

The Corporation of the Town of Arnprior

By-law Number 6764-17

Being a By-law to Control Noise

Whereas the making, creation or maintenance of excessive, unreasonable or nuisance noise within The Corporation of the Town of Arnprior affects and is a detriment to public health, comfort, convenience, safety and welfare of the people of the municipality; and

Whereas it is in the public interest to reduce the noise level within the municipality, so as to preserve, protect and promote the public health, safety, welfare and peace and quiet of the inhabitants thereof; and

Whereas the Municipal Act, 2001, S.O. 2001, C.25, s. 129, as amended, authorizes Municipal Councils to pass by-laws to prohibit and regulate noise;

Therefore the Council of the Corporation of the Town of Arnprior hereby enacts as follows:

1. Definitions

In this By-Law:

- 1.1 **“Chief Administrative Officer”** means the person appointed as the Chief Administrative Officer of the Town within the meaning of the Municipal Act, 2001.
- 1.2 **‘Chief Building Official’** means the person appointed as the Chief Building Official of the Town within the meaning of the Building Code Act, 5.0. 1992, c. 23 as amended;
- 1.3 **‘clearly audible’** means a noise level that a reasonable person would, consider to be excessive, or unnecessary, or intrusive or disturbing or unacceptable;
- 1.4 **‘construction’** includes but is not limited to 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, the manufacturing of material used for highway construction, 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;

Noise Control By-law

- 1.5 **'construction equipment'** means any equipment, device or motorized conveyance designed and intended for use in construction or material handling, including but not limited to, hand tools, power tools, air compressors, pile drives, 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 material handling equipment;
- 1.6 **'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;
- 1.7 **'Council'** means the Council of the Corporation of the Town of Arnprior;
- 1.8 **'Fire Chief'** means the person appointed as the Fire Chief of the Town within the meaning of the Fire Protection and Prevention Act, S.O. 1997 c.4, as amended;
- 1.9 **'General Manager, Operations'** means the person appointed by Council as the General Manager, Operations of the Operations Department for the Town;
- 1.10 **'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;
- 1.11 **'inhabitants'** means one or more persons who reside in the Town of Arnprior
- 1.12 **'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;
- 1.13 **'motorized conveyance'** means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power;
- 1.14 **'municipality'** means the land within the geographic limit of the Town of Arnprior;
- 1.15 **'nuisance noise'** means any loud, unnecessary, unusual or unreasonable sound or vibration which annoys, disturbs, injures, endangers or distracts from the comfort, repose, health, peace and/or safety of any reasonable person as determined by an officer.

Noise Control By-law

- 1.16 **'officer'** means any member of the Ontario Provincial Police force and any other police force, police constable, or By-law Enforcement Officer, designated officer or other person appointed and employed by the Town of Arnprior for preservation and maintenance of public peace;
- 1.17 **'person'** means any individual and includes firm, partnership, association, corporation, company or groups of persons;
- 1.18 **'point of reception'** means any point on the premises of a person where sound or vibration originating from other than those premises is received.
- 1.19 **'premises'** means a building or structure or part of a build or structure, the lands appurtenant to the building or structure, all mobile homes, mobile buildings or mobile structures and includes vacant land;
- 1.20 **'property maintenance equipment'** means any equipment, device, machinery or apparatus that operates by motor, but does not include snow removal equipment
- 1.21 **'Residential Area'** means those areas of the Municipality specified as follows: those areas of the municipality zoned for residential use in any by-law in force from time to time passed pursuant to Section 34 of The Planning Act, R.S.O. 1990, Chapter P.13, or any predecessor or successor of that Section;
- 1.22 **'Town of Arnprior'** means the Corporation of the Town of Arnprior
- 1.23 **'Quiet Zone'** means the area and block municipally known as the Arnprior and District Memorial Hospital (Arnprior Regional Health) and illustrated in Appendix 'A' attached hereto.

2. Regulations

- 2.1 No person shall emit or cause or permit to be caused any nuisance noise clearly audible at a point of reception listed in "Schedule 1 – Prohibited Noise".
- 2.2 No person shall cause or permit to be caused any nuisance noise audible at a point of reception listed in "Schedule 2 – Prohibited Noise" by Time and Place where the noise occurs during the prohibited times specified in the schedule.
- 2.3 Notwithstanding any other provision in this by-law, a person may cause or permit to be caused any nuisance noise audible at a point of reception provided the noise is in connection with any of the activities listed in "Schedule 3 – Exempted Noise".
- 2.4 Notwithstanding any other provisions in this bylaw, a person may cause or permit to be caused any nuisance noise audible at a point of reception in connection with a legitimate emergency for the protection of the immediate health, safety or welfare of the inhabitants of the Town or for the preservation or protection of property or any Town infrastructure and critical Town services as may be determined by the General Manager, Operations, the Fire Chief, the Chief Building Official, the Chief Administrative Officer or an Officer.

