

BY-LAW NO. 97-100

AMENDED BY
BY-LAW NO. 97-138

OF

AMENDED BY
BY-LAW NO. 2004006

THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE 2004-073

BEING A BY-LAW TO CONTROL NOISE WITHIN THE TOWNSHIP OF UXBRIDGE AND TO REPEAL BY-LAW NO. 92-66

WHEREAS it is expedient to exercise the power conferred upon the Council of The Corporation of the Township of Uxbridge by 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 tranquillity of their life or cause nuisance; and

WHEREAS it is the policy of the Council of The Corporation of the Township of Uxbridge to reduce and control such sound or vibration;

THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE HEREBY ENACTS AS FOLLOWS:

1. Interpretation

(1) In this By-law:

(a) Certificate

"Certificate" means a Certificate of Competency in Environmental Acoustics Technology of a specified class issued by the Minister of the Environment and Energy;

(b) Church

"Church" means a building dedicated to religious worship including, but not limited to, a synagogue, a church hall, church auditorium, Sunday school, convent, monastery and parish hall;

(c) 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;

(d) 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, off-highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders, or other material handling equipment;

(e) 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;

(f) Council

"Council" means the Council of The Corporation of the Township of Uxbridge;

(g) Firearms

"firearms" means an instrument used in the propulsion of shot, shell or bullets by the action of gun powder exploded within it and includes guns, rifles, pistols, grenades, grenade shells, shotguns, automatic and semi automatic rifles and weapons, machine guns, handguns and small explosives;

(h) 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;

(i) Minister

"Minister" means Minister of Environment and Energy;

(j) Ministry

"Ministry" means Ministry of Environment and Energy;

(k) 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, as amended from time to time;

(l) Motorized Conveyance

"motorized conveyance" means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power;

(m) Municipality

"municipality" means all lands within the municipal boundaries of the Township of Uxbridge;

(n) Noise

"noise" means unwanted sound;

(o) Noise Control Officer

"Noise Control Officer" means a person designated by Council as responsible for the administration of this By-law;

(p) 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;

(q) Publication

"Publication" means a specified publication of the Ministry of Environment and Energy, which is named in Schedule "1"; a copy of every Publication which is named in Schedule "1" is attached hereto and is hereby made part of this By-law;

(r) Stationary Source

"stationary source" means a source of sound which does not normally move from place to place and includes the premises of a person as one stationary source, unless the dominant source of sound on those premises is construction or a conveyance;

(s) Technical Terms

all the words which are of a technical nature and are related to sound or vibration shall have the meanings specified for them in Publication NPC-101-Technical Definitions.

(2) Zones

In this By-law:

(a) Residential Area

Any lot located in the municipality which is zoned to permit one or more "Dwelling Units" as defined by Township of Uxbridge Zoning By-law No. 81-19, as amended from time to time and which actually has a Dwelling Unit located thereon.

(b) Quiet Zone

"Quiet Zone" means those areas of the municipality within fifty (50) metres of any lands used for a hospital, convalescent home, "Nursing Home" within the meaning of the Nursing Homes Act, R.S.O. 1990, c. N.7, as amended from time to time, a "Home for the Aged" or "Rest Home" within the meaning of the Homes for the Aged and Rest Homes Act, R.S.O. 1990, c. H.13, as amended from time to time, but does not include premises which are not exclusively used as a home for

the aged, rest home or nursing home. For the purposes of this By-law, where a "Quiet Zone" as defined herein overlaps a "Residential Area" as defined in clause (a), the area of overlap shall be deemed to be a "Quiet Zone".

2. 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 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 and clearly audible 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, carburettor 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 a Quiet Zone or Residential Area without effective muffling devices in good working order and in constant operation.

8. The operation of an off-road vehicle, other than on a highway, without an effective exhaust muffling device in good working order and in constant operation.

3. Prohibition 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 listed in Table 3-1, within a prohibited time shown for such point of reception.

