

THE CORPORATION OF THE VILLAGE OF CASSELMAN

BY-LAW NO: 2007-198

A BY-LAW TO REGULATE NOISE

WHEREAS *section 129 of the Municipal Act, 2001* authorizes the council of every local municipality to regulate and prohibit with respect to noise;

THEREFORE the council of the Corporation of the VILLAGE OF CASSELMAN enacts as follows:

1. DEFINITIONS:

In this by-law:

- 1.1 **“Agricultural property”** means a property that is zoned for agricultural use in the zoning by-law that applies to the property;
- 1.2 **“Emergency”** means a situation or an impending situation, often dangerous, caused by the forces of nature, an accident, an intentional act or otherwise, which arises suddenly and calls for prompt action;
- 1.3 **“Emergency vehicles”** includes a land ambulance, an air ambulance, police vehicle, a fire department vehicle, and a motor vehicle being used to respond to an emergency;
- 1.4 **“Municipal Law Enforcement Officer”** shall mean the municipal Law Enforcement Officer appointed by the council of the Corporation of the village of Casselman;
- 1.5 **“Motor vehicle”** includes an automobile, bus, truck, motorcycle, motor assisted bicycle and any other vehicle propelled or driven other than by muscular power, but does not include a motorized snow vehicle, traction engine, farm tractor, other farm vehicle or road building machine;
- 1.6 **“Municipal service vehicle”** means a vehicle operated by or on behalf of the Village or a local board of the Village while the vehicle is being use for the construction, repair or maintenance of a highway, including the clearing and removal of snow, the construction, repair or maintenance of a utility, the collection or transportation of waste, or other municipal purpose;
- 1.7 **“Noise”** means sound that is unusual or excessive, or that is unwanted by or disturbing to persons;

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- 1.8 “ **Person**” includes a corporation as well as an individual;
- 1.9 “**Premises**” means a piece of land and any buildings and structures on it, and includes a place of business, road, and any other location or place;
- 1.10 “**Residence**” means a room, suite of rooms, or dwelling, including a mobile trailer, operated as a housekeeping unit that is used or intended to be used as a separate domicile by one or more persons, and that normally contains cooking, eating, living, sleeping and sanitary facilities;
- 1.11 “**Road**” includes a public highway, private road, lane, pathway, and sidewalk;
- 1.12 “**Utility**” means a system that is used to provide a utility service to the public, including water, sewage, electricity, gas, communications networks and cable services;
- 1.13 “**Utility service vehicle**” means a vehicle operated by or on behalf of utility company , its subsidiary companies, and by any other company or agency that supplies or manages a utility within the village while the vehicle is being used for the construction, repair or maintenance of that utility;
- 1.14 “**Vehicle**” includes a motor vehicle, trailer, traction engine, farm tractor, road- building machine and other vehicle propelled or driven other than by muscular power;
- 1.15 “**Village**” shall mean The Corporation of the Village of Casselman.
- 1.16 “**Zone**”

In this by-law:

- 1.16.1. “**Residential zone**” means those areas of the municipality designated as such in the Official plan of the Village of Casselman Planning Area as amended from time to time.
- 1.16.2. “**Quiet zone**” means the lands in the municipality upon which a school building, an hospital building and a home for the aged building stand erected and within one (100) metres there from;

1.17 **“Zoning by-law”** means a by-law passed under section 34 of the Planning Act that restricts the use land.

2. APPLICATION:

2.1 The general prohibitions on activities described in Schedule A shall apply to all types of zoning designation within the Village at all times.

2.2 The prohibition on activities by time and place described in Schedule B apply to the lands within the residential zone and quiet zone of the Village between the hours specified in Schedule B.

3. ADMINISTRATION:

3.1 The Municipal Law Enforcement Officer is responsible for the administration of this by-law.

3.2 The Municipal Law Enforcement Officer and the Chief of Police are responsible for enforcing the provisions of this by-law.

