

**THE CORPORATION OF THE TOWNSHIP OF FRONT OF YONGE
BY-LAW#**

**BEING A BY-LAW TO PROHIBIT AND TO REGULATE NOISE
WITHIN THE TOWNSHIP OF FRONT OF YONGE**

WHEREAS the Municipal Act R.S.O. 2001, c. M.25, Section 128 provides that a municipality may prohibit and regulate with respect to public nuisances that are or cause public nuisances.

AND WHEREAS the Municipal Act R.S.O. 2001, c. M.25 section 129 provides that a municipality may prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination.

AND WHEREAS the Council of The Corporation of the Township of Front of Yonge deems it expedient to regulate noise.

NOW THEREFORE the Council of The Corporation of the Township of Front of Yonge enacts as follows:

DEFINITIONS

For the purpose of this By-law,

By-law Enforcement Officer shall mean a person or persons appointed by The Corporation of the Township of Front of Yonge to enforce the provisions of this By-law;

Construction shall mean 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 component and materials in any form or for any purposes, and includes any work in connection therewith;

Construction Equipment shall mean 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-way haulers, trucks, ditches, compactors and rollers, pumps, concrete mixers, graders, or other material handling equipment;

Clearly Audible shall mean a noise level that a reasonable person would, in all of the circumstances, consider to be excessive, or unnecessary, or intrusive, or disturbing or unacceptable;

Council shall mean the Council of The Corporation of the Township of Front of Yonge;

Emergency Vehicle shall include ambulance, fire, police department vehicles and a motor vehicle being used to respond to an emergency;

Livestock shall mean, but is not limited to chickens, turkey or other fowl, swine, goats, sheep, or cattle;

Motor Vehicle shall mean a vehicle or any other device employed to transport a person or person or goods from place to place propelled, driven or drawn by any means other than by muscular, gravitational or wind power, including but not limited to motor vehicle, motorcycle, motorized snow vehicle, motor assisted bicycle, trailer, farm tractor, road building machine;

Municipal/Utility Service Vehicle shall mean a vehicle operated by or on behalf of the Township or any other company or agency that supplies or manages a utility within the

Township while the vehicle is being used for the construction, repair or maintenance of a highway, including the clearing and removal of snow, the construction, repair or maintenance of a utility, the collection or transportation of waste, or other municipal purpose.

Noise shall mean sound that is unusual or excessive, or that is unwanted by or disturbing to persons;

Other Areas shall mean any point on a premises where noise from other than those premises is received;

Point of Reception shall mean any point on a premises where noise from other than those premises is received;

Residential Area shall mean any area of the Municipality that is zoned residential in the Zoning By-law of the municipality;

Utility means a system that is used to provide a utility service to the public, including water, sewage, electricity, gas, communications networks and cable services.

1.0 General Prohibitions

1. No person shall within the Township of Front of Yonge ring any bell, blow any horn, shout or make any other unusual noise in the streets or public places or so near thereto as shall be calculated to disturb the inhabitants of the area of subject to public annoyance or inconvenience, or being the owner of any animal or owner or operator of a noise producing apparatus, permit such animal or apparatus to emit or produce such noise.
2. For the purposes of Section 2 hereof, the following noises or sounds, among others, shall be deemed to be unusual noises which disturb inhabitants:
 - a. Racing a motor vehicle other than in a racing event regulated by 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 or intake muffling device in good working order;
 - d. The operation of a motor vehicle resulting in banging, clanking, squealing or other like sounds;
 - e. The operation of an engine or motor, or on, any motor vehicle or type of attached auxiliary equipment for a continuous period exceeding five minutes, while such vehicle is stationery in a residential area unless:
 - i. The original equipment manufacturer specifically recommends a longer idling period of normal and efficient operation of the motor vehicle in which case such recommended period shall not be exceeded;
 - ii. The operation of such engine or motor is essential to a basic function of the vehicle or equipment, including but not limited to operation of a ready-mix concrete truck, lift platforms, or refuse compactors and heat exchange systems normal operation;
 - 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;
 - iv. Prevailing low temperatures make longer idling periods necessary immediately after starting the motor or engine;
 - 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.

- f. 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 sound in such a manner as to disturb the peace and comfort of a person or persons at the point of reception.
- g. The sounds of any bell, steam or air whistle, horn, siren or signal device on or off a vehicle.
- h. The selling or advertising by shouting, or loud speaking;
- i. The sounds of keeping of any animal or bird;
- j. Persistent yelling and shouting, whistling, singing.
- k. The operation of any item of construction equipment without effective muffling devices in good working order.

2.0 Limitations by Time and Place

No person shall emit, cause or permit the emission of noise resulting from any act listed in Schedule A – Prohibitions by Time and Place, if clearly audible at a point of reception located in an area of the Municipality specified in Schedule A within a prohibited time shown for such an area.

