

THE CORPORATION OF THE TOWNSHIP OF KING**BY-LAW NUMBER 81-142****A BY-LAW TO CONTROL NOISE**

This is a consolidation of the Township's by-law to govern and control noise being By-law 81-142 as amended by By-law(s) 86-169, 87-77, 90-30, 2016-85, and 2019-032. This is prepared for reference and information purposes only. The following consolidation is an electronic reproduction made available for information only. It is not an official version of the bylaw. Official versions of all by-laws can be obtained from the Clerk's Department. If there are any discrepancies between this consolidation and the By-law(s) named above, the Bylaw(s) shall prevail.

WHEREAS it is expedient to exercise the power conferred upon the Council by the Environmental Protection Act and other statutory authority; and

WHEREAS a recognized body of scientific and technological knowledge exists by which sound and vibration may be substantially reduced; and

WHEREAS the people have a right to and should be ensured an environment free from unusual, unnecessary or excessive sound or vibration which may degrade the quality and tranquility of their life or cause nuisance; and

WHEREAS it is the policy of the Council to reduce and control such sound or vibration;

NOW THEREFORE, the Council of the Corporation of the Township of King ENACTS AS FOLLOWS:

1. Interpretation

(1) In this by-law,

(a) Church

"Church" means a building dedicated to religious worship and may include a synagogue, a church hall, church auditorium, Sunday school, convent, monastery, parish hall;

(b) Construction

"construction" includes 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 therewith;

- (c) Construction Equipment
“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;
- (d) Conveyance
“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 the premises of a person;
- (e) Council
“Council” means the Council of the Corporation of the Township of King;
- (f) Highway
“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;
- (g) Minister
“Minister” means Minister of the Environment;
- (h) Ministry
“Ministry” means Ministry of the Environment;
- (i) Motor Vehicle
“motor vehicle” includes an automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power; but does not include the cars of electric or steam railways, or other motor vehicles 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;
- (j) Motorized Conveyance
“motorized conveyance” means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power;
- (k) Municipality
“Municipality means the land within the geographic limit of the Township of King;

- (l) Noise
“noise” means unwanted sound;
- (m) Point of Reception
“point of reception” means any point on the premises of a person where sound or vibration originating from other than those premises is received.
- (n) Off-Road Vehicle
“Off-road vehicle” means a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel,
 (i) On not more than three wheels, or
 (ii) On more than three wheels and being of a prescribed class of vehicle under the Off-Road Vehicles Act, 1983 Ontario Regulation 47/84 as amended by O. Reg. 426/84; **(Amended by By-law 87-77)**
- ~~(o) Muffler
“Muffler” means an exhaust device in good working order and in constant operation to prevent excessive or unusual noise and excessive smoke, and does not include a muffler cut out, straight exhaust, gutted muffler, hollywood muffler, by pass, expansion chamber or similar device. (Amended by By-law 86-169 – Repealed by By-law 87-77)~~

(2). Zones

In this by-law:

- (a) Residential Area
“Residential Area” means all areas of the municipality;
- (b) Quiet Zone
“Quiet Zone” means those areas of the municipality within one hundred (100) metres of a hospital, convalescent home, nursing home or church.

2. General Prohibitions

No person shall emit or cause or permit the emission of sound resulting from an act listed herein, and which sound is clearly audible at a point of reception:

- (1) Racing of any motorized vehicle in such a way other than in a racing event regulated by-law.
- (2) The operation of a motor vehicle in such a way that the tires squeal.
- (3) The operation of any combustion engine or pneumatic device without an effective exhaust or intake muffling device in good working order and in constant operation.
- (4) The operation of a vehicle or vehicle with a trailer resulting in banging, clanking, squealing or other like sounds due to improperly secured load or equipment, or inadequate maintenance.

- (5) The operation of an engine or motor in, or on any motor vehicle or item of attached auxiliary equipment for a continuous period exceeding five minutes, while such vehicle is stationary in a Residential Area or a Quiet Zone unless;
 - (i) 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,
 - (ii) 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 and refuse compactors; or,
 - (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, and the vehicle is stationary for purposes of delivery or loading; or,
 - (iv) prevailing low temperatures make longer idling periods necessary immediately after starting the motor or engine; or.
 - (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.
- (6) The operation of a motor vehicle horn or other warning device except where required or authorized by law or in accordance with good safety practices.
- (7) The operation of any item of construction equipment in a Quiet Zone or Residential Area without effective muffling devices in good working order and in constant operation.
- (8) The operation of an off-road vehicle, other than on a highway, without an effective exhaust muffling device in good working order and in constant operation. **(Amended by By-law 87-77)**

3. Prohibitions by Time and Place

No person shall emit or cause or permit the emission of sound resulting from any act listed in Table 3-1 if clearly audible at a point of reception located in an area of the municipality within a prohibited time shown for such an area.