TABLE 3-1
PROHIBITION BY TIME AND PLACE

ITEM	PROHIBITED PERIOD OF TIME	
	POINT OF RECEPTION: QUIET ZONE	POINT OF RECEPTION: RESIDENTIAL AREA
1. The detonation of fireworks or explosive devices, not used in construction other than in accordance with By-law No. 70-9, as amended, from time to time, of the Township of Uxbridge.	At all times.	At all times.
2. The discharge of firearms (except for the discharge of firearms at a licensed gun club which is regulated by section 4.	At all times.	At all times.
3. The operation of 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 devices incorporating one or more loudspeakers or other electro-mechanical transducers, and intended for the production, reproduction or amplification of sound.	At all times.	C
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 in accordance with good safety practices.	At all times.	D & E

ITEM	PROHIBITED PERIOD OF TIME	
	POINT OF RECEPTION: QUIET ZONE	POINT OF RECEPTION: RESIDENTIAL AREA
6. 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.	B
7. The operation of any motorized conveyance other than on a highway or other place intended for its operation.	At all times.	B
8. The venting, release or pressure relief of air, steam or other gaseous material, product or compound from any auto-clave, boiler, pressure vessel, pipe, valve, machine, device or system.	At all times.	A
9. Persistent barking, calling or whining or other similar persistent noise making by any domestic pet or any other animal kept or used for any purposes other than agriculture.	At all times.	At all times.
10. The operation of a commercial car wash with air drying equipment.	At all times.	A
11. Yelling, shouting, hooting, whistling, singing or the playing of any musical instrument.	At all times.	A
12. All selling or advertising by shouting or outcry or amplified sound.	At all times.	At all times.
13. 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.	D & E	D & E

ITEM	PROHIBITED PERIOD OF TIME	
	POINT OF RECEPTION: QUIET ZONE	POINT OF RECEPTION: RESIDENTIAL AREA
14. The operation of any equipment in connection with construction.	D & E	D & E
15. The operation or use of any tool or appliance for domestic construction or other domestic purposes other than snow removal.	C	B
16. The operation of solid waste bulk lift or refuse compacting equipment.	C	B

Prohibited Periods of Time

- A - 23 00 one day to 07 00 next day (09 00 Sundays and 09 00 Statutory Holidays).
- B - 19 00 one day to 07 00 next day (09 00 Sundays and 09 00 Statutory Holidays).
- C - 17 00 one day to 07 00 next day (09 00 Sundays and 09 00 Statutory Holidays).
- D - All day Sundays and Statutory Holidays.
- E - 1900 one day to 07 00 next day.

4. Limitation on Sound and Vibration Levels at a Point of Reception for Specific Sources

Gun Clubs

No person shall emit or cause or permit the emission of sound resulting from the discharge of firearms on the premises of a licensed gun club resulting in a sound level (expressed in terms of the Logarithmic Mean Impulse Sound Level (L_{LM}) as defined in Section 3(4)(f) of NPC-103), in excess of the limits specified in Publications NPC-205 and NPC-232.

5. Exemption

Public Safety

- (1) 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.

Farming

- (2) This By-law shall not apply to any equipment, apparatus or device used in agriculture for food crop seeding, chemical spraying or harvesting.

6. 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 or she 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 in such terms and conditions as Council sees fit.

(2) Details of Application for Exemption

The application mentioned in subsection (1) shall be made in writing, in duplicate, and shall contain:

- (a) the name and address of the applicant;
- (b) a description of the source of sound or vibration in respect of which exemption is sought;
- (c) a statement of the particular provision or provisions of the by-law from which exemption is sought;
- (d) the period of time, of a duration not in excess of six months, for which the exemption is sought;
- (e) the reasons why the exemption should be granted;
- (f) a statement of the steps, if any, planned or presently being taken to bring about compliance with the by-law; and
- (g) proof of publication within the preceding ten days, in a newspaper of general circulation within the municipality, of a notice of intention to apply for an exemption of this By-law, containing the information required by clauses (a) through (e) hereof, and further stating the date upon which it is intended that application will be made to Council.

(3) Noise Control Officer

Council shall cause one copy of the application for exemption to be delivered to the Noise Control Officer and he shall prepare a report to Council forthwith, stating his opinion of the merits of the application and his recommendations as to terms and conditions which, in his opinion, should be imposed upon the applicant if the exemption is granted and Council will not consider the application for exemption until it has received the report of the Noise Control Officer.

(4) Report

The Noise Control Officer shall forward a copy of his report to the applicant at the address shown on the application by prepaid registered mail and shall, not sooner than two weeks after the mailing of the report to the applicant, submit the report to Council and shall, on request, make his report available for public inspection.

(5) Decision

In deciding whether to grant the exemption, Council shall consider the application, the report of the Noise Control Officer and any written submission then received by Council and made by the applicant after receipt of the report of the Noise Control Officer and the Council may consider such other matters as it sees fit.

(6) 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.

7. Exemption of 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 the ringing of church bells or chimes of a church.

8. 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.

9. Penalty

Every person who contravenes any of the provisions of this By-law is guilty of an offence under the Provincial Offences Act.

