

THE CORPORATION OF THE TOWN OF ST. MARYS

BY-LAW NO. 9-85

A By-Law of the Corporation of the Town of St. Marys to regulate and control noise.

WHEREAS it is expedient to exercise the power conferred upon the Council by the Environmental Protection Act, 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 tranquillity 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 Town of St. Marys enacts as follows:

1. Interpretation

(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 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 Town of St. Marys.

1. Interpretation - cont'd

(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 limit of the Town of St. Marys;

(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.

(m) Premises

"premises" means building and lands appurtenant thereto;

(n) Zones

In this By-law,

(i) Residential Area

"Residential Area" means those areas of the municipality specified as follows:

"Any zone designated as "Residential" by a By-law passed pursuant to the Planning Act, more particularly set out in the By-law 25-75 as amended, of The Corporation of the Town of St. Marys;"

1. Interpretation - cont'd

(n) Zones

(ii) Quiet Zone

"Quiet Zone" means the areas of the municipality specified as being within 100 metres of the St. Marys Memorial Hospital;

(iii) Agricultural Area

"Agricultural Area" means those areas of the municipality being used for a bona fide agricultural purpose.

2. General Prohibitions

No person shall emit or cause or permit the emission of sound resulting from the following acts, and which sound is clearly audible at the 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 a Residential Area or a Quiet Zone 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

2. General Prohibitions - cont'd

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 a Quiet Zone or Residential Area 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 Schedule "A" to this By-law if clearly audible at a point of reception located in an area of the municipality indicated within a prohibited time shown for such an area.

4. 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 purpose.

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 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 this 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. 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 following listed traditional, festive, religious and other activities:

- (1) Any activity by a religious congregation or religious organization and dedicated exclusively to worship and related religious, social and charitable activities.
- (2) Any activities as may be necessary for the construction and maintenance of any public works.
- (3) Any activity sponsored or approved by the St. Marys Agricultural Society.
- (4) Any activity of a Service Club that is operating for fund raising purposes for community benefit as may be approved by Council.

7. 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. Penalty

Every person who contravenes any of the provisions of this by-law is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not less than \$50.00 nor more than \$2,000.00 for the first offence and not less than \$100.00 and not more than \$2,000.00 for a second or subsequent offence, exclusive costs and every such fine is recoverable under the Provincial Offences Act.

9. THIS BY-LAW is passed pursuant to the Environmental Protection Act, R.S.O., 1980, Chapter 141, Section 138 and shall come into full effect on the approval of the Minister of the Environment.

READ A FIRST, AND SECOND TIME THIS 26th day of February, 1985.

READ A THIRD AND FINALLY PASSED THIS 26th day of February, 1985.

I hereby certify the foregoing to be a complete and true copy of By-law Number 9-85.



CLERK

This By-law is approved pursuant to the provisions of the Environmental Protection Act, as amended, at Toronto, this 12TH day of **NOVEMBER, 1985.**

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SCHEDULE "A" TO BY-LAW NO. 9-85

PROHIBITIONS BY TIME AND PLACE
(Section 3)

	<u>PROHIBITED PERIOD OF TIME</u>	
	<u>Quiet Zone</u>	<u>Residential Area</u>
1. The detonation of fireworks or explosive devices not used in construction.	At all times	At all times, except fireworks on Victoria Day & Canada Day.
2. Discharge of firearms.	At all times	At all times
3. The operation of a combustion engine which, (i) is, or (ii) is used 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.	At all times	At all times
4. The operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electromechanical transducers, and intended for the production, reproduction or amplification of sound.	At all times	21:00 hours one day to 07:00 the next day
5. 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 electronic means except where required or authorized by law or in accordance with good safety practices.	At all times	21:00 hours one day to 07:00 the next day and all day Sunday and statutory holidays.
6. The operation of any motorized conveyance other than on a highway or other place intended for its operation.	At all times	21:00 hours one day to 07:00 the next day
7. 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	21:00 hours one day to 07:00 the next day
8. Yelling, shouting, hooting, whistling or singing.	At all times	23:00 hours one day to 07:00 the next day

