

CONSOLIDATED VERSION

This consolidation is prepared for convenience only; for accurate reference see by-laws as adopted by Council.

BY-LAW NUMBER 2012-011

OF

THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE

BEING A BY-LAW TO REGULATE, PROHIBIT AND OTHERWISE CONTROL NOISE IN THE TOWNSHIP OF UXBRIDGE AND TO REPEAL BY-LAW NOS. 97-100, 97-138, 2004-006 AND 2004-073

WHEREAS Section 129 of the *Municipal Act, 2001, as amended*, provides that, without limiting Sections 9, 10 and 11 of the Act, a municipality may regulate with respect to noise as well as prohibit same unless a permit is obtained from the municipality and may impose conditions for obtaining, continuing to hold and renewing the permit;

NOW THEREFORE, the Council of the Corporation of the Township of Uxbridge enacts the following:

Section 1- Definitions

- 1.1 In this By-law,
- a) "Construction" means lawful erection, alteration, repair, dismantling, demolition, structural maintenance, painting, land clearing, earth moving, grading, excavating, laying of pipe and conduit (whether above or below ground level), street and highway building, application of concrete, equipment installation and alteration, and structural installation of construction components and materials, in any form or for any purpose.
 - b) "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, trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders or any other material handling equipment;
 - c) "Highway" means a common and public highway as defined in the Highway Traffic Act;
 - d) "Holiday" means New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Christmas and Boxing Day.
 - e) "Motor Vehicle" means an automobile, a motorcycle, a motor-assisted bicycle unless otherwise indicated in this Act, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine;
 - f) "Noise" means unusual or excessive noise likely to disturb the inhabitants of the Township of Uxbridge;
 - g) "Off-Road Vehicle" means a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel,

- (a) on not more than three wheels, or
- (b) on more than three wheels and being of a prescribed class of vehicle;

- h) "Occupant" means any person or persons in lawful control of any grounds, yards or vacant lots or identified by the most current Municipal Assessment Roll as being the occupant of the property;
- i) "Owner" includes any person or persons identified by the most current Municipal Assessment Roll as being the owner of the property;
- j) "Officer" means a Police Officer or Municipal Law Enforcement Officer appointed by the Council of Township of Uxbridge;
- k) "Pit" shall mean land or land under water from which unconsolidated aggregate is being or has been excavated, and that has not been rehabilitated, but does not mean land or land under water excavated for a building or structure on the excavation site or in relation to which an order has been made under *the Aggregate Resources Act, R.S.O. 1990, Chapter A 8*.
- l) "Point of Reception" means any location at which noise can be heard, other than the premises from which the noise originates;
- m) "Property" means a parcel of land which is shown as a lot or block on a registered plan of subdivision or described in a transfer/deed of land of legal effect registered in the Land Registry Office includes any part of a building, structure, mobile building or mobile structure on the Property.
- n) "Quarry" shall mean land or land under water from which consolidated aggregate is being or has been excavated, and that has not been rehabilitated, but does not mean land or land under water excavated for a building or structure on the excavation site or in relation to which an order has been made *under the Aggregate Resources Act, R.S.O. 1990, Chapter A 8*.
- o) "Quiet Area" means any area within 150 metres (500 feet) of a Hospital, Nursing Home or Home for the Aged
- p) "Residential Area" means any designated as RC, ER, SR, HR, R1, R2 or RM Zone, as contained in The Township of Uxbridge Zoning By-law;
- q) "Rural Area" means any lot designated as EP, OS, RU or RH Zone, as contained in the Township of Uxbridge Zoning By-law;
- r) "Township" means the Corporation of the Township of Uxbridge;

Section 2- General provisions

No person shall emit or cause or permit the emission of noise resulting from any of the activities listed in Section 2, which is clearly audible at a Point of Reception;

- 2.1 The operation of a Motor Vehicle or Off Road Vehicle in a race.
- 2.2 The operation of a combustion engine or pneumatic device without an effective exhaust muffling device that is in good working condition and in constant operation.
- 2.3 The operation of any horn, bell or other signaling device of any Vehicle except where required or authorized for safety reasons.
- 2.4 The operation of a Motor Vehicles or Off Road Vehicle, other than on a highway, without an effective exhaust muffling device in good working order and in constant operation.
- 2.5 Creating or permitting any Noise likely to disturb the peace and enjoyment of any inhabitants of the Township.