3.0 Exemption

Notwithstanding any other provisions of this by-law to the contrary, this by-law does not apply to a person who emits or causes or permits the emission of noise in connection with:

- a. Emergency vehicles;
- b. The ringing of any emergency bells, alarms
- c. The immediate health, safety or welfare of the inhabitants;
- d. Races, authorized by the Municipality;
- e. Regimental salutes;
- f. Parades authorized by the Municipality;
- g. Fireworks displays authorized by the Municipality;
- h. Community public events authorized by the Municipality;
- i. Sporting, recreational and entertainment events in or on public parks or buildings authorized by the Municipality;
- j. Musical and other performances in public parks or buildings authorized by the Municipality;
- k. Municipal/Utility Service Vehicles, including but not limited to snow clearing, street cleaning and garbage collection vehicles;
- l. The raising or herding of livestock, food crop seeding, chemical spraying or harvesting;
- m. Blasting authorized by the Municipality
- n. The ringing of bells in connection with any church, chapel or religious services.

3.1 Grant of Exemption by Council

1. 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 for which he might be prosecuted and Council, by resolution, may refuse to grant any exemption of lesser effect and any exemption granted shall specify the time period not in excess of six months, during which it is effective and may contain such terms and conditions as Council sees fit.

2. 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 sees fit.

SCHEDULE A TO BY-LAW#

PROHIBITING BY TIME AND PLACE

		All Areas
1	The operation of any construction equipment in connection with construction.	21:00 to 7:00
2	The operation of any powered or non-powered tool for domestic purpose other than snow removal	21:00 to 7:00
3	The operation of a solid waste bulk lift or refuse compacting equipment	21:00 to 7:00
	<p>a. Racing a motor vehicle other than in a racing event regulated by By-law;</p> <p>b. The operation of a motor vehicle in such a way that the tires squeal;</p> <p>c. The operation of any combustion engine and pneumatic device or construction equipment without an effective exhaust or intake muffling device in good working;</p> <p>d. The operation of a motor vehicle resulting in banging, clanking, squealing or other like sounds;</p> <p>e. The operation of an engine or motor, or on, any motor vehicle or type of attached auxiliary equipment for a continuous period exceeding five minutes, while such vehicle is stationery in a residential area unless:</p> <ul style="list-style-type: none"> • The original equipment manufacturer specifically recommends a longer idling period of normal and efficient operation of the motor vehicle in which case such recommended period shall not be exceeded. • The operation of such engine or motor is essential to a basic function of the vehicle or equipment, including but not limited to operation of a ready-mix concrete truck, lift platforms, or refuse compactors and heat exchange systems normal operation; • 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; • Prevailing low temperatures make longer idling periods necessary immediately after starting the motor or engine; • 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. <p>f. 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 sound in such a manner as to disturb the peace and comfort of a person or persons at the point of reception.</p> <p>g. The sound of any bell, steam or air whistle, horn, siren or signal device on or off a vehicle;</p> <p>h. The selling or advertising by shouting, or loud speaking;</p> <p>i. The sounds of keeping of any animal or bird;</p> <p>j. Persistent yelling and shouting, whistling, singing.</p> <p>k. The operation of any items of construction equipment without effective muffling devices in good working order.</p>	At any time

**THE CORPORATION OF THE TOWNSHIP OF FRONT OF YONGE
BY-LAW - NOISE REGULATION**

**“Part 1 Provincial Offences Act”
Schedule “A” to By-law**

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1	Emit/cause/permit noise by operation of any equipment in connection with construction at a prohibited time.	s.2 Sch A (1)	\$300.00
2	Emit/cause/permit noise by operation of a powered or non-powered tool at a prohibited time.	s.2 Sch A (2)	\$300.00
3	Emit/cause/permit noise by operation of a solid waste bulk lift or refuse compacting equipment at prohibited time.	s.2 Sch A (3)	\$300.00
4	Emit/cause/permit noise by racing of a motor vehicle.	s.2 Sch A section 3(a)	\$300.00
5	Emit/cause/permit noise by operation of a motor vehicle in such a way that tires squeal.	s.2 Sch A section 3(b)	\$300.00
6	Emit/cause/permit noise by operation of combustion engine, pneumatic device or construction equipment without an effective exhaust or intake muffling device in good working order and in constant operation.	s.2 Sch A section 3(c)	\$300.00
7	Emit/cause/permit noise by operation of a motor vehicle resulting in banging, clanking, squealing and other like sounds.	s.2 Sch A section 3(d)	\$300.00
8	Emit/cause/permit noise by the operation of an engine or motor exceeding five minutes when vehicle is stationary.	s.2 Sch A section 3 (e)	\$130.00
9	Emit/cause/permit the operation of an electronic device incorporating one or more loudspeakers intended for the production, reproduction or amplification of sound.	s.2 Sch A section 3(f)	\$130.00
10	Emit/cause/permit the sound of bell, steam or air whistle, horn, siren or signal device on or off vehicle.	s.2 Sch A section 3(g)	\$130.00
11	Emit/cause/permit noise by selling/advertising by shouting.	s.2 Sch A section 3(h)	\$130.00
12	Persistent noise making by any animal or bird	s.2 Sch A section 3(i)	\$130.00
13	Persistent yelling and shouting, whistling, singing.	s.2 Sch A section 3(j)	\$130.00

Note: the general penalty provision for the offences listed above is section 4 of By-law # _____, a certified copy of which has been attached.