Noise Control By-law

3. Nuisance Noise Prohibited At Any Time

- 3.1 No person shall cause or permit any nuisance noise which is clearly audible at the point of reception.

4. Exemptions by Council

- 4.1 Notwithstanding anything contained in this by-law, any person may, no later than sixty (60) days prior to the date of which an exemption may be requested, make a request to Council, in writing, to be granted an exemption for any of the provisions of this by-law, and any such request for exemption shall contain the following:
- a) the name and address of the applicant;
 - b) the location of the event or activity for which the exemption is being sought;
 - c) a description of the source of sound for which the exemption is being sought;
 - d) the dates and period of time for which the exemption is being sought;
- 4.2. The Council of the Town of Arnprior may, by by-law, grant the exemption applied for or any exemption of lesser effect, or refuse to grant an exemption. Any exemption granted shall specify the time period during which it is effective and may contain such terms and conditions as the Council sees fit.
- 4.3 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.
- 4.4 Breach by the applicant of any of the terms or conditions of any exemption granted by Council shall render the exemption null and void.

5. Exemption – Municipal Construction Projects

- 5.1 That the General Manager, Operations is delegated the authority to grant an exemption to any section of this by-law provided it relates to a Town of Arnprior construction project, repair or activity, subject to the following conditions:
- a) That each individual request be reviewed by the General Manager, Operations prior to any work taking place during the requested hours to determine if the request is justified;

Noise Control By-law

- b) That construction communication notices be sent to all members of Council as well as surrounding residents and business owners within a 100 meter radius of the area where the municipal construction activity is occurring advising them of the impending work at least two (2) calendar days prior to the works being undertaken;
- c) That the construction communication notices to residents and business owners include contact information for the contractor;
- d) That the General Manager, Operations monitor and investigate any complaints regarding construction noise;
- e) That the applicant take measures to minimize any unnecessary noise such as idling of construction vehicles, unnecessary revving of engines, use of airbrakes, and to maintain equipment in good working order (including muffling devices) to minimize noise impacts or other measures as may be prescribed by the General Manager, Operations; and
- f) That no construction takes place on Statutory Holidays.
- g) That all exemptions be issued in writing bearing the signature of the General Manager, Operations, or authorized designate.

6. Vexatious Complaints

- 6.1 Where an officer has determined that a complaint has been filed for a malicious or vexatious reasons, or as part of an ongoing pattern of harassment, and does not involve a matter of serious health, safety or breach of the Noise By-law the officer may cease the investigation and close the file with no further action being taken.

7. Severability

- 7.1 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

- 8.1 Every person who contravenes any of the provisions of this by-law is guilty of an offence and shall, upon conviction thereof, is liable to a fine, exclusive of costs and every such fine is recoverable under in the Provincial Offences Act. RSO 1990, c.P 33, as amended.

Noise Control By-law

- 8.2 A person who is convicted of an offence under this by-law is liable, for each day or part of a day that the offence continues, to a minimum fine of \$250.00 and a maximum fine of \$10,000.00 and the total of all of the daily fines for the offence is \$100,000.00 as provided for in subsection 429(3)2 of the Municipal Act, 2001, S.O 2001, c.25, as amended.

9. Repeal

- 9.1 That By-law No. 5974-11 and any other by-laws, resolutions or parts of by-laws or resolutions inconsistent with the provisions contained in this by-law are hereby repealed.

10. Enactment

- 10.1 This by-law shall come into full force and take effect upon the passing thereof.

Enacted and Passed this 27th day of November, 2017



Tom Burnette, Deputy Mayor



Maureen Spratt, Clerk

Noise Control By-law

Appendix A – Quiet Zone



Noise Control By-law

Schedule 1 – Nuisance Noise Prohibited

1. Allowing the persistent barking, calling, whining or other similar persistent noise-making by any domestic pet or any other animal kept or used for any purpose other than agriculture.
2. The revving of a motor vehicle engine or the squealing of tires as a result of the operation of a motor vehicle.
3. The operation of a motor vehicle, motorized equipment, construction equipment or pneumatic device without an exhaust muffling device in good working order.
4. The operation of a motor vehicle or a motor vehicle with a trailer resulting in banging, clanking, squealing or other like sound due to improperly secured load or equipment or inadequate maintenance;
5. 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.
6. The use of engine air brakes or 'jack' brakes;
7. Unauthorized setting off of fireworks

