

THE CORPORATION OF THE MUNICIPALITY OF ARRAN-ELDERSLIE

BY-LAW NO. 13-2024

Being a By-law to Prohibit and Regulate Noise within the Municipality of Arran-Elderslie

WHEREAS Section 128 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (the "**Municipal Act, 2001**"), authorizes a local municipality to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS excessive sound and inadequately controlled noise may impair public health, safety and welfare, and may become a nuisance;

AND WHEREAS Section 129 of the *Municipal Act, 2001* provides authority for municipalities to prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination;

AND WHEREAS Section 425 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws providing that a person who contravenes a by-law of the municipality passed under that Act is guilty of an offence;

AND WHEREAS Section 436 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws providing that the municipality may enter on land for the purpose of carrying out inspections, to determine compliance with a by-law, direction, order or condition of a license passed or made under that Act;

NOW THEREFORE the Council of The Corporation of the Municipality of Arran-Elderslie enacts as follows:

1.0 DEFINITIONS

In this By-law, unless the context otherwise requires:

"Amplified Sound" means any sound made by any electronic device or a group of connected electronic devices incorporating one or more loudspeakers or other electromechanical transducers, and intended for the production, reproduction or amplification of sound;

"Clerk" means the Clerk of The Corporation of the Municipality of Arran-Elderslie, or their delegate;

"Construction" means the erection, alteration, repair, painting, maintenance, relocation, demolition or removal of a building or other structure and includes all land clearing, landscaping, earth moving, grading, excavating, all public works activities, the erection or laying of lines, cable, pipes and conduit (whether above or below ground level), street building, paving, concreting and similar activities on a site and the installation, alteration or removal of construction equipment, components and materials in any form or for any purpose, and any work being done in connection therewith;

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

"Council" means the Council of The Corporation of the Municipality of Arran-Elderslie;

"County" means The Corporation of the County of Bruce;

"Emergency" means a situation or an impending situation, often dangerous, caused by the forces of nature, an accident, an intentional act or otherwise, which arises suddenly and calls for prompt action;

"Fireworks", for the purposes of this By-law, shall have the same meaning as defined in the Fireworks By-Law 13-2024, as amended;

"Motor Vehicle" includes an automobile, a motorcycle, a motor assisted bicycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine;

"Municipal By-law Enforcement Officer" means a person appointed by Council to enforce the by-laws of The Corporation of the Municipality of Arran-Elderslie pursuant to section 15 of the *Police Services Act*, R.S.O. 1990, c. P.15, as amended;

"Municipality " means The Corporation of the Municipality of Arran-Elderslie;

"Officer" means a person appointed by Council as a Municipal By-law Enforcement Officer or a Police Officer;

"Persistent" means any noise that is continuously heard for a period of ten (10) minutes or more or intermittently over a period of one (1) hour or more;

"**Person**" means an individual or corporation;

"**Pit**" and/or "**Quarry**" means land from which unconsolidated aggregate is being or has been excavated and or stored, and that has not been finally rehabilitated;

"**Point of Reception**" means:

- i. any Premises or location where sound is received, other than the Premises from which the sound originates; or
- ii. any place on a highway where sound is received;

"**Police Force**" means the Ontario Provincial Police or a municipal police force; and,

"**Premises**" means a parcel of land and includes any buildings and structures on the land.

2.0 OPINION OF COUNCIL

- 2.1 Without limiting the generality of Section 3 of this By-law, the noises which Council hereby deem to be noises likely to disturb the inhabitants of the Municipality include the noises from the sources, and at the times, described in **Schedule "A"**.

3.0 GENERAL PROHIBITION

- 3.1 No Person shall, at any time, ring any bell, blow any horn, shout or make any noise likely to disturb the inhabitants of the Municipality, if audible at a Point of Reception.

4.0 NOISE FROM INDUSTRIAL SOURCES

- 4.1 Nothing in this by-law shall be interpreted to authorize the making of any noise where the same would be a contravention of the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended.

5.0 EXCEPTIONS

- 5.1 The provisions of this By-law shall not apply to any noise caused by:
- a) the Municipality, the County or a Police Force;
 - b) the sound of a church bell or chime;
 - c) audible traffic signals;

- d) the use of Motor Vehicles and Construction Equipment when utilized for the clearing and the removal of snow from public or private property, including plowing, salting, and removing snowbanks;
- e) events that are conducted pursuant to a permit, license, rental agreement or otherwise approved by the Municipality; or,
- f) activities or work specifically exempted from this By-law in accordance with section 6.0, provided any conditions or requirements as may be imposed by are observed or met.