TABLE 3-1 PROHIBITIONS BY THE TIME AND PLACE		
	Prohibited Period of Time	
	Quiet Zone	Residential Area
1. The detonation of fireworks or explosive devices not used in construction.	At all times	At all times
2. The operation of a combustion engine which, <ul style="list-style-type: none"> (i) is, or (ii) is used in, or (iii) is intended for use in, a toy, or a model or replica of any device, which model or replica has no function other than amusement and which is not a conveyance. 	At all times	F

TABLE 3-1 PROHIBITIONS BY THE TIME AND PLACE		
	Prohibited Period of Time	
	Quiet Zone	Residential Area
3. 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.	At all times	At all times
4. 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 by electronic means, except where required or authorized by law or in accordance with good safety practices.	At all times	At all times
5. The operation of any powered rail car including but not limited to refrigeration cars, locomotives or self-propelled passenger cars, while stationary on property not owned or controlled by a railway governed by the Canada Railway Act.	At all times	B
6. The operation of any motor vehicle other than on a highway or other place intended for its operation.	At all times	B
7. Persistent barking, calling or whining or other similar persistent noise making by any domestic pet or any other animal kept or used for any purpose other than agriculture. (Repealed by By-law 2016-85)	At all times	A
8. The operation of a commercial car wash with air drying equipment	At all times	D & E
9. Yelling, shouting, hooting	At all times	A
10. The operation of a power assisted hang glider or parafoil	At all times	D & E
11. The operation of any item of snow making equipment.	At all times	E
12. All selling or advertising by shouting or outcry or amplified sound.	At all times	At all times
13. Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, products, materials, or refuse, whatsoever, unless necessary for the maintenance of essential services or the moving of private household effects.	D & E	D & F
14. The operation of any equipment in connection with construction.	D & E	D & F
15. The operation or use of any tool for domestic purposes other than snow removal.	C	A
16. The operation of solid waste bulk lift or refuse compacting equipment.	C	B
17. The operation of a commercial car wash of a type other than mentioned in item 8.	C	A

TABLE 3-1 PROHIBITIONS BY THE TIME AND PLACE		
	Prohibited Period of Time	
	Quiet Zone	Residential Area
18. The discharge of firearms (Amended by By-law 90-30)	At all times	At all times

Prohibited Periods of Time in Table 3-1:

- A – 23 00 one day to 07 00 next day (09 00 Sundays)
- B – 19 00 one day to 07 00 next day (09 00 Sundays)
- C – 17 00 one day to 07 00 next day (09 00 Sundays)
- D – All day Sunday
- E – 19 00 one day to 07 00 next day
- F – 21 00 one day to 07 00 next day

4. Exemption

Public Safety

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 inhabitants or any of them; or,
- (b) for the preservation or restoration of property; unless such a sound or vibration is clearly of a longer duration or nature more disturbing, than is reasonably necessary for the accomplishment of such emergency purpose.

5. Grant of Exemption by Council

(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 and Council, by resolution, may refuse to grant any exemption or grant the exemption applied for or 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.

(3) Breach

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

6. Exemption of Traditional, Festive or Religious Activities

Notwithstanding any other provision of this by-law, this by-law does not apply to a person who emits or causes or permits the emission of sound or vibration in connection with any of the listed traditional, festive, religious and other activities.

- (a) the annual fair held by the Schomberg Agricultural Society
- (b) Any event sponsored by the King Township Historical Society;
- (c) Any agricultural or farm activity lawfully carried on by a farmer in the reasonable operation of his farm;
- (d) The use of irrigation pumps in an area lawfully used for intensive agricultural purposes;
- (e) Singing and the use of musical instruments inside a building while it is lawfully used as a Church, or as a community hall, public hall or school.
- (f) Sporting and recreational activities lawfully carried on in a public or private park, playground, school yard and recreation centre, provided such exemption shall not apply to any acts referred to in categories 3, 10, ~~and~~ 12, and 18 (**Amended by By-law 90-30**) of Table 3-1 referred to in Section 3 hereof;
- (g) Activities lawfully sponsored or carried on by the Timberline Trap Shooting Club located in the west half of Lot 24, Concession 3, provided such exemption shall not apply to any acts or activities occurring during 21 00 one day to 7 00 the next day;
- (h) The lawful use and detonation of fireworks or similar explosive devices on the two statutory holidays referred to as Dominion Day or Canada Day and Victoria Day;
- (i) Actions lawfully conducted by an auctioneer provided such exemption shall not apply to any auction occurring during 23 00 one day to 07 00 the next day (09 00 Sunday)

7. Severability

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.

8. ~~Penalty~~

~~Every person who contravenes any of the provisions of this by-law is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than \$1,000.00 for a first offence and not less than \$100.00 and not more than \$1,000.00 for a second or subsequent offence, exclusive of costs and every such fine is recoverable under the Provincial offences Act. (**Repealed by By-law 2019-032**)~~

8. Penalties

- a) Every person who contravenes any of the provisions of this By-law is guilty of an offence.
- b) Every person who is convicted of an offence under this By-law is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, Chap. P.33.

- c) When a person has been convicted of an offence under this By-law,
 - i. the Ontario Court (Provincial Division), or
 - ii. any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence. **(Amended by By-law 2019-032)**

9. By-law Number 72-6 be and the same is hereby repealed.

10. This By-law shall take effect upon the approval of the Minister of the Environment pursuant to the provisions of the Environmental Protection Act.

11. The short title for this by-law shall be the "Noise By-law"

READ a FIRST time this 7th day of December, 1981.

Upon a motion by: _____

Seconded by: _____

Carried

Mayor

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Clerk

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READ a SECOND time and PASSED this 3rd day of August 1982.

Upon a motion by: _____

Seconded by: _____

Carried

Mayor

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Clerk

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READ a THIRD time and FINALLY PASSED this 3rd day of August 1982.

Upon a motion by: _____

Seconded by: _____

Carried

..... MAYOR

..... CLERK

This by-law is approved pursuant to the provisions of the Environmental Protection Act at Toronto this 5th day of March, 1990

Minister of the Environment