10. Repeal

By-law No. 92-66, as amended, be and is hereby repealed.

11. Effective Date

This By-law shall take effect upon the approval of the Minister of the Environment and Energy pursuant to the provisions of the Environmental Protection Act, as amended from time to time.

12. Short Title

The short title for this By-law shall be the "Noise By-law".

(4) Report

The Noise Control Officer shall forward a copy of his report to the applicant at the address shown on the application by prepaid registered mail and shall, not sooner than two weeks after the mailing of the report to the applicant, submit the report to Council and shall, on request, make his report available for public inspection.

(5) Decision

In deciding whether to grant the exemption, Council shall consider the application, the report of the Noise Control Officer and any written submission then received by Council and made by the applicant after receipt of the report of the Noise Control Officer and the Council may consider such other matters as it sees fit.

(6) 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.

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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.

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Every person who contravenes any of the provisions of this By-law is guilty of an offence under the Provincial Offences Act.

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By-law No. 92-66, as amended, be and is hereby repealed.

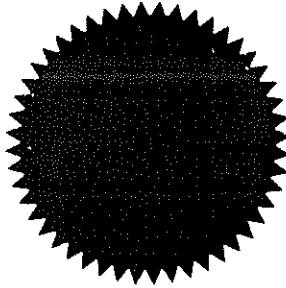
11. Effective Date

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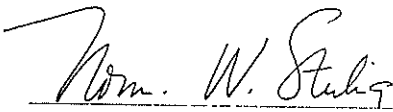
READ a FIRST, SECOND and THIRD time and finally passed this 30th day of June, 1997.




MAYOR


CLERK

This By-law is approved pursuant to the provisions of the Environmental Protection Act at Toronto this 16th day of September, 1997.


MINISTER OF ENVIRONMENT AND
ENERGY

SCHEDULE "1"

Index of Publications

Publication NPC-101	Technical Definitions
Publication NPC-102	Instrumentation
Publication NPC-103	Procedures
Publication NPC-104	Sound Level Adjustments
Publication NPC-205	Sound Level Limits for Stationary Sources in Class 1 and 2 Areas (Urban)
Publication NPC-206	Sound Levels of Road Traffic
Publication NPC-232	Sound Level Limits for Stationary Sources in Class 3 Areas (Rural)

BY-LAW NUMBER 97-138

OF

THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE

**BEING A BY-LAW TO AMEND BY-LAW
NO. 97-100 (NOISE CONTROL BY-LAW)**

WHEREAS the Council of the Corporation of the Township of Uxbridge has passed By-law No. 97-100 being a By-law to control noise within the Township of Uxbridge;

AND WHEREAS By-law No. 97-100 was duly approved and signed by the Minister of Environment and Energy, pursuant to Section 178 of the Environmental Protection Act and came into force on September 16, 1997;

AND WHEREAS the Council of the said Corporation deems it advisable to amend By-law No. 97-100;

NOW THEREFORE the Municipal Council of The Corporation of the Township of Uxbridge hereby enacts a By-law as follows:

1. THAT Section 1 Subsection (1) of By-law No. 97-100 is hereby amended by replacing subsection (P) with the following:

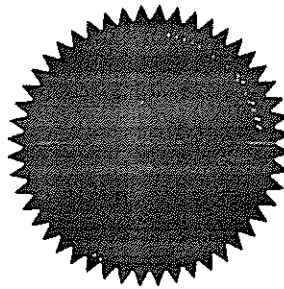
"(p) Off-Road Vehicle

"off-road vehicle" means any vehicle propelled or driven otherwise than by muscular power or wind and designed to travel:

- (i) on not more than three (3) wheels, or
- (ii) on more than three wheels and being of a prescribed class of vehicles under the Off-Road Vehicle Act, as amended from time to time and Ontario Regulation 47/84 as amended by Ontario Regulation 426/84."

2. THAT Subsections (p) to (s) of By-law 97-100 inclusive are hereby renumbered (q) to (t).
3. THAT this By-law shall take effect upon the approval of the Minister of Environment and Energy pursuant to the provisions of the Environmental Protection Act, as amended from time to time.

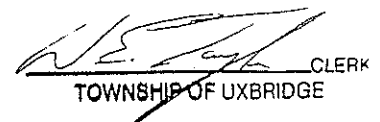
READ a FIRST, SECOND and THIRD time and finally passed this 20th day of October, 1997.




