

# THE CORPORATION OF THE TOWN OF MISSISSIPPI MILLS

## BY-LAW NO. 23- XXX

(repeals 02-89)

**BEING** a By-law to regulate noise.

**WHEREAS** under Section 129 of the *Municipal Act, 2001*, S.O. 2001, c. 25., as amended, councils of local municipalities may pass By-laws prohibiting or regulating with respect to noise and vibration.

**AND WHEREAS** section 429 of the *Municipal Act, 2001*, S.O. 2001, c. 25., as amended, authorizes a municipality to establish a system of fines for offences under a By-law of the municipality passed under the said Act.

**AND WHEREAS** it is the intent of Council to regulate noise and vibration within the Municipality.

**NOW THEREFORE** the Council of the Corporation of the Municipality of Mississippi Mills, enacts as follows:

### 1. DEFINITIONS:

For the purposes of this By-law,

*Auxiliary Equipment* means any device, attachment, delivery body or apparatus attached to a motor vehicle, either permanently or temporarily, for the purpose of

- 1) hauling property, vehicles or animals; or
- 2) preserving cargo through the use of heating or refrigerating systems

*By-law Enforcement Officer* means a person appointed by the Municipality to enforce the by-laws of the Municipality.

*Construction* includes erection, alteration, repair, dismantling, or demolition of a structure, structural maintenance, painting, land clearing, earth moving, grading, excavating, the laying of pipe and conduit whether above or below ground level, street and highway building, pouring 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 therewith;

*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;

*Council* means the Council of the Corporation of the Municipality;

*Construction Equipment* means any equipment, tool or device designed and intended for use in construction, and includes any equipment, tool or device designed and intended for use in automotive repair;

*Firearms* means any class or type of gun or other firearm, including shotguns, rifles, air guns, spring guns, pellet guns, tranquillizer guns, or any other barreled weapon from which any shot, bullet, missile or projectile may be discharged;

*Fire Chief* means the person so appointed by the Council of the Municipality;

*Highway* means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

*Hunting* means the pursuit, laying in wait for, chasing, or shooting at of wildlife, in accordance with a valid hunting license or government-recognized exemption;

*Inhabitant* means any owner, tenant, occupier or licensee of real property within the Municipality of Mississippi Mills;

*Motor Vehicle* includes an automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power; but does not include all-terrain vehicles, snowmobiles, other vehicles running only upon rails, construction equipment, farm tractor or a self-propelled implement of husbandry;

*Motor Conveyance* - means a conveyance propelled or driven other than by muscular, gravitational or wind power and includes snowmobiles, all-terrain vehicles and off-road motorcycles;

*Municipality* means the Corporation of the Municipality of Mississippi Mills;

*Noise* means any sound whatsoever which is likely to annoy, disturb or injure, endanger or detract from the reasonable use and enjoyment of property or the comfort, repose, health, peace or safety of persons within the limits of the Municipality, and includes any sounds deemed to be noises in this By-law;

*Other Areas* - means any lands within the geographic limits of the Municipality that are not Settlement Areas as defined in this By-law;

*Person* includes any individual, physical or corporate entity, partnership or any association and the heirs, executors, administrators, successors and assigns or other legal representative thereof to whom the context may apply;

*Point of Reception* means any point on premises where noise, sound or vibration originating from other than those premises is received;

*Public Holiday* means a public holiday as defined in the Ontario *Employment Standards Act, 2000*, S.O. 2000, c. 41, as amended from time-to-time.

*Premises* means a parcel of land and any buildings and structures on it, and includes private property, a place of business, a public highway, private road, lane, pathway, and sidewalk;

*Settlement Areas* means any lands that are designated Village Boundary, Settlement, Rural Settlement Area or Hamlet in the Municipality's Official Plan, as amended from time to time.

*Solid Waste Bulk Lift* means a vehicle designated to load, unload and transport containers for handling refuse;

*Trailer* means any vehicle capable of being used for the living, sleeping or eating accommodation of persons that is self-propelled or so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle and includes trailers used solely for the purpose of transporting goods or other items.