3.3 Any person may submit an application to the Municipal Council requesting an exemption from any of the prohibitions described in Schedule A and B.

3.4 If council approves the application, the exemption will be in effect for the dates specified, and Council may impose any conditions that it considers appropriate.

3.5 An exemption shall be invalid if these conditions are contravened.

4. REGULATIONS:

4.1 No person shall, at any time, make, cause or permit the making of noise within the Village that is the result of any of the activities described in Schedule A and that is audible to:

4.1.1. a person on a premises or in a vehicle other than the premises or vehicle from which the noise is originating;

4.1.2. a person in a residence or building other than the residence or building from which the noise is originating.

4.2 No person shall, during the hours specified in Schedule B, make, cause, or permit the making of noise within the residential areas and quiet areas that is the result of any of the activities described in Schedule B and that is audible to:

4.2.1. a person on or in a premises or a vehicle other than the premises or vehicle from which the noise is originating: or

4.2.2. a person in a residence other than the residence from which the noise is originating.

5. EXEMPTIONS:

5.1 The prohibitions described in Schedules A and B do not apply if the noise is the result of measures undertaken in an emergency for the:

5.1.1. immediate health, safety or welfare of the inhabitants; or

5.1.2. preservation or restoration of property;

Unless the noise is clearly of a longer duration or of a more disturbing nature than is reasonably necessary to deal with the emergency.

5.2 The prohibitions described in Schedule A and B do not apply if the noise is the result of any of the activities described in schedule C.

5.3 The prohibitions described in Schedule A and B do not apply if the noise is the result of any or the activity that has been granted by an exemption under section 3.4.

5.4 Section 10 of schedule "A" shall not apply to private or public auctioneer when holding an auction authorized by the municipality.

6. SCHEDULES:

The following schedules are attached to and form part of this by-law:

- 6.1 Schedule A - General Noise Prohibitions.
- 6.2 Schedule B - Noise Prohibitions by Time and Place.
- 6.3 Schedule C - Exemption from Noise Prohibitions.

7. OFFENCE AND PENALTY PROVISIONS:

- 7.1 Any person who contravenes the provisions of this by-law is guilty of an offence and, upon conviction, is subject to a fine as provided in the *Provincial Offences Act.* and to any other applicable penalties.
- 7.2 If this by-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 7.3 Any person who hinders or obstructs a person lawfully carrying out the enforcement of this by-law is guilty of an offence.

8. VALIDITY:

- 8.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

9. COMMENCEMENT:

- 9.1 This by-law comes into effect immediately after it receives third reading and is passed.

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READ a first, second and third time and finally adopted this 13th day of March 2007.

Conrad Lamadeleine, Mayor

Gilles Lortie, A.M.C.T.
Clerk

March 13, 2007

I, Gilles Lortie, Clerk for The Corporation of the Village of Casselman, does hereby certify that this document is a true certified copy of by-law 2007-198 passed and adopted in open council on March 13, 2007.

Gilles Lortie, A.M.C.T.

Clerk

SCHEDULE "A"

GENERAL NOISE PROHIBITION

1. Operation of a motor vehicle or a motorized snow vehicle in a race.
2. Operation of a motor vehicle in such way that the tires squeal.
3. The operation of any vehicle which by virtue of condition of disrepair, mechanical modification or maladjustment causes grating, grinding, roaring, rattling or any other noise that is louder than the actual ambience of the area.
4. Operation of a combustion engine or pneumatic device without an effective exhaust muffling device that is in good working order and in constant operation.
5. Operation of any item of construction equipment without an effective exhaust muffling device that is in good working order and in constant operation.
6. Operation of a vehicle in a manner that results in banging, clanking, squealing, or similar sounds because of inadequate maintenance or an improperly secured load.
7. Operation of the horn of a vehicle or other warning device except where required or authorized, or in accordance with good safety practice.
8. Operation of any outdoor auditory signalling device, including but not limited to outdoor paging systems, the ringing of bell or gongs, the use of sirens, whistles or chimes, 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 practice.
9. Persistent barking, calling or whining or other similar persistent noise-making by animals and birds kept as household pets.
10. Selling or advertising by shouting, yelling or amplified sound.
11. Unauthorized setting of fireworks.