MAYOR


CLERK

CERTIFIED TRUE COPY


CLERK
TOWNSHIP OF UXBRIDGE

97-100 being a By-law to control noise within the Township of Uxbridge;

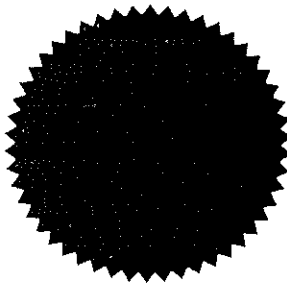
AND WHEREAS By-law No. 97-100 was duly approved and signed by the Minister of Environment and Energy, pursuant to Section 178 of the Environmental Protection Act and came into force on September 16, 1997;

AND WHEREAS the Council of the said Corporation deems it advisable to further amend By-law No. 97-100;

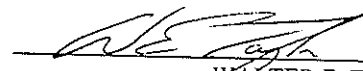
NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE HEREBY ENACTS A BY-LAW AS FOLLOWS:

1. THAT Table 3-1, Item #4, Point of Reception Residential Area be changed from "C" 17:00 hrs one day to 07:00 hrs next day to "A" 23:00 hrs one day to 07:00 hrs next day.

READ a FIRST, SECOND and THIRD time and finally passed this 26th day of January, 2004.




GERRI LYNN O'CONNOR
MAYOR


WALTER E. TAYLOR
CLERK

BY-LAW NUMBER 2004-006

OF

THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE

BEING A BY-LAW TO AMEND BY-LAW NO.
97-100 (NOISE CONTROL BY-LAW)

WHEREAS the Council of the Corporation of the Township of Uxbridge has passed By-law No. 97-100 being a By-law to control noise within the Township of Uxbridge;

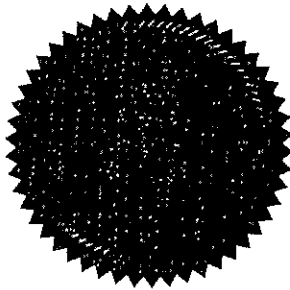
AND WHEREAS By-law No. 97-100 was duly approved and signed by the Minister of Environment and Energy, pursuant to Section 178 of the Environmental Protection Act and came into force on September 16, 1997;

AND WHEREAS the Council of the said Corporation deems it advisable to further amend By-law No. 97-100;


NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE HEREBY ENACTS A BY-LAW AS FOLLOWS:

1. THAT Table 3-1, Item #4, Point of Reception Residential Area be changed from "C" 17:00 hrs one day to 07:00 hrs next day to "A" 23:00 hrs one day to 07:00 hrs next day.

READ a FIRST, SECOND and THIRD time and finally passed this 26th day of January, 2004.




GERRI LYNN O'CONNOR
MAYOR


WALTER E. TAYLOR
CLERK

BY-LAW NUMBER 2004-073

OF

THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE

BEING A BY-LAW TO AMEND BY-LAW NO.
97-100 (NOISE CONTROL BY-LAW)

WHEREAS the Council of the Corporation of the Township of Uxbridge has passed By-law No. 97-100 being a By-law to control noise within the Township of Uxbridge;

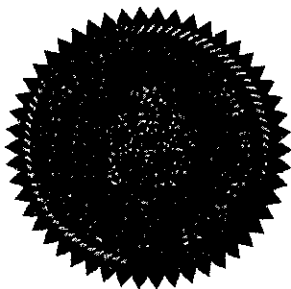
AND WHEREAS By-law No. 97-100 and came into force on September 16, 1997 was duly approved and signed by the Minister of Environment and Energy, pursuant to Section 178 of the Environmental Protection Act;

AND WHEREAS the Council of the said Corporation deems it advisable to further amend By-law No. 97-100 to address the use of firearms;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE HEREBY ENACTS A BY-LAW AS FOLLOWS:

1. THAT Table 3-1, Section 2 be repealed in it's entirety and replaced with he following:
"The discharge of firearms, except for the following:
 - (i) By a licenced hunter during a provincially legislated hunting period as set out by the Province.
 - (ii) the discharge of firearms at a licenced gun club which is regulated by section 4.
 - (iii) a land owner, or person authorized by the land owner, for the control of birds, pests, or animal injurious to his/her crops or property.
2. THAT By-law No. 97-100, as amended, is further amended only to give effect to the foregoing and shall in all other respects remain in full force and effect.
3. THAT this By-law shall come into force and effect on the date of passing by the Council of The Corporation of the Township of Uxbridge.

READ a FIRST, SECOND and THIRD time and finally passed this 26th day of April, 2004.




GERRILYNN O'CONNOR
MAYOR


WALTER E. TAYLOR
CLERK