## **2. SCHEDULES and SEVERABILITY**

2.1 The **Schedules A, B, and C** attached to this By-law shall be read with and form part of this By-law.

2.2 Should any section or provision of this By-law for any reason be declared invalid by a court of competent jurisdiction, such declaration does not affect the validity of the By-law as a whole and all the remaining sections or provisions of this By-law remain in full force and effect until repealed.

## **3. GENERAL PROHIBITION**

3.1 No person shall cause, emit or permit the emission of noise within the Municipality.

## **4. SPECIFIC PROHIBITIONS**

4.1 The sounds listed in Schedule "A" – General Prohibitions are deemed to be noises.

4.2 The sounds listed in Schedule "B" - PROHIBITIONS BY TIME AND PLACE are deemed to be noises if they can be heard from a Point of Reception and are emitted within the Prohibited Periods of Time identified in section 3 of the Schedule.

## **5. EXEMPTIONS**

Notwithstanding section 3.1 of this By-law, it shall be lawful to permit the emission of noises identified in Schedule "C" to this By-law.

## **6. GRANT OF EXEMPTION BY COUNCIL**

### **6.1 Application to Council**

Notwithstanding anything contained in this By-law, any person, prior to emitting or permitting the emission of a noise prohibited under this By-law, may make application to

Council to be granted an exemption and Council may by resolution grant the exemption applied for or any exemption of lesser effect and any exemption granted shall specify the time period during which it is effective and may contain such terms and conditions that Council considers appropriate.

## **6.2 Details of Application for Exemption**

The application mentioned in subsection 6.1 shall be made in writing and shall contain:

- a. the name and address of the applicant;
- b. a description of the source of sound or vibration in respect of which the exemption is sought;
- c. the period of time for which the exemption is sought; and
- d. the reasons why the exemption should be granted.

## **6.3 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 considers appropriate. Decisions shall be made in a manner that is consistent with the rights and freedoms guaranteed under the *Constitution Act, 1982*.

## **6.4 Breach**

Breach by the applicant of any of the terms or conditions of the exemption shall render the exemption null and void.

## **7. PENALTY**

Every person who contravenes any of the provisions of this By-law is guilty of an offence and, upon conviction under the *Provincial Offences Act*, Chap P.33, R.S.O. 1990 as amended, is liable to a fine of not more than \$10,000 for a first offence and \$25,000 for any subsequent offence.

## **8. SHORT TITLE**

The short title of this By-law shall be the Noise Control By-law.

## **9. COMMENCEMENT**

This By-law shall come into effect on the day that it is passed.

## **10. ENFORCEMENT**

This By-law shall be enforced by any By-law Enforcement Officer.

## **11. REPEAL**

**THAT** By-law 02-89 of the Municipality of Mississippi Mills is hereby repealed.

**BY-LAW READ** a first and second time this xx day of xx 2023.

**BY-LAW READ** a third time, passed, signed and sealed in open Council this xx day of xx 2023.

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Christa Lowry, Mayor

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Jeanne Harfield, Clerk

## **SCHEDULE A**

### **By-law 23 – xx**

#### **SPECIFIC PROHIBITIONS**

1. The operation of any combustion engine or pneumatic device without an effective exhaust muffling device in good working order and in constant operation.
2. The operation of a vehicle or a vehicle with a trailer resulting in banging, clanking, squealing or other like sounds due to improperly secured load or equipment, or inadequate maintenance.
3. The operation of an engine or motor vehicle or item of attached auxiliary equipment for a continuous period exceeding five minutes, while such vehicle is stationary in a Settlement Area, unless:
  - a. the vehicle is in an enclosed structure constructed so as to effectively prevent excessive noise emission; or
  - b. 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
  - c. 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, or refuse compactors and heat exchange systems during normal operation; or
  - d. weather conditions justify the use of heating or refrigerating systems powered by the motor engine for the preservation of perishable cargo or for the safety and welfare of the operator, passengers or animals; or
  - e. prevailing low temperatures make longer idling periods necessary, immediately after starting the motor or engine; or
  - f. 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, carburettor or the like, when such work is performed other than for profit; or
  - g. the operation of such motor is essential to maintain radio and computer equipment for police, ambulance, fire vehicles and other emergency vehicles.
4. The operation of a motor vehicle horn or other warning device except where required or authorized by law, or in accordance with generally recognized safety practices.
5. The operation of any item of construction equipment without the originally installed exhaust muffling, intake-muffling or other sound attenuation device, or an equally or more effective replacement, which device is in good working order and in constant operation.

