

**THE CORPORATION OF THE
TOWNSHIP OF SHEDDEN**

BY-LAW #2003-02

BEING a by-law to control noise in the Township of Shedden.

WHEREAS Council is empowered under Section 102 of the Ontario Municipal Act, R.S.O. 1990, Chapter M-45 to pass such by-laws and make such regulations for the health, safety, morality and welfare of the inhabitants of the Municipality; and

WHEREAS authority is granted under The Municipal Act, R.S.O., 1990, Chapter M-45, Section 210, paragraph 138 to prohibit or regulate within the Municipality or within any defined area or areas thereof, the ringing of bells, the blowing of horns, shouting and unusual noises, or noises likely to disturb the inhabitants; and

WHEREAS authority is granted under Section 210, paragraph 139 of the Municipal Act to licence, regulated and govern the owners or operators of public address systems, sound equipment, loud speakers or similar devices when used on a highway, public lands or lands adjacent thereto, or when emitting sound thereto; and

WHEREAS it is deemed expedient by the Corporation of the Township of Shedden to enact a By-Law to prohibit or regulate certain noises and to ensure that the residents of the Township of Shedden live in an environment free from unusual, unnecessary or excessive sound or vibration which may degrade the quality or tranquility of their life or cause nuisance;

NOW THEREFORE the Council of the Corporation of the Township of Shedden **ENACTS AS FOLLOWS:**

1. DEFINITIONS:

In This By-Law:

- a) "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 of construction components and materials in any form of for any purpose, and includes any work in connection therewith;
- b) "Construction Equipment" means any equipment or devise 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) "Council" means the Council of the Corporation of the Township of Shedden
- d) "Corporation" means the Corporation of the Township of Shedden
- e) "Motor Vehicle" means any 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 mother motor vehicle 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;

- f) "Noise" means the ringing of bells, the blowing of horns, shouting, and unusual noises, or noises that disturb the inhabitants of the Municipality;
- g) "Person" means any person and includes a corporation and the heirs, executors, administrators or other legal representatives of a person for whom the context can apply according to law;
- h) "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. No person shall, within the limits of the Township of Shedden, make or cause to be made any unusual noises, or make or cause to be made by the ringing of bells, the blowing of horns, any noises, or shout, yell, whistle or sing or make any noise or noises which are likely to disturb the inhabitants of the Township of Shedden, and which are clearly audible at a point of reception, or emit or cause or permit the emission of sound resulting from;

- a) racing of any motorized conveyance other than in a racing event regulated by law;
- b) the operation of a motor vehicle in such a way that the tires squeal;
- c) the operation of any combustion engine or pneumatic device without an effective exhaust muffling device in good working order and in constant operation;
- d) the operation of a motor vehicle horn or other warning device except where required or authorized by law, or in accordance with good safety practice;
- e) the operation of any item of construction equipment without effective muffling devices in good working order and in constant operation;
- f) the operation of any auditory signaling device, including but not limited to sirens or whistles or the production, reproduction or amplification of any sound by electronics means except where required or authorized by law or in accordance with good safety practices;
- g) the operation of any electronic device or group of connected electronic devices incorporating one or more loud speakers or other electro-mechanical transducers, and intended for the production, reproduction or application of sound;
- h) all selling or advertising by shouting or outcry or amplified sound;
- i) the detonation of fire-works or explosive devices;
- j) the discharging of firearms;
- k) the operation of any powered or non-powered tool for domestic or commercial purposes other than snow removal between the hours of 10:00 PM of one day and 7:00 AM the next day;
- l) the operation of any construction equipment in connection with construction between the hours of 10:00 PM of one day and 7:00 AM the next day;

m) any sound made by any animal or bird;

which is likely to disturb the inhabitants of the Township of Shedden and which is clearly audible at a point of reception.

3. EXEMPTION

Notwithstanding any other provision of this By-Law, it shall be lawful during an emergency to emit or cause or permit the emission of sound, vibration or noise in connection with emergency measures;

- a) for the immediate health, safety or welfare of the inhabitants or any of them;
or
- b) for the preservation or restoration of services or property.

4. EXEMPTION BY APPLICATION

Notwithstanding anything contained in this By-Law, any person may make application to the Township to be granted an exemption from any of the provisions of this By-Law with respect to any noise, source of sound or vibration for which he might be prosecuted and the Township by resolution, may refuse to grant any exemption or may grant the exemption applied for or any exemption of lesser effect and any exemption shall specify the time period during which it is effective and may contain such items and conditions as the Township sees fit.

Any such application made to the Township under Section 3 above shall be in writing and contain:

- a) the name and address of the applicant;
- b) a description of the source of noise, sound or vibration in respect of which the exemption is sought;
- c) if applicable, a statement of the particular provision or provisions of the By-Law from which the exemption is sought;
- d) the period of time for which the exemption is sought;
- e) the reason why the exemption should be granted.

5. EXEMPTION OF TRADITIONAL, FESTIVE OR RELIGIOUS ACTIVITIES

Notwithstanding any provision of this By-Law, this By-Law does not apply to a person who emits or causes or permits the emission of sound, noise or vibration in connection with any of the following events, exempted because of their traditional festive, religious or other nature:

- a) Parades authorized by the Township;
- b) Fireworks displays authorized by the Township;
- c) Midways, circuses, fairs or carnivals authorized by the Township of Shedden;
- d) Sporting, recreational and entertainment events or musical or other performances in public parks or buildings;

- e) Special neighborhood social activities on streets or other public lands authorized by the Township of Shedden;
- f) Transformers and diesel and gas operated equipment owned by Public Works and necessary preventative maintenance work undertaken by Public Works;
- g) Necessary Township maintenance, including snow clearing, street cleaning and garbage collection, undertaken by the Township of Shedden.

6. PENALTY CAUSE

Every person who is in contravention of any of the clauses of this by-law, is guilty of an offence and on conviction is liable to the maximum fine under the Provincial Offence Act. R.S.O. 1990 Chapter P-33 as amended.


7. GENERAL

If a court should declare any section or part of a section of this By-Law to be persuaded or influenced the 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 remain in force.

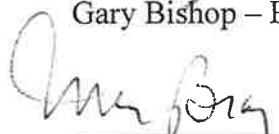
8. This By-Law shall repeal any existing By-Laws respecting the regulation and prohibition of Noise in the Township of Shedden.

9. This By-Law shall come into force and effect on the date of passing.

Read a first time this 6th day of January, 2003.




 Gary Bishop – Reeve

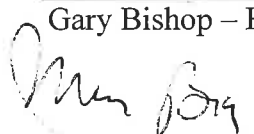


 Mary Bray, Clerk-Treasurer

Read a second time this 20th day of January, 2003.




 Gary Bishop – Reeve

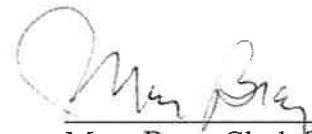


 Mary Bray, Clerk-Treasurer

Read a third and final time This 3rd day of February, 2003



 Tim Kobelka- Deputy Reeve



 Mary Bray, Clerk-Treasurer