

THE CORPORATION OF THE TOWNSHIP OF BONNECHERE VALLEY

By-Law Number 2005-12

BEING A BY-LAW TO REGULATE NOISE WITHIN THE TOWNSHIP OF BONNECHERE VALLEY

WHEREAS the making, creation or maintenance of excessive and unreasonable noise within the Township of Bonnechere Valley affects and is a detriment to public health, comfort, convenience, safety, welfare and the prosperity of the people of the said Township;

AND WHEREAS it is in the public interest to ensure and maintain moderate noise levels within the Township of Bonnechere Valley consistent with its rural character, so as to preserve, protect and promote the public health, safety, welfare and peace and quiet of the residents of the said Township;

AND WHEREAS Council has authority under s. 129 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, to prohibit and regulate with respect to noise and vibration.

NOW THEREFORE, the Council of the Corporation of the Township of Bonnechere Valley hereby enacts as follows:

1.0 Definitions In this by-law,

- (1) "agricultural operation" means an agricultural, aquacultural, horticultural or silviculture operation that is carried on in the expectation of gain or monetary reward.
- (2) "construction" includes, but is not limited to, erection, alteration, repair, dismantling, demolition, structural maintenance, land clearing, earth moving, grading, excavating, the laying of pipe and conduit, whether above or below ground level, street and highway building, application of concrete, 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 with construction.
- (3) "construction equipment" means any equipment or device designed and intended for use in construction or material handling, including, but not limited to, hand tools, power tools, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-highway haulers or tracks, ditchers, compactors and rollers, pumps, concrete mixers, graders or other material handling equipment;
- (4) "conveyance" includes a vehicle and any oilier device employed to transport a person or persons
- (5) "emergency" means an urgent matter relating to the immediate health, safety or welfare of the residents of the Township;
- (6) "engine brake" means a device commonly used in a track, power unit or semi-trailer unit to slow or brake the vehicle by means of closing the exhaust valves on the engine of the vehicle, or any similar device;
- (7) "motor vehicle" includes an automobile, motorcycle, motor assisted bicycle and any other vehicles propelled or driven other 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*, R.S.O. 1990, c. H.8, as amended;
- (8) "motorized conveyance" means a conveyance propelled or driven by other than muscular, gravitational or wind power and includes a motor vehicle.
- (9) "Municipality" means the land within the geographical limit of Bonnechere Valley;
- (10) "noise" means unwanted sound;
- (11) "owner" includes
 - i. the person who for the time being manages or receives the rent for the land or premises in connection with the word that is used, whether on the persons own account or as an agent or trustee of any other person, who would receive the rent if the land or premises were let: and
 - ii. a lessee or occupant of the premises
- (12) "Point of Reception" means any point on the premises of a person where noise originating from other than those premises is received.

- (13) "Power Device" Means any power device used in the servicing, maintenance or repair of any premises including without limitations, chain saws, power tools, lawnmowers, leaf blowers, edge trimmers, line trimmers, rototillers, pressure washers and carpet cleaning equipment and specifically excluding devices driven by muscular power and snow blowers.
- (14) "Premises" means the area within the boundaries of any legal parcel of land and any building or structure situated within such boundaries, provided however that where a building or structure contains more than one unit of commercial, industrial or residential occupancy each unit the common areas of the building or structure, and the land within the boundaries of the lot, shall be deemed to be separate premises.
- (15) "Residential area" means any property or premises within the municipality which is zoned for residential use by an applicable zoning bylaw or which is used in whole or in part for human habitation.
- (16) "Residents" means one or more persons who reside in the Township
- (17) "Solid waste bulk lift equipment" means a vehicle designed to load, unload and transport containers for handling refuse;
- (18) "Stationary source" means a source of sound that 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 conveyance; and
- (19) "Township Council" means the Council of the Township of Bonnechere Valley.

2.0 Prohibitions

No person shall emit, cause or permit the emission of sound resulting from any act listed in the table set out in schedule "A" of this bylaw if clearly audible at a point of reception between the hours of 11:00 PM of one day and 7:00 AM of the following day.

3.0 Determination of excessive sound

Factors for determining whether a sound is unreasonably loud or excessive include, but are not limited to the following:

- a) the proximity of the sound to sleeping facilities, whether residential or commercial:
- b) the land use, nature and zoning of the area from which the sound emanates and the area where it is received or perceived:
- c) the time of day or night that the sound occurs:
- d) the duration of the sound
- e) the volume of the sound
- f) the nature of the sound
- g) whether the sound is recurrent, intermittent or constant; and
- h) the nature of the event or activity from which the sound emanates.

4.0 Operation of Engine Brakes

No person shall use or permit the use of any Engine brake, "Jacobs Brake" or any other similar device on any conveyance at any time in the Township of Bonnechere Valley Ward 1 (Village of Eganville) except in case of emergency.