## SCHEDULE B

### By-law 23 - xx

#### **PROHIBITIONS BY TIME AND PLACE**

1. For the purpose of this By-law, the owner of the animal or bird creating the sound under the provisions of Section 3, paragraph 12 of this Schedule shall be deemed to be the person responsible for the creation of the said sound.

2. The codes used in section 3 of this Schedule shall have the following meaning:

<b>Code</b>	<b>Prohibited Periods of Time</b>
<b>A</b>	11:00 p.m. of one day to 7:00 a.m. the following day (9:00 am on Sundays & Public Holidays).
<b>B</b>	7:00 p.m. of one day to 7:00 a.m. the following day (9:00 am on Sundays & Public Holidays).
<b>C</b>	7:00 p.m. of one day to 9:00 a.m. the following day.
<b>D</b>	Half an hour after sunset to half an hour before sunrise the following day.

### 3. PROHIBITIONS:

The following sounds are deemed to be noise if they can be heard from a Point of Reception during the Prohibited Periods of Time identified in this table.

Prohibitions	Prohibited Period of Time	
	Prohibited Periods of Time in Settlement Areas	Prohibited Periods of Time in Other Areas
1. The operation of any auditory signaling device, including without limitation: the ringing of bells or gongs, the blowing of horns, sirens or whistles, or the production or reproduction of the amplification of any similar sounds by electronic means, except where required or authorized by statute, regulation, or generally recognized safety standards.	11:00 p.m. of one day to 7:00 a.m. the following day (9:00 am on Sundays & Public Holidays)	11:00 p.m. of one day to 7:00 a.m. the following day (9:00 am on Sundays & Public Holidays)
2. 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.	Any time	11:00 p.m. of one day to 7:00 a.m. the following day (9:00 am on Sundays & Public Holidays)
3. All selling or advertising by shouting or outcry or amplified sound.	Any time	Any time
4. Loading, unloading, delivery, packing, unpacking or otherwise handling any containers, products, materials or refuse whatsoever, unless necessary for the maintenance of essential services.	7:00 p.m. of one day to 7:00 a.m. the following day (9:00 am on Sundays & Public Holidays).	11:00 p.m. of one day to 7:00 a.m. the following day (9:00 am on Sundays & Public Holidays)
5. The operation of construction equipment.	7:00 p.m. of one day to 7:00 a.m. the following day (9:00 am on Sundays & Public Holidays).	11:00 p.m. of one day to 7:00 a.m. the following day (9:00 am on Sundays & Public Holidays)
6. The detonation of fireworks except those authorized by the Fire Chief and explosive devices except those in connection with construction activities under paragraph 5.	Any time	Any time

Prohibitions	Prohibited Period of Time	
	Prohibited Periods of Time in Settlement Areas	Prohibited Periods of Time in Other Areas
7. The discharge of firearms for the purpose of practice or testing	Any time	7:00 p.m. of one day to 9:00 a.m. the following day.
8. Discharge of firearms for the protection of livestock and crops.	Any time	N/A
9. The discharge of firearms for the purpose of Hunting. As per the Fish and Wildlife Conservation Act, 1997	Any time	Check local sunrise-sunset times. You may only hunt from half an hour before sunrise to half an hour after sunset
10. The operation of a combustion or electric engine that is used in, or is intended for use in, a drone, toy or a model or replica of a larger device, which toy, model or replica has no function other than amusement, and which is not a conveyance.	Any time	11:00 p.m. of one day to 7:00 a.m. the following day (9:00 am on Sundays & Public Holidays)
11. The operation of any motor conveyance other than on a highway or private driveway.	11:00 p.m. of one day to 7:00 a.m. the following day (9:00 am on Sundays & Public Holidays)	11:00 p.m. of one day to 7:00 a.m. the following day (9:00 am on Sundays & Public Holidays)
12. The venting, release or pressure relief of air, steam or other gaseous material, product or compound from any autoclave, boiler pressure vessel, pipe, valve, machine, device or system.	11:00 p.m. of one day to 7:00 a.m. the following day (9:00 am on Sundays & Public Holidays)	11:00 p.m. of one day to 7:00 a.m. the following day (9:00 am on Sundays & Public Holidays)
13. Persistent barking, whining, calling, crowing or other similar persistent noise by any domestic animal or bird.	Any time	Any time
14. The operation of a solid waste bulk lift or refuse compacting equipment.	7:00 p.m. of one day to 7:00 a.m. the following day (9:00 am on Sundays & Public Holidays).	11:00 p.m. of one day to 7:00 a.m. the following day (9:00 am on Sundays & Public Holidays)