12. Discharge of firearms.
13. Operation of an engine or motor in, or on any vehicle or item of attached auxiliary equipment for a continuous period of more than five minutes, while such vehicle is stationary in a residential area, unless:
 - 13.1 The vehicle is in an enclosed structure constructed so as to effectively prevent the emission of excessive noise;
 - 13.2 Continuous operation of the engine or motor is essential to a basic function of the vehicle or equipment, including but not limited to the operation of a ready-mixed concrete trucks, lift platforms, refuse compactors and eat exchange systems during normal operation;
 - 13.3 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 or a perishable cargo;

SCHEDULE “B”

NOISE PROHIBITIONS BY TIME AND PLACE

Activity		Prohibited times	
		Residential Zone	Quiet zone
1.	Operation of construction equipment in connection with construction.	D	D
2.	Erection, alteration, repair, dismantling, or any activity related to construction.	D	D
3.	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 voice or sound.	A	A
4.	Operation of a combustion engine that (i) is, or (ii) is used in, or (iii) is intended for use in a toy or a model or replica of a larger device, which is not a conveyance and has no purpose other than amusement.	C	C
5.	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.	D	D
6.	Operation of solid waste bulk lifts or refuses compacting equipment.	D	D
7.	Operation of commercial car wash equipment.	D	D

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Activity		Prohibited times	
		Residential Zone	Quiet Zone
8.	Operation of any powered rail car including but not limited to locomotives and refrigeration cars while stationary on property not owned or controlled by a railway company governed by the <i>Railway Safety Act (Canada)</i>	A	A
9.	Operation of any motorized conveyance other than on a highway or other place intended for its operation.	A	A
10.	Outdoor operation of any powered or non-powered tool for domestic purpose other than snow removal.	D	D
11.	Loading, unloading, delivering, packing, unpacking or otherwise handling any containers, products, materials, or refuse, unless necessary for the maintenance of essential services or the moving of private household effects.	E	D
12.	Operation of a pit or quarry.	C	C
13.	Take-off or landing of a power assisted hand glider, Para foil or aircraft of any type.	A	A
14.	Yelling, shouting, hooting, whistling, singing or the playing of musical instruments, including percussion instruments.	A	A

Prohibited times

- A. At any time
- B. 17:00 hours (5:00 pm) one day to 07:00 hours of next day (09:00 Sunday)
- C. 19:00 hours (7:00 pm) one day to 07:00 hours of next day (09:00 Sunday)
- D. 21:00 hours (9:00 pm) one day to 07:00 hours of next day (09:00 Sunday)
- E. 23:00 hours (11:00pm) one day to 07:00 hours of next day (09:00 Sunday)
- F. All day Sundays ant Statutory Holidays

SCHEDULE "C"

EXEMPTIONS FROM THE NOISE PROHIBITION

1. Operation of emergency vehicles.
2. Operation of municipal services vehicles and related equipment.
3. Operation of utility service vehicle and related equipment.
4. Authorized display of fireworks.
5. The discharge of Firearms by a Peace Officer (when performed in the line of his/her duty).
6. Circuses that have been authorized by the Village.
7. Races, parades, processions, and events for ceremonial, religious or tradition purposes that have been authorized by the Village.
8. Operation of bells, chimes, carillons, and clocks in churches and public buildings.
9. Cultural, recreational, educational, and political events in parks and other public places that have been authorized by the Village.
10. Neighbourhood events on municipal highways and other municipal property that have been authorized by the Village.
11. Normal farming practices in accordance with the *Farm Practices Protection Act*, R.S.O. 1990, c.F6 and amendments thereto.
12. Operation of snow removal equipment.