

THE CORPORATION OF THE TOWNSHIP OF RYERSON

BY-LAW # 34-10

BEING A BY-LAW TO CONTROL NOISE

WHEREAS Council deems it appropriate to enact a by-law to prohibit and regulate certain noises within the Township of Ryerson pursuant to Section 129 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended;

NOW THEREFORE the Council of the Corporation of the Township of Ryerson enacts as follows:

1. **DEFINITIONS**

In this by-law,

- 1.1 **“Commercial Operation”** means the operation of any Equipment by anyone for the purpose of gain as part of a business or an adventure in the nature of trade;
- 1.2 **“Construction”** includes erection alteration, repair, dismantling, demolition, structural maintenance, painting with compressors, moving, land clearing, earth moving, grading, excavating, filling, 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;
- 1.3 **“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;
- 1.4 **“Construction Site”** means the area or portion of land used for construction or any other area used for any purpose related to the construction or for any related purpose;
- 1.5 **“Council”** means the Council of the Corporation of the Township of Ryerson;
- 1.6 **“Equipment”** means any machinery, tool or thing which consumes fuel, including electricity but excluding human muscle power to perform a task. Without limiting the foregoing “Equipment” includes:
 - Factory machinery
 - Blasting materials, crushers and machinery for moving and removing rock and gravel
 - Tree harvesting machinery, sawmill machinery
 - Any motor vehicles is “Equipment when used on private property and “air breaks” are “Equipment” when used anywhere

“Equipment” specifically excludes:

- Any motor vehicle licensed for use on highways when being used on a highway except “air brakes” as above
- Agricultural machinery of all kinds when used on a farm for seeding, tending or harvesting crops

- 1.7 “**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;
- 1.8 “**Minister**” means the Minister of Environment;
- 1.9 “**Ministry**” means the Ministry of the Environment;
- 1.10 “**Motor vehicle**” includes an automobile, motorcycle and any other vehicles propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other 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”;
- 1.11 “**Motorized Conveyance**” means a conveyance propelled or driven otherwise than muscular, gravitational or wind power;
- 1.12 “**Municipal Law Enforcement Officer**” means any person who is appointed by Council as a Municipal Law Enforcement Officer for the Township of Ryerson;
- 1.13 “**Municipality**” means the land within the geographic limits of the Township of Ryerson;
- 1.14 “**Noise**” means unwanted sound;
- 1.15 “**Point of Reception**” means any point on the premises of a person where sound or vibration originating from other than those premises is received;
- 1.16 “**Residential Renovations**” means construction that does not require any building permits and/or renovations constructed without any heavy equipment;
- 1.17 “**Source**” or “**Source of Sound or Vibration**” means an activity, matter, thing, or tangible personal property or real property, from which sound or vibration is emitted.

2. PROHIBITIONS

- 2.1 No person shall emit or cause or permit the emission of sound resulting from any act listed in the table below – Time and Place Prohibitions, if clearly audible at a point of reception located in the municipality outside of the property on which the source of the sound within a prohibited time shown in the right-hand column of the table.

TIME AND PLACE PROHIBITIONS

1.	The operation of a combustion engine which is, is used in, or is intended for use in a toy or a model or replica of a larger device, which model or replica has no function other than amusement and which is not a conveyance.	7:00 p.m. – 7:00 a.m.
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, or the productions, reproduction or amplification of any similar sounds by applicable laws or carried out in accordance with good safety practices.	7:00 p.m. – 7:00 a.m.
3.	The operation of any electronic device or group of connected electric devices, incorporating one or more loudspeakers or other electro-mechanical transducers, and intended for the production, reproduction, or amplification of sound.	11:00 p.m. – 7:00 a.m.
4.	The operation of any construction equipment in connection with construction	9:00 p.m.– 7:00 a.m.
5.	Any commercial operation.	7:00 p.m.– 7:00 a.m.
6.	Any persistent yelling, shouting, screaming, hooting, whistling, or singing is a noise as defined in the By-Law.	9:00 p.m.– 7:00 a.m.
7.	The operation of any powered or non-powered tool for domestic purposes, other than snow removal and generators.	9:00 p.m.– 7:00 a.m.

NOTE: For the purposes of Exemptions, “motorized conveyance” includes: snowmobiles, mopeds, go-carts, track bikes, and trail bikes.

3. EXEMPTIONS

3.1 Notwithstanding any other provision of this by-law, this by-Law shall not apply to a person who emits or causes or permits the emission of sound or vibration in connection with any activities listed below – Exemptions, or as approved by Council.

3.1.1 Operation of authorized emergency vehicles

3.1.2 Operation of equipment and machinery by or on behalf of the Municipality carrying on or engaged in the performance of public works for emergency purposes, including, but not limited to:

- Winter snow clearing and removal equipment
- Turf grass maintenance and repair equipment
- Traffic line painting machines
- Catchbasin cleaners
- Tree and shrub pruning and mulching equipment
- Sidewalk grinding and repair equipment
- Operation of agricultural equipment to plant, tend, or harvest crops

3.2 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 or vibration in connection with emergency measures undertaken;

3.2.1 for the immediate health, safety or welfare of the inhabitants or any of them, or

3.2.2 for the preservation or restoration of property,

unless such sound or vibration is clearly of a longer duration or of a nature more disturbing than is reasonably necessary for the accomplishment of such emergency purpose.

3.3 Notwithstanding any other provisions of this by-law, it shall be lawful to emit or cause or permit the emission of sound or vibration in connection with an activity authorized by Council in a special permit provided there is a compliance with the terms of the permit;

3.3.1 Such special permits may be issued;

- For special cultural, musical or other events scheduled to occur for a limited period of time.
- For commercial or other activities of limited duration.
- For activities scheduled to occur during seasons when windows are normally closed.
- In any other circumstance where Council concludes that the activity has value which outweighs the temporary inconvenience which may be caused by noise or vibration.

3.3.2 Council may impose such terms and conditions upon any Special Permit as it sees fit including specified times of operation and maximum noise levels. No Special Permit shall grant an exemption for a period of time greater than the scheduled duration of the activity or event or 60 days, whichever is shorter.

4. PENALTY

4.1 The By-Law Enforcement Officer or his/her designate may issue a first time warning if the person/persons agrees to immediately comply with the Noise By-Law.

4.2 Any person who contravenes any provision of this by-law is guilty of an offence and is liable upon conviction to a fine of not less than \$400.00 and not more than \$10,000.00 in accordance with the Provincial Offences Act. Each occurrence may be charged as a separate offence.

5. ENACTMENT

5.1 This by-law shall take effect and come into force upon passage by Council.

Read a First, Second, and Third time, Signed, and the Seal of the Corporation affixed thereto and finally passed this 5 day of October, 2010.

Original signed by Glenn Miller

Reeve

Original signed by Judy Kosowan

Clerk