- 2.6 Discharging of any Fireworks or explosive devices, not used in construction other than in accordance with By-law# 2011-012 of the Township of Uxbridge.
- 2.7 Selling, hawking or other advertising by amplified sound.
- 2.8 The Operation of a Combustion engine that is used in or intended for use in a toy, model or replica of a motor vehicle, air craft, boat or similar type of device, and which has no other purpose other than for amusement.

Section 3- Prohibition by time and place

No person shall emit or cause or permit the emission of sound from any activity listed in table 3.1 if clearly audible at a point of reception located in an area of the municipality listed in table 3.1, within a prohibited time shown for such point of reception.

Table 3.1

Noise prohibition by time and place

Type of Noise		Prohibited Location and Time		
Item	Activity	Residential Area	Rural Area	Quiet Area
1.	The operation of any Construction Equipment in connection with Construction	Between 7:00p.m. to 7:00a.m. Monday to Saturday and all Sundays and Holiday(s)	Between 7:00p.m. to 7:00a.m. Monday to Saturday and all Sundays and Holiday(s)	Between 7:00p.m. to 7:00a.m. Monday to Saturday and all Sundays and Holiday(s)
2.	The operation or use of any tool for domestic construction or other domestic purpose other than snow removal	Between 7:00p.m. to 7:00a.m. Monday to Saturday and 7:00p.m.- 9:00a.m. on all Sundays and Holiday(s)	Between 7:00p.m. to 7:00a.m. Monday to Saturday and 7:00p.m.- 9:00a.m. on all Sundays and Holiday(s)	Between 5:00pm to 7:00am Monday to Saturday and 5:00pm- 9:00am on all Sundays and Holiday(s)
3.	Operate a device intended for the production or re-production of amplified voices	Between 11:00pm- 7:00am Monday to Saturday and all Sundays and Holiday(s)	Between 11:00pm- 7:00am and all Sundays and Holiday(s)	At all times

Type of Noise		Prohibited Location and Time		
Item	Activity	Residential Area	Rural Area	Quiet Area
4.	Operation of any powered rail car including but not limited to refrigerator cars, locomotives or self propelled passenger cars while, stationary on property not owned or controlled by a railway governed by the Canada Railway Act	Between 7:00p.m. to 7:00a.m. Monday to Saturday and 7:00p.m. – 9:00 a.m. on all Sundays and Holiday(s).	Between 7:00p.m. to 7:00a.m. Monday to Saturday and 7:00p.m. – 9:00 a.m. on all Sundays and Holiday(s).	At all times.
5.	Loading, unloading, or delivering of any container, product or refuse, unless necessary for the maintenance of essential services or the moving of household effects.	Between 7:00p.m. to 7:00a.m. Monday to Saturday, Sundays and holidays from 12:01 a.m. to 11:00 a.m. and 1:00 pm to 11:59p.m. where the point of reception would be heard in a residential area.	Between 7:00p.m. to 7:00a.m. Monday to Saturday and 7:00p.m. – 9:00 a.m. on all Sundays and Holiday(s).	Between 7:00p.m. to 7:00a.m. Monday to Saturday and on all Sundays and Holiday(s).
6.	Yelling, shouting, hooting, whistling, singing, or the playing of any musical instrument or stereo	Between 11:00p.m. to 7:00a.m. Monday to Saturday and 11:00p.m. – 9:00 a.m. on all Sundays and Holiday(s).	Between 11:00p.m. to 7:00a.m. Monday to Saturday and 11:00p.m. – 9:00 a.m. on all Sundays and Holiday(s).	At all times
7.	Operation of Off Road Vehicles other than on a highway.	At all times	Between 8:00p.m. to 7:00a.m. Monday to Saturday and 8:00p.m. – 9:00 a.m. on all Sundays and Holiday(s).	At all times

