

THE CORPORATION OF TOWNSHIP OF RYERSON
BY-LAW NUMBER 14 -22
Noise Control By-law

BEING A BY-LAW TO REGULATE NOISE IN THE TOWNSHIP OF RYERSON

WHEREAS Section 129 of the Municipal Act 2001, S.O. c. 25 as amended authorizes the municipality to prohibit and regulate with respect to noise; and

WHEREAS it is expedient to exercise the power conferred upon the Council by the Environmental Protection Act, R.S.O. 1990, chap. E19, as amended and other statutory authority; and

AND WHEREAS it is the policy of the Council to reduce and control excessive or nuisance noise or vibration, to protect the public health and safety, and preserve the tranquility in the Township of Ryerson;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF RYERSON ENACTS AS FOLLOWS:

SHORT TITLE

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

DEFINITIONS

2. In this by-law:

a) "**agricultural noise**" includes: irrigation pumps, crop conditioning and drying equipment, refrigeration units, crop protection and equipment necessary to provide for livestock.

b) "**appliance**" means a household device whether fixed or portable;

c) "**applicant**" means the person or persons seeking an exemption of either a temporary or permanent nature from the provisions and requirements of this Bylaw;

d) "**By-law Enforcement Officer**" means the By-Law Enforcement Officer appointed by the Township of Ryerson or their agent, other staff appointed as an Officer for the Township;

e) "**construction**" includes the 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 there with;

f) "**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 or trucks, ditchers,

compactors and rollers, pumps, concrete mixers, graders, or other material handling equipment;

- g) "**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 a building;
- h) "**Council**" means the Council of The Corporation of the Township of Ryerson;
- i) "**electronic device**" means a device intended primarily for the production, reproduction or amplification of sound, including, but not limited to, any musical instrument, radio receiver, television receiver, recorder, phonograph, loudspeakers, amplifiers, microphones or reproducers or any combination of such equipment, including devices used in the reproduction of music, speech or other sounds;
- j) "**emergency vehicles and equipment**" means any emergency services vehicle including fire trucks, ambulances, police vehicles, utility emergency vehicle, loud speakers or emergency siren, and any other method of acquiring the public's attention during an emergency situation owned or operating on behalf of the Township of Ryerson, the Province of Ontario, the government of Canada or such agencies including but not limited to Union Gas, Hydro one;
- k) "**excessive noise**" means noise under human control and is of such a nature as to interfere with the peace, comfort, and convenience of any person at a point of reception occurring at restrictive times; The person making the complaint must not be in or at the same place where the noise is being emitted.
- l) "**generator**" means a device which consumes fuel to produce electrical power;
- m) "**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;
- n) "**motorized conveyance**" means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power;
- o) "**noise**" Any excessive or unusually loud sound
- p) "**owner**" means the registered owner of the land from which noise originates, and includes a trustee acting on behalf of the registered owner, the estate of a registered owner and a person with a leasehold interest in the land;
- q) "**person**" means any individual, corporation, partnership, company, association or party and the heirs, executors, administrators of other legal representative of such person to whom context can apply according to law; shall include any group of person comprising a society or other organization and shall include the plural wherein the context requires. Wherever the word "he" or "him" is used, it shall mean and include the feminine or neutral gender wherever the context so requires.
- r) "**point of reception**" means any place on a property where sound or vibration is heard, the source of which does not originate from same property;

- s) **"public park"** means any open space or recreational area, owned or controlled by The Corporation of the Township of Ryerson;
- t) **"service vehicle"** means a vehicle operated by or on behalf of the Township of Ryerson or private contractor
- u) **"Special Event Permit"** means permission given by the Township to an Applicant to hold a Special Event as defined in the current Special Event Policy, as amended;
- v) **"Township"** means the geographic area comprising the Township of Ryerson.

3. PROHIBITIONS

- 3.1 No person or owner shall emit, cause or permit the emission of noise, which is clearly audible to a person at a point of reception, resulting from an act listed in **Schedule 'A' - Prohibitions** within the prohibited time shown for such act

4. GENERAL EXEMPTIONS

- 4.1 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 inhabitant 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 to accomplish such emergency purpose.
 - c) agricultural equipment for the purpose of farming
- 4.2 The operation of service vehicles

5. GRANT OF EXEMPTION BY COUNCIL

- 5.1 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 might be prosecuted. Council, by resolution, may refuse to grant any exemption or may grant the exemption applied for or any exemption of lesser effect. Any exemption granted shall specify the time period, not in excess of six (6) months during which it is effective and may contain such terms and conditions as Council sees fit
- 5.2 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 sees fit
- 5.3 Breach of terms and conditions by the applicant shall render the exemption null and void

6. SEVERABILITY

- 6.1 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 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.