Noise Control By-law

Schedule 2 – Prohibited Noise by Time and Place

		Prohibited Times	
Type of Noise	Quiet Zone	Residential	
1. The operation of any electronic devices or group of connected electronic devices incorporating one or more loud speakers or other electromechanically transducers, and intended for the production, reproduction or amplification of sound.	At All Times	(1)	Between 9:00 pm one day and 7:00 am the next day (Sunday to Thursday)
		(2)	Between 11:00 pm Friday and 7:00 am the next day
		(3)	Between 11:00 pm Saturday and 9:00 am the next day
		(4)	Before 9:00 am on Statutory Holidays
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 production, reproduction or amplification of any similar sounds by electronic means except where required or authorized by law.	At All Times	(1)	Between 9:00 pm one day and 7:00 am the next day (Sunday to Thursday)
		(2)	Between 11:00 pm Friday and 7:00 am the next day
		(3)	Between 11:00 pm Saturday and 9:00 am the next day
		(4)	Before 9:00 am on Statutory Holidays
3. Yelling, shouting, hooting, whistling or singing.	At All Times	(1)	Between 9:00 pm one day and 7:00 am the next day (Sunday to Thursday)
		(2)	Between 11:00 pm Friday and 7:00 am the next day
		(3)	Between 11:00 pm Saturday and 9:00 am the next day
		(4)	Before 9:00 am on Statutory or Holidays

Noise Control By-law

		Prohibited Times			
Type of Noise	Quiet Zone		Residential		
4. The operation any property maintenance equipment	(1)	Between 9:00 pm one day and 7:00 am the next day (Sunday to Friday)	(1)	Between 9:00 pm one day and 7:00 am the next day (Sunday to Friday)	
	(2)	Between 9:00 pm Saturday and 9:00 am the next day	(2)	Between 9:00 pm Saturday and 9:00 am the next day	
	(3)	Before 9:00 am on Statutory Holidays	(3)	Before 9:00 am on Statutory Holidays	
5. 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.	(1)	Between 9:00 pm one day and 7:00 am the next day (Sunday to Thursday)	(1)	Between 9:00 pm one day and 7:00 am the next day (Sunday to Thursday)	
	(2)	Between 11:00 pm Friday and 7:00 am the next day	(2)	Between 11:00 pm Friday and 7:00 am the next day	
	(3)	Between 11:00 pm Saturday and 9:00 am the next day	(3)	Between 11:00 pm Saturday and 9:00 am the next day	
	(4)	Before 9:00 am on Statutory Holidays	(4)	Before 9:00 am on Statutory Holidays	
6. The operation of any activity or equipment in connection with construction or demolition save and except pursuant to Section 4 or where the General Manager, Operations has granted an exemption pursuant to Section 5.	(1)	Between 9:00pm one day to 7:00am the next day (Monday to Saturday)	(1)	Between 9:00pm one day to 7:00am the next day (Monday to Saturday)	
	(2)	Prohibited on Sundays and Statutory Holidays	(2)	Prohibited on Sundays and Statutory Holidays	

Noise Control By-law

7. The operation of any activity or equipment in connection with the removal of dust and other debris from private parking lots abutting or sharing a property line with residential properties.	(1)	Between 9:00 pm one day and 7:00 am the next day (Sunday to Thursday)	(1) Between 9:00 pm one day and 7:00 am the next day (Sunday to Thursday)
	(2)	Between 11:00 pm Friday and 7:00 am the next day	(2) Between 11:00 pm Friday and 7:00 am the next day
	(3)	Between 11:00 pm Saturday and 9:00 am the next day	(3) Between 11:00 pm Saturday and 9:00 am the next day
	(4)	Before 9:00 am on Statutory Holidays	(4) Before 9:00 am on Statutory Holidays

Noise Control By-law

Schedule 3 – Exempted Noise

1. The use of bells or chimes normally associated with church activities;
2. Parades authorized by the Town of Arnprior.
3. Any special event held by the Town of Arnprior.
4. Any fireworks displays authorized or permitted by the Town and in compliance with all applicable legislation including the Fireworks By-law.
5. All activities associated with the Arnprior Fair.
6. Sporting, recreational and entertainment events in public parks or town buildings authorized by the Town of Arnprior.
7. Musical and other performances in public parks or town buildings authorized by the Town of Arnprior
8. Special neighbourhood social activities on streets or other public land authorized by the Town of Arnprior.
9. Aviation activities at the Arnprior Airport.
10. Snow clearing, road maintenance, infrastructure repairs and road construction vehicles and equipment operated by the Town of Arnprior or its agents and/or contractors.
11. Any snow clearing or snow removal activities.
12. Sound emanating from the Fire Hall alarm, or the sirens of any emergency vehicle, equipment or activities while engaged in providing emergency work or responding to an emergency or during testing of the emergency warning siren.
13. Any reasonable noise resulting from the operation of a business activity provided that such noise is part of the normal operation of the business and provided that the business is operating in compliance with the Town's Zoning By-laws and all other applicable by-laws.