PROHIBITED PERIOD OF TIME

	<u>Quiet Zone</u>	<u>Residential Area</u>
9. All selling or advertising by shouting or outcry or amplified sound.	At all times	All day Sunday and statutory holidays and 19:00 hours one day to 07:00 the next day
10. 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 private household effects.	19:00 hours one day to 07:00 the next day	21:00 hours one day to 07:00 the next day
11. The operation of any equipment in connection with construction.	21:00 hours one day to 07:00 the next day	21:00 hours one day to 07:00 the next day
12. The operation or use of any tool for domestic purposes other than snow removal.	21:00 hours one day to 07:00 the next day	21:00 hours one day to 07:00 the next day

**BY-LAW NUMBER 38 OF 1999
OF THE CORPORATION OF THE TOWN OF ST. MARYS**

BEING a by-law to amend By-Law No.9-85, being a by-law regulating and controlling noise

WHEREAS the Corporation of the Town of St. Marys did pass By-Law No. 9-85, being a by-law to regulate and control noise within the Town of St. Marys on the 26th day of February, 1985

AND WHEREAS the Council of the Corporation of the Town of St. Marys deems it expedient to make amendments to the By-Law from time to time in the interest of maintaining the quality of life for its taxpayers

AND WHEREAS the Council has received a request from the Police Services Board for an amendment to Schedule 'A' of By-Law No. 9-85

NOW THEREFORE BE IT RESOLVED THAT

- 1) Section 7, Schedule 'A' have the prohibited period of time for the residential area amended by removing the sentence "21:00 hours one day to 07:00 the next day" and replacing it with "At all times".

AND FURTHER that this amendment shall come into force and take effect the date of passage thereof.

READ a first and second time this 27th day of July, 1999.

READ a third and final time and passed this 27th day of July, 1999.



Mayor



Clerk

BY-LAW NUMBER 7 OF 2000
OF THE CORPORATION OF THE TOWN OF ST. MARYS

BEING a by-law to amend by-law No.9-1985, a
by-law regulating and controlling noise

WHEREAS the Corporation of the Town of St. Marys did pass By-Law No. 9-85, being a by-law to regulate and control noise within the Town of St. Marys,

AND WHEREAS the Council of the Corporation of the Town of St. Marys deems it expedient to make amendments to the by-Law from time to time


NOW THEREFORE BE IT RESOLVED THAT

- 1) Schedule 'B' (as attached) become part of the By-Law

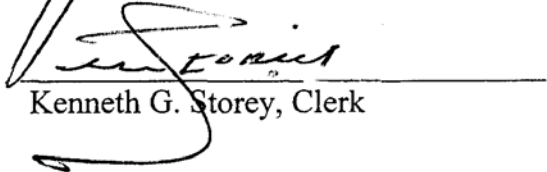
AND FURTHER that this schedule shall come into force and take effect the date of passage thereof.

READ a first and second time this 8th day of February, 2000

READ a third and final time and passed this 8th day of February, 2000



Jamie Hahn, Mayor



Kenneth G. Storey, Clerk

Schedule 'B'

NOISE CONTROL AND REGULATION

**CORPORATION OF THE TOWN OF ST. MARYS
BY-LAW 9-85 (PROHIBITION BY TIME AND PLACE SECTION 3)**

ITEM	SHORT FORM WORDING (Cause/Permit) Noise likely to disturb, to Wit:	SECTION (specify type of noise)	SET FINE
1.	Detonate fireworks or explosive device	3(a)	N.S.F.
2.	Discharge Firearm	3(b)	N.S.F.
3.	Operate electronic device intended for the production, reproduction or amplification of sound	3(c)	\$55.00
4.	Persistent barking, calling, whining of domestic animal	3(d)	\$55.00
5.	Yelling, shouting, hooting, whistling or singing	3(e)	\$55.00

All fines are inclusive of costs and exclusive of applicable Victim Surcharge assessment.

NOTE: The provisions of ITEM 1. (Section 3(a) of this By-Law) shall not apply to the three days prior to or on the days upon which Victoria Day and Canada Day are celebrated.