7. PENALTIES

7.1 Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act R.5.0 1990, c. P. 33.

7.2 Every person guilty of an offence under this by-law may, if permitted under the Provincial Offences Act, pay a set fine and the Chief Judge of the Ontario Court Provincial division, shall be requested to establish set fines in accordance with **Schedule “B”** attached to this by-law

8. POWER OF ENTRY

8.1 A By-Law Enforcement Officer, Peace Officer, persons appointed by Council or their representative may enter onto a property at any reasonable time, for the purpose of carrying out an inspection to determine whether or not the provisions of this bylaw are being complied with.

9. OBSTRUCTION

9.1 No person shall hinder or obstruct a By-Law Officer, or person appointed by Council, who is lawfully carrying out enforcement of performing a duty under this by-law.

9.2 No person shall fail to identify themselves to the By-Law Enforcement Officer, or person appointed by Council, if they have been alleged to have contravened any provisions of this by-law.

10. ENFORCEMENT

10.1 Nothing here in shall be deemed to limit the ability of the Ontario Provincial Police to enforce this by-law at any time

11. REPEAL OF BY-LAWS

11.1 Noise By-Law No. 34-10 is hereby repealed.

12. APPROVAL

12.1 This by-law shall come into force upon the third reading by Council

READ a FIRST, SECOND, and THIRD TIME

Signed and the seal of the Corporation

Affixed hereto and finally passed

this 5th day of April 2022.

Original signed by George Sterling

MAYOR

Original signed by Nancy Field

CLERK/DEPUTY CLERK

TOWNSHIP OF RYERSON
Noise Control By-Law No. 14 - 22
Schedule "A"

PROHIBITIONS

of The Noise from each of the Following Operations

Prohibited Activity	Prohibited Period of Time
1. The operation of any electronic devices intended for the production, reproduction, or amplification or sound	11pm one day to 7am the next day
2. 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.	11pm one day to 7am the next day
3. Shouting, yelling, or similar noises made by a person	11pm one day to 7am the next day
4. The operation of any construction equipment or in connection with construction	9pm one day to 7am the next day (11am on Sundays and Statutory Holidays)
5. The operation of a toy, model or replica of a larger device, that has no function other than amusement.	11pm one day to 7 am the next day
6. The operation of any motorized conveyance other than on a highway or authorized snowmobile trail.	11pm one day to 7 am the next day
7. The operation of any powered or non-powered tool, equipment, or appliance for domestic purposes other than snow removal	11pm one day to 7 am the next day
8. Loud playing of musical instruments	11pm one day to 7am the next day
9. The detonation of fireworks or explosive devices not used in construction	11pm one day to 7am the next day
10. The operation of a motorized conveyance in such a way as to rev the engine beyond what is required for normal operation and maintenance	11pm one day to 7am the next day
11. The operation of a generator to provide power to a residential dwelling other than during a power outage or other than during the construction phase prior to power being installed in the constructed building.	1pm-5pm 9pm of one day to 7am the next day

TOWNSHIP OF RYERSON
Noise Control By-Law No. 14 - 22
Schedule "B"

PART 1 PROVINCIAL OFFENCES ACT

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1.	Permit noise from electronic device during prohibited time	s. 3.1 Sch. A(1)	\$150.00
2.	Permit noise from auditory signaling device during prohibited time	s. 3.1 Sch A(2)	\$150.00
3.	Make or permit noise by shouting, yelling, or similar during prohibited time	s. 3.1 Sch A(3)	\$150.00
4.	Permit noise from construction equipment during prohibited time	S3.1 Sch A(4)	\$150.00
5.	Permit noise from a toy, model or replica during prohibited time	S3.1 Sch A(5)	\$150.00
6.	Permit noise from a motorized conveyance during prohibited time	S3.1 Sch A(6)	\$175.00
7.	Permit noise from any tool, equipment or appliance during prohibited time	S3.1 Sch A(7)	\$150.00
8.	Permit noise from loud playing of musical instruments during prohibited time	S3.1 Sch A(8)	\$150.00
9.	Permit noise by detonating fireworks or explosive devices during prohibited time	S3.1 Sch A(9)	\$150.00
10.	Permit the operation of a motorized conveyance in such a way to rev the engine	S3.1 Sch A(10)	\$175.00
11.	Permit noise from a domestic generator during prohibited time	S3.1 Sch A(11)	\$175.00

NOTE: The general penalty section for the offences indicated above is Section 7.0 of By-law No. 14-22, a certified copy of which has been filed.