

**BY-LAW NO. 30-2010**

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**Being a By-Law to Control Noise**

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**WHEREAS** Council deems it appropriate to enact a by-law to prohibit and regulate certain noises within the Municipality of Whitestone pursuant to section 129 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended;

NOW THEREFORE the Council of The Corporation of the Municipality of Whitestone enacts as follows:

**1. Definitions**

In this by-law,

- 1.1 **“Construction”** includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting with compressors, moving, land clearing, earth moving, grading, excavating, filling, 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;
- 1.2 **“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;
- 1.3 **“Construction Site”** means the area or portion of land used for construction or any other area used for any purpose related to the construction or for any related purpose;
- 1.4 **“Council”** means the Council of The Corporation of the Municipality of Whitestone;
- 1.5 **“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;
- 1.6 **“Minister”** means the Minister of the Environment;
- 1.7 **“Ministry”** means the Ministry of the Environment;
- 1.8 **“Motor Vehicle”** includes an automobile, motor-cycle 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 vehicle 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;
- 1.9 **“Motorized Conveyance”** means a conveyance propelled or driven otherwise than muscular, gravitational or wind power;
- 1.10 **“Municipal Law Enforcement Officer”** means any person who is appointed by Council as a Municipal Law Enforcement Officer for the Municipality of Whitestone;

- 1.11 **“Municipality”** means the land within the geographic limit of The Corporation of the Municipality of Whitestone;
- 1.12 **“Noise”** means unwanted sound;
- 1.13 **“Point of Reception”** means any point on the premises of a person where sound or vibration originating from other than those premises is received;
- 1.14 **“Residential Renovations”** means construction that does not require any building permits and/or renovations constructed without any heavy equipment;
- 1.15 **“Source”** or **“Source of Sound or Vibration”** means an activity, matter, thing, or tangible personal property or real property, from which sound or vibration is emitted;
- 1.16 **“Stationary Source”** means a source of which does not normally move from place to place and includes the premises of a person as one stationary source unless the dominant source on the premises is construction or a conveyance.

**2. Prohibitions**

- 2.1 No person shall emit or cause or permit the emission of sound resulting:
  - 2.1.1 from any act listed below - Time and Place Prohibitions, if clearly audible at a point of reception located in an area of the municipality specified within a prohibited time shown for such an area.

**Time and Place Prohibitions**

1	The operation of a combustion engine which is, is used in, or 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.	9:00 pm – 7:00 am
2	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 applicable laws or carried out in accordance with good safety practices.	7:00 pm – 7:00 am
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, reproduction, or amplification of sound.	11:00 pm – 7:00 am
4	The operation of any construction equipment in connection with construction.	9:00 pm – 7:00 am
5	By-Law Officer may determine that any persistent yelling, shouting, screaming, hooting, whistling, or singing is a noise as defined in this By-law.	At any time
6	The operation of any powered or non-powered tool for domestic purposes, other than snow removal and generators.	9:00 pm – 7:00 am

**NOTE:** For the purpose of Exemptions, “motorized conveyance” includes: snowmobiles, mopeds, go-carts, track bikes, and trail bikes.

**3. Exemptions**

- 3.1 Notwithstanding any other provision of this by-law, this by-law shall not apply to a person who emits or causes or permits the emission of sound or vibration in connection with any activities, listed below – Exemptions, or as approved by Council.
- 3.1.1 Operation of authorized emergency vehicles.
- 3.1.2 Operation of bells, utilized as traffic control devices including the following:
- a) bells at traffic signal locations;
  - b) bells at railway crossings.
- 3.1.3 Operation of equipment and machinery by or on behalf of the Municipality carrying on or engaged in the performance of public works for emergency purposes, including, but not limited to:
- a) winter snow clearing and removal equipment;
  - b) turf grass maintenance and repair equipment;
  - c) traffic line painting machines;
  - d) catchbasin cleaners;
  - e) tree and shrub pruning and mulching equipment;
  - f) sidewalk grinding and repair equipment;
- 3.2 Notwithstanding any other provision of this by-law, it shall be lawful during an emergency to emit or cause or permit the emission of sound or vibration in connection with emergency measures undertaken;
- 3.2.1 for the immediate health, safety or welfare of the inhabitants or any of them, or
- 3.2.2 for the preservation or restoration of property,
- unless such sound or vibration is clearly of a longer duration or of a nature more disturbing than is reasonably necessary for the accomplishment of such emergency purpose.

**4. Penalty**

- 4.1 The By-Law Enforcement Officer or his/her designate may issue a first time warning if the person/persons agrees to immediately comply with the Noise By-Law. Any person who contravenes any provision of this by-law is guilty of an offence and is liable upon conviction to a fine in accordance with the Provincial Offences Act.

**5. Enactment**

- 5.1 That By-law No. 32-2000 be repealed.
- 5.2 This by-law shall take effect and come into force upon passage by Council.

**Read a First and Second time this 3<sup>rd</sup> day of May, 2010.**

<b>Mayor</b>	Chris Armstrong	<b>CAO-Clerk</b>	Liliane Nolan
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**Read a Third time and Passed, Signed and Sealed this 3<sup>rd</sup> day of May, 2010.**

<b>Mayor</b>	Chris Armstrong	<b>CAO-Clerk</b>	Liliane Nolan
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