

THE CORPORATION OF THE TOWNSHIP OF ST. JOSEPH

BY-LAW 2011 - 53

A By-law to Regulate and Control the Timing and Type of Noise permitted within The Township of St. Joseph, and to repeal By-law 1833.

WHEREAS the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and

WHEREAS it is expedient to exercise the power conferred upon the Council by the *Environment Protection Act*, R.S.O. 1980, as amended, and other statutory authority; and,

WHEREAS citizens 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,

NOW THEREFORE BE IT RESOLVED THAT the Council of The Township of St. Joseph does hereby enact as follows:

DEFINITIONS:

“Clerk” means the Clerk Administrator appointed by the Council of the municipality.

“Construction” means the erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavation, 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 form any purpose, and includes any work in connection therewith.

“Council” means The Council of The Township of St. Joseph

“Noise” means any unwanted sound.

“Residential Area” means any area designated as residential, shoreline residential or limited service residential in the Zoning By-Law of the Corporation of The Township of St. Joseph.

“Zone” means the zoning applied to properties in accordance with the Township’s Zoning By-law.

GENERAL PROHIBITIONS

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

In any residential area:

- a. The operation of a combustion engine between 8:00 p.m. and 10:00 a.m. which is, or is used in, or is intended for use in a toy or model or replica that has no function other than amusement and which is not a conveyance is hereby prohibited.
- b. 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 is prohibited between 11:00 p.m. and 10:00 a.m.

- c. The operation of any auditory signaling device, including but not limited to the ringing of bells or gongs and 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 is prohibited between 11:00 p.m. and 10:00 a.m.
- d. The operation of any motorized conveyance other than on a highway or other place intended for its operation including all commercial vehicles over one ton, except for limited designated deliveries.
- e. 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, is prohibited between 11:00 p.m. and 6:00 a.m. 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. 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
- f. Persistent barking, calling, whining or other similar persistent noise-making by any domestic pet or other animal kept or used for any purpose other than agriculture is prohibited between 11:00 p.m. and 8:00 a.m.
- g. Loading, unloading, delivering, packing, unpacking or otherwise handling, in any area in the municipality between 11:00 p.m. in the evening and 7:00 a.m. in the morning, any materials whatsoever, unless necessary for the maintenance of essential services or the moving of private household effects.
- h. The operation or use between of any tool for domestic purposes other than snow removal is prohibited between the hours of 10:00 p.m. and 7:00 a.m.

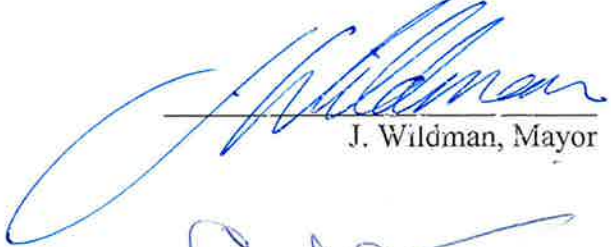
EXCEPTIONS

1. 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 the 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.
2. Unless such sound or vibration is clearly of a longer duration or nature more disturbing than is reasonably necessary for the accomplishment of such emergency purpose.
3. Notwithstanding any other provision of this By-law, this By-law does not apply to a person or agricultural operation that emits, causes or permits the emission of sound or vibration in connection with an established agricultural function.
4. Notwithstanding anything contained in this By-law, any person may make application to Council to request an exemption from any of the provisions of this By-law with respect to any source of sound or vibration for which they might be prosecuted. Council may, by Resolution, refuse to grant any exemption or may grant the exemption applied for or any lesser exemption specifying the time period during which it is effective and may contain such terms and conditions as Council sees fit.


PENALTY

1. Every person who contravenes any provisions of this by-law shall be guilty of an offense and shall, upon conviction, be subject to penalty pursuant to The Provincial Offences Act, as amended.
2. Fines pursuant to item 1 above are recoverable under the Provincial Offences Act, as amended.
3. Should any section, subsection, clause, paragraph or provision of this By-law be declared by a court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of any other provision of this by-law or the by-law as a whole.
4. That By-law 1833 of The Township of St. Joseph be and is hereby repealed.
5. That any by-law or portion thereof previously approved by Council which conflicts with this By-law shall be hereby repealed.
6. THAT this By-law shall take effect on the day of passing.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME and finally passed in open Council this Twenty First day of December, 2011.



J. Wildman, Mayor



Carol Trainor, Clerk