8.	Operation of solid waste bulk lift as result of private garbage collection or refuse compacting equipment.	Between 7:00p.m. to 7:00a.m. Monday to Saturday and 7:00p.m. – 9:00 a.m. on all Sundays and Holiday(s).	Between 7:00p.m. to 7:00a.m. Monday to Saturday and 7:00p.m. – 9:00 a.m. on all Sundays and Holiday(s).	5:00p.m. to 7:00a.m and all Sundays and Holiday(s)
9.	The operation of any machinery or equipment or commercial vehicle in conjunction therewith, other than water pumping equipment	Between the hours of 7:30p.m. to 6:00a.m. Monday to Saturday and all Sundays and Holidays	Between the hours of 7:30p.m. to 6:00a.m. Monday to Saturday and all Sundays and Holidays	

Section 4- Exemptions

- 4.1 The operation of emergency vehicles or any other activities in connection with an emergency.
- 4.2 The operation of municipal service vehicles, including municipally contracted services and related equipment, including equipment used for snow removal.
- 4.3 Midways, carnivals and special events approved by the Municipality.
- 4.5 Races, parades, processions and ceremonial events, or religious events authorized by the Municipality.
- 4.6 The operation of bells, chimes, carillons and clocks used in conjunction with churches, schools and other institutional buildings.
- 4.7 Events or activities open to the community, or on municipal property, highways or other public places that have been authorized by the Township.
- 4.8 The racing of motor vehicles, go karts and motorcycles regulated by the Racing-motor vehicle/go karts/ motorcycle By-law.
- 4.9 Non-emergency construction, reconstruction or repair of any municipal, provincial or federal public works including construction, reconstruction or repair of a highway and appurtenances, provided the Municipality is given advanced notice in writing of the hours to be worked if outside of the permitted construction hours.
- 4.10 The operation of any equipment, apparatus or device used as part of a normal farming practice.

Section 5 – Application for Exemption

- 5.1 Any person may make an application to Council for an exemption from any of the provisions of this By-law and Council, by resolution, may refuse or grant an exemption. An exemption shall specify the time period during which it is effective, and may contain such terms and conditions as Council sees fit.
- 5.2 Applications shall be made by the owner of the land of the source of sound.

5.3 Details of Application for Exemption

The application referred to in Section 5.1 shall contain:

- (a) the name and address of the applicant;
- (b) a description of the source of sound;
- (c) the legal description or municipal address of the source of sound;
- (d) Where the source of the sound is on property owned by the Township, the application shall include proof of publication of a notice of intention to apply for an exemption from this By-law. The notice shall be published in a newspaper of general circulation within the municipality and shall state the date upon which it is intended that the application will be made to Council.
- (e) a statement of the particular provision or provisions of the by-law from which exemption is sought;
- (f) the period of time, of a duration not in excess of six months, during which the exemption is sought;
- (g) the reasons why the exemption should be granted;
- (h) an application fee of \$ 125.00.

Section 6- Penalties

6.1 Every Person who contravenes any provision of this By-law is guilty of an offence, pursuant to the provisions of the Provincial Offences Act, as amended from time to time, and upon conviction is liable to a fine of not more than \$5,000.00.

Section 7- Short Title

7.1 This By-law may be referred to as the "Noise By-law".

Section 8- Severability

8.1 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 be construed as having persuaded or influenced Council to pass the remainder of this By-law and it is hereby declared that the remainder of this By-law shall be valid and shall remain in force.

Section 9- Repeal of By-laws

9.1 By-law Numbers 97 -100, 97 -138, 2004-006 and 2004-073 are hereby repealed.

Section 10- Date Effective

10.1 This By-law shall come into full effect and force on the date of its passing.

Read a First, Second and Third time and finally passed on this 23rd day of, January 2012.