<b>Prohibitions</b>	<b>Prohibited Period of Time</b>	
	<b>Prohibited Periods of Time in Settlement Areas</b>	<b>Prohibited Periods of Time in Other Areas</b>
15. Musical instruments or noise making instruments, devices, or equipment.	11:00 p.m. of one day to 7:00 a.m. the following day (9:00 am on Sundays & Public Holidays)	11:00 p.m. of one day to 7:00 a.m. the following day (9:00 am on Sundays & Public Holidays)
16. Any sound (horns, etc.) required for, or used in connection with the proper conduct of sporting events or games being conducted in facilities or lands designed for that purpose.	11:00 p.m. of one day to 7:00 a.m. the following day (9:00 am on Sundays & Public Holidays)	11:00 p.m. of one day to 7:00 a.m. the following day (9:00 am on Sundays & Public Holidays)
17. The operation of commercial car wash equipment.	11:00 p.m. of one day to 7:00 a.m. the following day (9:00 am on Sundays & Public Holidays)	11:00 p.m. of one day to 7:00 a.m. the following day (9:00 am on Sundays & Public Holidays)
18. The operation of any powered or non-powered tool for domestic purposes other than snow removal.	11:00 p.m. of one day to 7:00 a.m. the following day (9:00 am on Sundays & Public Holidays)	11:00 p.m. of one day to 7:00 a.m. the following day (9:00 am on Sundays & Public Holidays)
19. Omit cause or permit excessive noise as defined.	Any time	Any time

## **SCHEDULE C**

### **By-law 23-xx**

#### **EXEMPTIONS TO THE NOISE BY-LAW**

1. Noise from the use of bells, chimes or clocktowers normally associated with religious or school activities.
2. Noise reasonably necessary or normally associated with any event or activity authorized by Council, including a carnival, midway, circus, sporting event, recreational, musical, entertainment, festival, or parade.
3. Noise from the detonation of fireworks authorized by the Fire Chief.
4. All noises normally associated with a lawful agricultural operation as defined in the Farming and Food Production and Promotion Act, including animal sounds, the operation of farm equipment and machinery, providing that animals are kept under normal farm practices and providing reasonable maintenance of machinery and equipment inhibits noise according to manufacturer's specifications.
5. Noise caused by authorized non-emergency work carried out by or on behalf of the Municipality unless such noise emission is of a longer duration, or a nature more disturbing, than is reasonably necessary.
6. Noise reasonably necessary or normally associated with annual fall fairs operated by an agricultural association incorporated under *the Agricultural and Horticultural Organizations Act*, R.S.O. 1990, c. A.9. or its successor legislation, provided the fair is operated on property owned or leased by the agricultural association.
7. Noise made in connection with emergency measures:
  - (a) for the immediate health, safety or welfare of the inhabitants of the Municipality or other persons; or
  - (b) for the preservation or restoration of services and property; unless such sound or vibration is clearly of a longer duration, or nature or is more disturbing than is reasonably necessary for the accomplishment of such objective.
8. This By-law does not apply to noise that can be heard through a common shared wall or floor by two adjacent dwelling units within an apartment, condominium or townhouse building, row buildings or carriage homes unless the noise is audible from the exterior of the building.
9. Noise generated by sanding, salting, clearing of snow or the removal of snow.
10. Any noise required by statute, regulation, or generally recognized safety standards