# Township of Zorra

# Noise By-law 69-12

## Office Consolidation

**Amending By-laws**
**By-law 72-12**
**By-law 51-21**
**By-law 53-26**

**All original signed by-law(s) are on file at the Zorra Municipal Centre.**

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**THE CORPORATION OF THE TOWNSHIP OF ZORRA**

**BY-LAW NO. 69-12**

**BEING A BY-LAW TO PROVIDE FOR THE REGULATION AND PROHIBITION OF NOISE EMITTED IN THE TOWNSHIP OF ZORRA.**

**WHEREAS** section 129 of the *Municipal Act, 2001* S.O. 2001, c. 25, as amended, provides that a local municipality may prohibit and regulate with respect to noise, and may prohibit unless a permit is obtained from the municipality for noise, and may impose conditions for obtaining, continuing to hold, and renewing the permit;

**AND WHERAS** it is deemed expedient and necessary for Council to exercise the power conferred upon it by the *Municipal Act* and prohibit and regulate noise in the Township of Zorra;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ZORRA ENACTS AS FOLLOWS:**

**1. DEFINITIONS**

1.1. Agriculture Area – shall mean any area zoned A1, A2, AB in Township of Zorra Zoning By-law 35-99, as amended. Or shall mean a property that is zoned for agricultural use in the zoning by-law that applies to the property.

1.2. Commercial Area – shall mean any area zoned CC, HC, V in Township of Zorra Zoning By-law 35-99, as amended. Or shall mean a property that is zoned for commercial use in the zoning by-law that applies to the property.

1.3. Construction equipment—shall include a bulldozer, excavator, trencher, jackhammer, crane, loader, scraper, paver, compactor, roller, grader, concrete mixer and all like equipment.

1.4. Council—shall mean the Council of the Corporation of the Township of Zorra.

1.5. Emergency Vehicle—shall mean any vehicle of law enforcement, fire department, ambulance, or any public service while answering a call.

1.6. Excessive Idling – shall mean vehicles idling in excess of 10 minutes, or dirt bikes, all-terrain vehicles, snowmobiles, go-carts, or dune buggies idling in excess of 5 minutes.

1.7. Firearm—shall mean a barrelled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such barrelled weapon and anything that can be adapted for use as a firearm; excluding spring and air powered firearms, long or cross bows.

1.8. Holiday—shall mean any holiday set our as a holiday in the *Retail Business Holidays Act,* R.S.O. 1990, c. R. 30, or any successor thereof.

1.9. Industrial Area — shall mean any area zoned MR, MG, MD, ME, MQ, and MA in Township of Zorra Zoning By-law 35-99, as amended.

1.10. Institutional Area – shall mean any area zoned I in Township of Zorra Zoning By-law 35-99, as amended.

1.11. Misuse – shall mean causing unnecessary noise, which includes stationary revving of engines, honking of horns, squealing of tires, excessive idling, and/or operating without an effective exhaust or intake muffling device in good working order and in constant operation that prevents excessive noises that are loud or explosive.

1.12. Noise— shall mean sound that is of such a volume or nature that it is likely to disturb one or more persons.

1.13. Other Area—shall mean any area of the Township not Zoned RR, RE, R1, R2, R3, A1, A2, AB, I, MR, MG, MD, ME, MQ, and MA.

1.14. Person—shall include a corporation, organization, association, partnership, or any entity comprised of one or more individuals.

1.15. Residential Area—shall mean any area zoned RR, RE, R1, R2, or R3 in the Township of Zorra Zoning By-Law 35-99, as amended.

1.16. Source of Sound—shall mean an activity, matter, thing, or tangible personal property or real property, from which a noise is emitted;

1.17. Township—shall mean The Corporation of the Township of Zorra.

1.18. Trapshooting—shall mean clay target shooting game, performed with a shotgun or a similar device.

1.19. Vehicle – shall include an automobile, a motorcycle, a motor assisted bicycle unless otherwise indicated in the Highway Traffic Act, R.S.O. 1990, c. H.8, 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.

## 2. GENERAL PROHIBITIONS

No person shall, at any time, emit, cause, or permit to be emitted or caused, any noise created by:

2.1 The persistent barking, calling or whining of any domestic pet;

2.2 The squealing of motor vehicle tires for reasons other than emergency braking;

2.3 The use of a horn, whistle, alarm, bell, gong, or similar device, except for an auditory safety or warning device;

2.4 The detonation of explosives, including the discharge of any gun or other firearm, air gun or spring gun, or any similar device, except:

2.4.1 By a peace officer in the performance of his or her duty;

2.4.2 For the purposes of normal farm practices;

2.4.3 By a licensed hunter as part of a lawful hunt but only when in accordance with regulations made under the Fish and Wildlife Conservation Act, 1997, as amended;

2.4.4. The discharge of firearms as part of a properly licensed gun club or shooting range, but only on the following days, and between the following hours: Mondays, Wednesdays and Fridays between the hours of 9:00 a.m. and 9:00 p.m.; and Saturdays between the hours of 10:00 a.m. and 6:00 p.m., or

2.4.5. The discharge of a firearm, shot gun or similar device as part of the practice of trap shooting shall only be permitted for three hours per week and in accordance with Section 2.4.4 above."