5.0 Application of strictest standard

Where a source of sound is subject to more than one provision of this by-law, the most restrictive provision shall prevail.

6.0 Exemptions

- (1) This by-law shall not bind the Township of Bonnechere Valley or any local board of the Township, the Province of Ontario, the Government of Canada or any of its respective agents.
- (2) Despite other provisions of this by-law, this by-law shall not apply to a person who emits or causes or permits the emission of noise, sound or vibration in connection with :
 - (i) Any activities listed in Schedule "B"; or

- (ii) Any situation where it can be clearly shown that reasonable efforts to address, ameliorate, or otherwise deal with a situation have been taken and that the shutting off or termination of the source of the noise would cause a situation affecting the health or safety of an individual.

7.0 Extension of hours for Outdoor Public Events

- (1) The Township may, upon written application, grant permission to extend the hours during which amplification equipment may be used at an outdoor public event.
- (2) The Township in exercising its authority pursuant to subsection (1), the Township may grant its permission with or without conditions.

8.0 Offence

- (1) Every person who contravenes any provision of this by-law is guilty of an offence and, on conviction, is liable to payment of a fine or other penalty as provided for under the *Provincial Offences Act, R.S.O 1990, P.33*, as amended.

9.0 Offences and Penalties

- (1) Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for under the provincial offences act.

10.0 Severability

Each clause of this bylaw is an independent clause and the holding of any clause or part of any clause to be void or ineffective for any cause shall not be deemed to affect the validity of any other clause of parts of any clause.

11.0 Effective Date

This by-law shall come into force and take effect immediately upon the passing thereof by the council of the Corporation of the Township of Bonnechere Valley.

Read the first and second time this 24th day of October 2005

Read a third and final time this 24th day of October 2005

Schedule "A"
 To By-law 2005 – 12
 Being a By-law to regulate noise

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 music, speech, or other sound such clauses to include, without limitation, radios, phonographs, stereos, televisions, public address systems, sound equipment, loud speakers, musical or sound producing instruments and all similar devices.
Persistent yelling, shouting, screaming, hooting, whistling or singing
The detonation of fireworks or explosive devices
The operation of any power device
Crowd-related noise emanating from a gathering of individuals a property or premises, including without limitation, parties, music festivals, concerts, weddings, and other privately-hosted events.
The operation of an engine or motor in, or on any motorized conveyance or item of attached auxiliary equipment for a continuous period exceeding 15 minutes while such vehicle is stationary , unless: <ul style="list-style-type: none"> (i) the conveyance is in an enclosed structure so as to effectively prevent excessive noise emissions (ii) the operation of such engine or motor is essential to the basic function of the vehicle or equipment including but not limited to , operation of ready-mix concrete trucks, lift platforms or refuse compactors and heat exchange systems. (iii) Weather conditions justifying the use of heating or refrigeration systems powered by the motor or engine for the safety and welfare of the operator, passengers or animals or the preservation of perishable cargo. (iv) Prevailing low temperatures make longer idyling periods necessary, immediately after starting the motor or engine.
The operation of any electrical or combustion engine which is, or is intended for use in any toy or a model or replica which has no function other than that of amusement and which is not a conveyance.
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 or amplification of any similar sounds.
Construction activities or the operation of any construction equipment
The loading or unloading of any transport truck, moving van or motor vehicle.
The operation of a motorized conveyance, engine, motor, construction equipment or pneumatic device without an effective exhaust, intake muffling device or other sound attenuation device of a type specified by the manufacturer, which is in good working order, and in constant operation.
The operation of a conveyance resulting in banging, clanking, squealing, or other like sound due to improperly secured load or equipment or inadequate maintenance.
The operation of a vehicle horn or other warning device except where required or authorized by law or in accordance with generally accepted safety practices.

Schedule B
To Bylaw 2005-12
Being a Bylaw to Regulate Noise

Exemptions

- (1) Operation of authorized emergency vehicles including but not limited to police vehicles, fire trucks, and ambulances.
- (2) Operation of Municipal, County or Provincial service vehicles and related equipment performing snow removal or public maintenance.
- (3) Snow removal equipment.
- (4) Agricultural operations, agricultural processing activities, forestry operations and the operation of sawmills.
- (5) The ringing of fire or burglar alarms.
- (6) Noise emanating from a fuel powered generator being operated in case of an emergency or power outage.

Township of Bonnechere Valley

Part I Provincial Offences Act

Bylaw # 2005 – 12

Item	Column 1 Short Form Wording	Column 2 Provision creating or defining offence	Column 3 Set fine
1	Emit, Cause or Permit excessive sound	2.0	\$100.00
2	Operation of Engine Brake	4.0	\$250.00

NOTE: The penalty provisions for the offences cited above are section 9 of Bylaw 2005-12; a certified copy of which has been filed.