

THE CORPORATION OF THE TOWNSHIP OF TAY

BY-LAW NO. 2007-77

Being a by-law to repeal 2007-20 and to provide for the regulation and prohibition of unusual noises or noises likely to disturb the public and/or the prevention of public nuisances within the Township of Tay.

WHEREAS Section 129 of the Municipal Act, S.O. 2001 provides that a Municipality may prohibit and regulate with respect to public nuisances including noise;

AND WHEREAS the Council of the Township of Tay deems it necessary and expedient to pass a by-law to control activities which cause noises that substantially interfere with other people's health, safety or the normal use and enjoyment of their property;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF TAY ENACTS AND BE IT ENACTED AS FOLLOWS;

1.0 DEFINITIONS

In this by-law,

"Council" means the Council of the Corporation of the Township of Tay;

"Owner" includes an assessed owner, tenant, occupant or any person having an interest, whether equitable or legal, in the land;

"Noise" includes any sound as listed in Schedule "A" attached hereto;

"Residential Noise Zone" means those areas denoted as a residential noise zone as shown on Schedule "C" attached hereto;

"Rural Noise Zone" means those areas denoted as a rural noise zone as shown on Schedule "C" attached hereto;

"Person" means any human being, association, firm, partnership, private club, incorporated company, corporation, agent or trustee and the heirs, executors, or other legal representatives of a person to who the context can apply according to the By-law;

"Point of Reception" means any point on the premises of a person where sound or vibration originating from other than those premises is received;

"Property Maintenance Equipment" shall include but it not limited to lawn mowers, leaf blowers or vacuums, lawn trimmers, chain saws, garden tractors, power sprayers and washers and other equipment powered by gasoline internal combustion engines normally used for or associated to household, lawn and garden maintenance;

"Township" means the Corporation of the Township of Tay;

"Zoning By-law" the prevailing Zoning By-law(s) in force and effect in the Township of Tay.

"Air Conditioning Equipment" means equipment located on the outside of a dwelling used for heating, cooling and/or the exchange of air inside the residence.

2.0 OFFENCES

2.1 No Owner shall cause or permit the creation, presence or existence of any noise or unusual sound that disturbs or are likely to disturb any inhabitant of the Township of Tay as outlined in Schedule "A" attached;

2.2 Section 2.1 does not apply to the exceptions or circumstances as outlined in Schedule "B" attached.

3.0 GRANT OF EXEMPTION BY COUNCIL

a) 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 and Council, 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 one month, during which it is effective and may contain such terms and conditions as Council sees fit.

b) Decision

In deciding whether to grant the exemption, Council shall give the applicant and any person opposed to the application an opportunity to be heard and may consider such other matters as it deems appropriate.

c) Breach

A breach by the applicant of any of the terms or conditions of any exemption granted by Council shall render the exemption null and void.

4.0 ADMINISTRATION, ENFORCEMENT AND INSPECTION

4.1 This by-law shall be administered by the Municipal Law Enforcement Officer of the Township or such other person or persons as Council may, by by-law appoint.

4.2 Any Municipal Law Enforcement Officer may enter on any property at any reasonable time for the purpose of enforcing this by-law.

5.0 PENALTY

5.1 Every person who:

- a) hinders, disturbs or obstructs any Municipal Law Enforcement Officer in carrying out their duties under this by-law, or;
- b) contravenes any provision of this by-law as noted in Schedule A is guilty of an offence and, upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c P.33 as amended.

6.0 GENERAL

6.1 That by-law 2007-20 is hereby repealed.

6.2 This by-law shall come into force and take effect upon approval of the set fines, appended hereto, from the Office of the Regional Senior Judge Central East Region of the Ontario Court of Justice (Provincial Division).

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 12TH DAY OF SEPTEMBER, 2007.

THE CORPORATION OF THE TOWNSHIP OF TAY

MAYOR

CLERK

Schedule A
2007-77: Noise Regulation

Without limiting the generality of Section 2.1, the following are deemed to be noises that will disturb or are likely to disturb an inhabitant of Tay Township:

- a. The noise or sound made or created by any radio, phonograph, public address system, sound equipment, loud speaker, musical instrument or other sound-producing equipment, when the equipment is played or operated in such a manner that the sound or noise made or created thereby disturbs the peace, comfort or repose of any person.
- b. The operation of a stereo or other electronic device designed to amplify sound in, or on, a motor vehicle in such a way that the sound can easily be heard outside of the motor vehicle.
- c. Racing of any motorized conveyance other than in a racing event regulated by law.
- d. The operation of a motor vehicle in such a way that the tires squeal.
- e. 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.
- f. The operation of a vehicle or a vehicle with a trailer resulting in banging, clanking, squealing or other like sounds due to inadequate maintenance and/or improperly secured load or equipment.
- g. 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.
- h. 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 Noise 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 like, when such work is performed other than for profit.
- i. The sound made by an animal or bird under the care, custody or control of a person which disturbs the peace, comfort or repose of any person in another occupied dwelling house.