6.0 TEMPORARY NOISE PERMIT

- 6.1 A Person may apply to the Clerk to be granted an exemption from any of the provisions of this By-law by the issuance of a temporary noise permit.
- 6.2 The application for the issuance of a temporary noise permit shall be made in writing at least ten (10) days prior to the commencement of the requested exemption and shall contain:
 - a) the name and address of the applicant;
 - b) a description of the source of noise in respect of which exemption is sought;
 - c) a statement of the particular provision or provisions of the By-law from which exemption is sought;
 - d) the period of time for which the exemption is sought;
 - e) the reason why the exemption should be granted; and,
 - f) any other information as requested or required by the Clerk.
- 6.3 In determining whether to grant an exemption by way of a temporary noise permit, the Clerk shall:
 - a) determine whether the applicant has provided all the information required by section 6.2;
 - b) determine whether the applicant has complied with all of the terms and conditions of approval of any previous temporary noise permit issued to the applicant, if any;
 - c) consider any negative effects the issuance of the temporary noise permit may have on neighbouring properties or the Municipality; and

- d) consider any benefits the issuance of the temporary noise permit may have for neighbouring properties or the Municipality.

6.4 The Clerk may grant a temporary noise permit, refuse to grant a temporary noise permit or grant a temporary noise permit subject to conditions as outlined in section 6.5 of this By-law.

6.5 The Clerk, in granting temporary noise permits, may impose conditions on temporary noise permits including, but not limited to:

- a) the type and volume of noise that may be made;
- b) the times during which the exemption applies;
- c) the date of expiry of the temporary noise permit;
- d) requiring the posting of security prior to the activity; and
- e) requiring that the applicant, Municipal staff or a professional engineer monitor the noise levels resulting from the event or activity and requiring a report of the findings to be filed with the Municipality within thirty (30) days of the event or activity, all at the applicant's expense.

6.6 Any temporary noise permit issued by the Clerk under this By-law shall expire on the date set out on the temporary noise permit, or if no date is set out on the temporary noise permit, the permit shall expire forty-eight (48) hours after its issuance.

6.7 Any breach by the holder of the temporary noise permit of any of its terms or conditions shall render the temporary noise permit immediately null and void.

6.8 Every holder of a temporary noise permit shall comply with the terms and conditions of the temporary noise permit.

7.0 ENFORCEMENT AND RIGHT OF ENTRY

7.1 This By-law may be enforced by an Officer.

7.2 An Officer may, at all reasonable times, enter upon any Premises, other than inside a dwelling, to ascertain whether the provisions of this By-law are being observed or to enforce this By-law.

7.3 No person shall obstruct or hinder or attempt to obstruct or hinder an Officer or other authorized employee or agent of the Municipality in the exercise of a power or the performance of a duty under this By-law.

- 7.4 Where an Officer has reasonable grounds to believe that an offence under this By-Law has been committed by a Person, the Officer may require the name, address, and proof of identity of that Person.

8.0 PENALTY

- 8.1 Any person who contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable for a fine pursuant to the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended.

9.0 SEVERABILITY

- 9.1 If any section, clause or provision of this By-law is for any reason declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention of Council that the remaining sections, clauses or provisions of the by-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions of this by-law shall have been declared to be invalid.

10.0 REPEAL

- 10.1 By-law 61-09 is hereby repealed on the date this By-law comes into force and effect.

11.0 ENACTMENT

- 11.1 This By-law shall come into force and effect on the date that it is passed.

READ a FIRST and SECOND time this 26th day of February, 2024.

READ a THIRD time and finally passed this 26th day of February, 2024.

