

THE CORPORATION OF THE TOWNSHIP OF STONE MILLS

By-Law 2023-1199

Being a By-law to Prohibit and Regulate Noise Within the Township of Stone Mills.

WHEREAS it is expedient to exercise the power conferred upon the Council pursuant to the *Environmental Protection Act*, R.S.O. 1990, C. E-19, 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 to and should be ensured an environment free from unusual, unnecessary, or excessive sound or vibration which may degrade the quality and tranquility 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 Stone Mills enacts as follows:

1.0 Interpretation

(1.1) 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 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 Stone Mills.
- 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 the land within the geographic limit of The Corporation of the Township of Stone Mills.
- j) **Municipality:** "Municipality" means the land within the geographic limit of The Corporation of the Township of Stone Mills.
- k) **Noise:** "Noise" means unwanted sound.
- 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.

2.0 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 the municipality unless:
 - (a) 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,
 - (b) 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,

- (c) 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
 - (d) prevailing low temperatures make longer idling periods necessary immediately after starting the motor or engine; or
 - (e) 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 or in accordance with good safety practices.
- 7 The operation of any item of construction equipment in the municipality without effective muffling devices in good working order and in constant operation.

3.0 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

		<u>Prohibited Period of Time</u> <u>Entire Municipality</u>
3.1	The detonation of fireworks or explosive devices not used in construction.	At all times
3.2.	The operation of a combustion engine which, (i) is, or (ii) is use 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.	8p.m. to 9a.m.
3.3	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.	At all times
3.4	The operation of any auditory signaling 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 of	

- amplification of any similar sounds by electronic means except where required or authorized by law or in accordance with good safety practices. At all times
- 3.5 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. At all times
- 3.6 The operation of any motorized conveyance other than on a highway or other place intended for its operation. 11p.m. to 7a.m.
- 3.7 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. 11p.m. to 7a.m.
- 3.8 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. At all times
- 3.9 The operation of a commercial car wash with air drying equipment. 9p.m. to 7a.m.
Sun. 9p.m. to 9a.m.
- 3.10 Persistent yelling, shouting, hooting, whistling or singing. At all times
- 3.11 The operation of a power assisted hang glider or parafoil. At all times
- 3.12 All selling or advertising by shouting or outcry or amplified sound. At all times
- 3.13 The operation of any equipment in connection with construction. 8p.m. to 7a.m.
Sunday 24 hours
- 3.14. The operation or use of any powered tool for domestic purposes other than snow removal. 9p.m. to 7a.m.
- 3.15. The operation of solid waste bulk lift or refuse compacting equipment. 9p.m. to 7a.m.
Sundays 24 hours

4.0 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; 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 purposes.

5.0 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) Decision

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 sees fit.

(3) 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.

6.0 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) Firework Displays -
 - Victoria Day
 - Canada Day
 - Labour Day

- (2) Municipal play field and playground activities between 8 a.m. and 11 p.m.

7.0 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.

8.0 Penalty

8.1 Every Person who contravenes any provision of this By-Law shall, upon issuance of a Penalty Notice in accordance with the By-Law to Impose Administrative Monetary Penalties for Violations Of Municipal By-Laws 2023-1198, be liable to pay to the Township an Administrative Monetary Penalty in accordance with By-Law Number 2023-1198.

8.2 No person shall obstruct or hinder or attempt to obstruct or hinder a Provincial Offences Officer or other authorized employee or agent of the Township in the exercise of a power or the performance of a duty under this by-law. Without limiting the generality of the foregoing, for purposes of this By-law, any person who fails to provide proof of identification (including information issued by the Ministry of Transportation regarding the licensing status of any vehicle) satisfactory to the Provincial Offences Officer when requested to do so by the Provincial Offences Officer is deemed to obstruct an Officer under this By-Law."

9.0 Duties

Every owner of property and every officer or director of a corporation that owns property within the Township has a duty to take all reasonable care to prevent occupants and users of their property from breaching the provisions of this By-law.

- (a) Every person who has a duty under this section and fails to carry out that duty is guilty of an offence.
- (b) A director or officer of a corporation is liable to a conviction under this section whether or not the corporation has been prosecuted or convicted.

10.0 Appeal

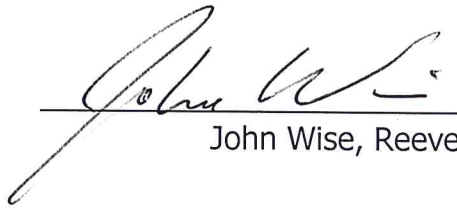
10.1 An owner may file an appeal against the order as issued by the Screening and / or Hearing Officer with the Clerk of the Township of Stone Mills in accordance with the terms of the By-Law to Impose Administrative Monetary Penalties for Violations of Municipal By-Laws 2023-1198.

10.2 As it relates to Section 8.3 above, should the appellant fail to attend the scheduled appeal hearing respecting the order issued by the Screening and / or Hearing Officer a fee will be collected in accordance with the terms of the By-law to Impose Administrative Monetary Penalties for Violations of Municipal By-laws 2023-1198.

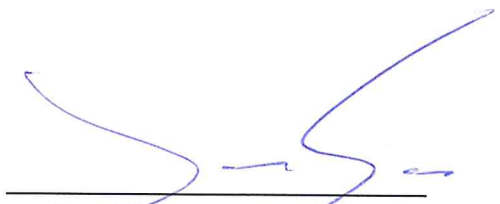
11.0 Repeal

That any other by-law or provisions thereof conflicting with this by-law, and more specifically By-law No. 98-56, are hereby repealed.

READ a First, Second and Third Time and Finally Passed this 17th
day of July, 2023.



John Wise, Reeve



Jason Sands, Acting C.A.O./Clerk