- j. The noise caused by the erection, demolition, alteration or repair of a building or by construction or earth-moving equipment working upon a site within 500 feet of an occupied dwelling house on any day between the hours of 10:00 p.m. and 7:00 a.m. the next day, excepting Sundays, when no such noise shall be created before the hour of 10:00 a.m. and no such noise shall be made after 6:00 p.m. on a Sunday.
- k. The discharge of firearms at any time in the residential noise zone. The discharge of firearms between 7:00 p.m. and 7:00 a.m. Monday to Saturday in the rural noise zone and prior to 9:00 a.m. on Sunday in the rural noise zone.
- l. Fireworks in the residential or rural noise zone outside of the permitted dates and times being Canada Day and Victoria Day from dusk until 11:00 p.m.
- m. The noise made by air conditioning equipment which is likely to disturb the peace, comfort or repose of any person in a dwelling unit.

Schedule B
2007-77: Noise Regulation

The Following are exceptions to Section 2.1 of the by-law:

- a. The noises made by a parade authorized by the municipality.
- b. Fireworks displays authorized by the municipality.
- c. Fireworks held in the residential noise zone or the rural noise zone on Victoria Day and/or Canada Day from dusk until 11:00 p.m.
- d. The noises associated with a traditional, festive or religious activity authorized/hosted by the municipality.
- e. Road and bicycle races authorized by the municipality.
- f. Midways and circuses authorized by the municipality.
- g. The sound from an outdoor concert or band when approved by the municipality.
- h. The sound of outdoors hymn singing or caroling.
- i. The sound of church bells or chimes normally associated with church activities.
- j. The sirens or noises created by an emergency vehicle.
- k. The noise caused by the erection, demolition, alteration or repair of a building or by construction or earth-moving equipment working upon a site or highway when such work is undertaken by forces of the Corporation of the Township of Tay, any Provincial road authority or the County of Simcoe road authority or by any public utilities.
- l. The noise caused by farm equipment performing any farm operation.

**CORPORATION OF THE TOWNSHIP OF TAY
PART 1 PROVINCIAL OFFENCES ACT**

By-law 2007-77: Noise Regulation

ITEM	Column 1 <i>Short Word Form Wording</i>	Column 2 <i>Offence Creating Provision</i>	Column 3 <i>Set Fine</i>
1	Emit/Cause to emit noise likely to disturb from radio, phonograph, pa system, sound equipment, loud speaker, musical instrument or other sound-producing equipment.	Section 2.1 Schedule A (a)	\$125.00
2	Emit/Cause to emit noise likely to disturb from a stereo or other electronic device designed to amplify sound associated with a motor vehicle.	Section 2.1 Schedule A (b)	\$125.00
3	Emit/Cause to emit noise likely to disturb from racing motorized vehicles.	Section 2.1 Schedule A (c)	\$125.00
4	Emit/Cause to emit noise likely to disturb from the squealing of tires associated with a motor vehicle.	Section 2.1 Schedule A (d)	\$125.00
5	Emit/Cause to emit noise likely to disturb from a motor vehicle horn or other warning device.	Section 2.1 Schedule A (e)	\$125.00
6	Emit/Cause to emit unnecessary noise likely to disturb from a motor vehicle or vehicle with a trailer.	Section 2.1 Schedule A (f)	\$125.00
7	Emit/Cause to emit noise likely to disturb due to the operation of a combustion engine or pneumatic device.	Section 2.1 Schedule A (g)	\$125.00
8	Emit/Cause to emit noise likely to disturb from prolonged idling of an engine.	Section 2.1 Schedule A (h)	\$125.00
9	Emit/Cause to emit noise likely to disturb from an animal or bird under the care of a person.	Section 2.1 Schedule A (i)	\$125.00
10	Emit/Cause to emit noise likely to disturb from the erection, demolition, alteration or repair of a building or by equipment.	Section 2.1 Schedule A (j)	\$125.00
11	Emit/Cause to emit noise likely to disturb from the discharge of firearms.	Section 2.1 Schedule A (k)	\$125.00
12	Emit/Cause to emit noise likely to disturb from the use of fireworks.	Section 2.1 Schedule A (l)	\$125.00
13	Emit/Cause to emit noise likely to disturb from the use of air conditioning equipment.	Section 2.1 Schedule A (m)	\$125.00

Note: The penalty provision(s) for the offences indicated above is Section 6.1 of by-law 2007-77 a certified Copy of which has been filed.