Steve Hammell, Mayor

Christine Fraser-McDonald, Clerk

SCHEDULE "A"
To By-law No. 13-2024

	Particulars of Noise	Prohibited Times
1	The operation of any Construction Equipment without the originally installed muffling devices or their equivalent in good working order and in constant operation.	At any time
2	The operation of any Construction Equipment in connection with Construction activities.	7:00 p.m. one day to 7:00 a.m. the next day Saturday, Sunday and Statutory Holiday 7:00 p.m. one day to 9:00 a.m. the next day
3	The detonation of unpermitted Fireworks.	At any time
4	The operation of a combustion engine which is used as a toy or model or replica, which is not a vehicle.	Monday to Friday 7:00 p.m. one day to 7:00 a.m. the next day Saturday, Sunday and Statutory Holiday 9:00 p.m. one day to 9:00 a.m. the next day
5	The operation of any Motor Vehicle other than on a highway or other place where its operation is permitted by all applicable legislation.	At any time
6	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.	Monday to Friday 7:00 p.m. one day to 7:00 a.m. the next day Saturday, Sunday and Statutory Holiday 9:00 p.m. one day to 9:00 a.m. the next day
7	The operation of any domestic power tool other than for snow removal.	Monday to Friday 7:00 p.m. one day to 7:00 a.m. the next day Saturday, Sunday and Statutory Holiday 9:00 p.m. one day to 9:00 a.m. the next day
8	The operation of solid waste bulk lift or refuse compacting equipment.	Monday to Friday 7:00 p.m. one day to 7:00 a.m. the next day Saturday, Sunday and Statutory Holiday 7:00 p.m. one day to 9:00 a.m. the next day
9	Persistent yelling, whistling, singing, speaking or the playing of instruments at such a volume that it is audible off the property from which it originates at any point of reception.	At any time

10	The operations of a sound-emitting pest control device.	Monday to Friday 7:00 p.m. one day to 7:00 a.m. the next day
		Saturday, Sunday and Statutory Holiday 9:00 p.m. one day to 9:00 a.m. the next day
11	The operations of a Motor Vehicle in such a way that the tires squeal.	At any time
12	The operation of any combustion engine without an effective exhaust muffling device in good working order and in constant operation.	At any time
13	The Persistent barking, calling or whining or other similar Persistent noisemaking by animals and birds kept as household pets.	At any time
14	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 production, reproduction or amplification of any similar sounds except where required or authorized in accordance with good safety practices or for accessibility purposes.	At any time
15	Amplified Sound, including amplified music, entertainment, or advertising at such a volume that it is audible off the property from which it originates at any point of reception.	Monday to Thursday 9:00 p.m. one day to 7:00 a.m. the next day
		Friday, Saturday, Sunday and Statutory Holiday 10:00 p.m. one day to 9:00 a.m. the next day
16	Operation of a Pit or Quarry or salvage yard, except where a provincial approval provides otherwise.	Monday to Friday 7:00 p.m. one day to 7:00 a.m. the next day
		Saturday, Sunday and Statutory Holiday 7:00 p.m. one day to 9:00 a.m. the next day

SCHEDULE "B"
PART I Provincial Offences Act
By-law No. 13-2024: Prohibit and Regulate Noise within the Municipality of Arran-Elderslie

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1	Ring bell	s.3	\$200.00
2	Blow horn	s.3	\$200.00
3	Shout	s.3	\$200.00
4	Make noise likely to disturb	s.3	\$200.00
5	Noise, operate construction equipment without muffler	s.2.1, Schedule A (1)	\$200.00
6	Noise, operate construction equipment at prohibited time	s.2.1, Schedule A (2)	\$200.00
7	Noise, detonation of unpermitted fireworks at prohibited time	s.2.1, Schedule A (3)	\$200.00
8	Noise, operation of model combustion engine at prohibited time	s.2.1, Schedule A (4)	\$200.00
9	Noise, operate motorized vehicle at prohibited time	s.2.1, Schedule A (5)	\$200.00
10	Noise, venting at prohibited time	s.2.1, Schedule A (6)	\$200.00
11	Noise, operate power tool at prohibited time	s.2.1, Schedule A (7)	\$200.00
12	Noise, operate bulk lift at prohibited time	s.2.1, Schedule A (8)	\$200.00
13	Noise, operate refuse compacting equipment at prohibited time	s.2.1, Schedule A (8)	\$200.00
14	Noise, persistent yelling, shouting or similar sounds	s.2.1, Schedule A (9)	\$200.00
15	Noise, operate pest control device at prohibited time	s.2.1, Schedule A (10)	\$200.00

16	Noise, squeal tires	s.2.1, Schedule A (11)	\$200.00
17	Noise, operate engine without muffler	s.2.1, Schedule A (12)	\$200.00
18	Noise, persistent barking or noisemaking by a pet	s.2.1, Schedule A (13)	\$200.00
19	Noise, operate signaling device at prohibited time	s.2.1, Schedule A (14)	\$200.00
20	Noise, amplified sound at prohibited time	s.2.1, Schedule A (15)	\$200.00
21	Noise, operation of a pit or quarry at prohibited time	s.2.1, Schedule A (16)	\$200.00
22	Fail to comply with temporary noise permit	s.6.8	\$200.00
23	Obstruct officer or authorized employee	s.7.3	\$200.00

NOTE: The penalty provision for the offences indicated above is contained in Section 8 of By-Law No. 13-2024, a certified copy of which has been filed.