, occupier or lease of real property within the Township of Alfred and Plantagenet;
- (i) "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;
- (j) "Motorized conveyance" shall mean a conveyance propelled or driven otherwise than by muscular, gravitational or wind power;

- (k) "Municipal Law Enforcement Officer" shall mean a Municipal Law Enforcement Officer appointed by the Council of the Corporation of the Township of Alfred and Plantagenet;
- (l) "Municipality" shall mean the land within the geographic limits of the Township of Alfred and Plantagenet;
- (m) "Noise" shall mean unwanted sound or sounds likely to disturb the inhabitants of the Township of Alfred and Plantagenet;
- (n) "Point of Reception" shall mean any point on the premises of a person where sound or vibration originating from other than those premises is received;
- (o) "Township" shall mean The Township of Alfred and Plantagenet;
- (p) "Trade" shall include, but not be limited to, steelwork, welding, wood working, automotive repair and painting, machinery repair, and includes any work in connection therewith;
- (q) "Vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car;

### GENERAL

- 3. No person shall allow, make, cause or permit the emission of noise which disturbs or may disturb the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants.
- 4. No owner or person shall emit, or cause to be emitted, noise within the municipality from an act listed herein at any time:
  - (a) Racing of any motorized conveyance other than in a racing event regulated by law.
  - (b) The operation of any motor vehicle in such a way that the tires squeal.
  - (c) 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.
  - (d) 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.
  - (e) The operation of a motor vehicle horn or other warning device except where required or authorized by law or in accordance with good safety practices.
  - (f) The operation of any item of construction equipment without effective muffling devices in good working order and in constant operation.
  - (g) The 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.
  - (h) The operation of any engine or motor without an effective muffler system in connection with any hobby such as model aircraft or boat operation without limiting the generalities thereto.
  - (x) The operation or use of an engine or motor in, or on, any motor vehicle or item of attached auxiliary equipment for a continuous period exceeding 10 minutes, while such vehicle is stationary unless;
    - (i) 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,
    - (ii) 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 that the said vehicle is stationary for purposes of actively unloading or loading, or
    - (iii) 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.

5. No owner or person shall emit, or cause to be emitted, noise within the municipality from an act listed below between the hours of 11:00 p.m. and 7:00 a.m.:
  - (a) The operation of any auditory signalling device, including but not limited to the ringing of bells, except for religious services, 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 in accordance with good safety practices.
  - (b) Yelling, shouting, hooting, whistling or singing.
  - (c) Construction.
  - (d) Trade.
  - (e) The operation or use of any tool for household purposes other than snow removal.
  - (f) 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 household effects.
  - (g) The operation of any motorized conveyance other than on a highway or other place intended for its operation.
  - (h) The operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro-magnetical transducers and intended for the production, reproduction or amplification of sound.
6. Notwithstanding any other provision of this By-Law, it shall be lawful to emit or cause or permit noise in connection with
  - (a) emergency measures taken for the immediate health, safety or welfare of the inhabitants or the preservation or restoring of property;
  - (b) normal farming practices in rural zones as defined in the Zoning By-Law of the Township of Alfred and Plantagenet; unless such noise or vibration is clearly of a longer duration or nature more disturbing than is reasonably necessary for the accomplishment of such purpose.

#### **GRANT OF EXEMPTION BY COUNCIL**

7. 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 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 (6) months, during which it is effective and may contain any such terms and conditions as Council deems appropriate.
8. 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 deems appropriate.
9. Any breach of any of the terms or conditions of any exemption granted by Council by the applicant shall render the exemption null and void.

#### **ADMINISTRATION**

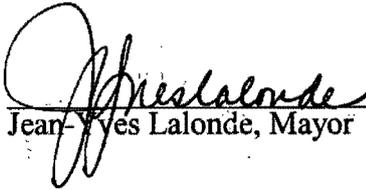
10. The provision of this By-Law shall be enforced by the Municipal Law Enforcement Officer.
11. No owner or person shall hinder, obstruct, molest or interfere with or attempt to hinder, obstruct, molest or interfere with the Municipal Law Enforcement Officer in the lawful performance of his or her duties.

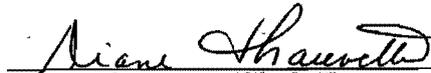
#### **PENALTIES**

12. Every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction thereof shall forfeit, and pay a penalty for each such offence and every such penalty shall be recoverable under the *Provincial Offences Act, R.S.O. 1990*, chapter P.33 and amendments thereto.

13. When a person has been convicted of an offence under this by-law, the County Court of the County of Prescott and Russell, or any court of competent jurisdiction thereafter, may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence.
14. The requirements of this by-law are severable. If any requirements of this by-law are held invalid, the application of such requirements to other circumstances and the remainder of this by-law shall not be affected.
15. This by-law is not to be construed at any time in such a fashion as to hold the Corporation or its officers liable for failing to ensure that persons comply with the provisions of this by-law.
16. That By-Law no. 22-2002 of the Township of Alfred and Plantagenet, is hereby repealed.
17. This by-law shall come into force and effect on the 16<sup>th</sup> of July, 2007.

**DONE AND PASSED** in open Council after a **FIRST, SECOND AND THIRD** reading this 16<sup>th</sup> day of July, 2007.

  
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Jean-Yves Lalonde, Mayor

  
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Diane Thauvette, Clerk-Treasurer