2.5 The idling of a vehicle motor in excess of 10 minutes, except:

2.5.1 When such idling is recommended by the manufacturer of such vehicle and proof of such recommendation is provided by the vehicle operator upon request;

2.5.2 When such idling is necessary to the basic function of the equipment on a vehicle such as a concrete mixer on a concrete mixing truck, a lift platform, a refuse compactor, or a heat exchange system; or

2.5.3 When the weather conditions require the vehicle to idle in order to keep in operation a heating or refrigeration system necessary for the welfare or preservation of the cargo of such vehicle;

2.6 The operation of an air conditioner, pool pump or filter, heat pump or any similar device that is not in proper working order;

2.7 The operation of a combustion engine without an effective exhaust muffling device in proper working order; or

2.8 The operation of a vehicle radio, stereo, or any similar device.

## 3. PROHIBITIONS BY TIME AND PLACE

No person shall emit, cause, or permit to be emitted or caused any noise created by an activity listed in Schedule "A" of this By-Law during the time and in the area such noise is prohibited as set out in Schedule "A".

## 4. EXEMPTIONS

4.1. Not withstanding any other provision of this by-law, it shall be lawful to emit or cause or permit the emission of noise in connection with the following:

4.1.1 Emergency measures undertaken for the immediate health, safety or welfare of the inhabitants of the Township, including the operation of sirens on emergency vehicles and the discharge of firearms by peace officers in the performance of their duties;

4.1.2 The operation, maintenance, or installation of municipally-owned infrastructure, facilities, or the like, by the Township, its servants, employees, contractors, or agents;

4.1.3 Necessary municipal operations, including but not limited to snow removal, street cleaning, and garbage collection, undertaken by or on behalf of the Township;

4.1.4 Activities authorized by the Township, including but not limited to:

4.1.4.1 Road and Bicycle races;

4.1.4.2 Parades;

4.1.4.3 Midways and Circuses;

4.1.4.4 Fireworks displays;

4.1.4.5 Sporting, recreational, and entertainment events in public parks, buildings or grounds, as approved by the Township of Zorra;

4.1.4.6 Musical and other performances in public parks, buildings or grounds, as approved by the Township of Zorra;

4.1.4.7 Special neighbourhood social activities on streets or other public land;

4.1.5 Snow removal that is essential for the normal operation of a business;

4.1.6 The ringing of bells or chimes in connection with any Church, Chapel, meeting house, or religious service, including Church clocks striking the hour and the playing of any church carillon;

4.1.7 Normal farm practices within the meaning of the Farming and Food Protection Act, 1998, S.O. 1998, c. 1 as amended, or any successor thereof.

4.1.8 Operations specifically for the delivery of goods for retail business establishments, restaurants (including cafes and bars), hotels and motels, and goods distribution facilities. ***(Added by By-law 51-21)***

4.2. Notwithstanding the provisions of this By-law, any person may apply to Council for an exemption to any provision of this By-law with respect to any noise to allow such person to emit, cause or permit such noise for the period of time set out in such application, and Council may grant such exemption, grant an alternative exemption or refuse such exemption, and may set out conditions to be met as Council sees fit for any exemption granted.

4.2.1. All noise exemptions are subject to the condition that the applicant notify all neighbours within a 100-metre radius of the event requiring the exemption. ***(Added by By-law 53-26)***

4.3. Every person applying for an exemption under section 4.2 of this By-law shall, at least 10 business days prior to the Council meeting at which the request for exemption is to be addressed by Council, provide to the Clerk of the Township an application in writing that shall contain:

4.3.1 The name, address, email and telephone number of the applicant;

4.3.2 A description of the source and location of sound in respect of which exemption is sought;

4.3.3 A statement of the particular provision or provisions of this By-law from which exemption is being sought;

4.3.4 The period of time, of a duration not in excess of six months, for which the exemption is sought;

4.3.5 The reason why the exemption should be granted;

4.3.6 If applicable, a statement of the steps, if any, planned or presently being taken to bring about compliance with the By-law;

4.3.7 Payment of the exemption-processing fee, if any, in the amount set by Council and in effect at the time of such exemption request.

4.4. In deciding whether to grant the exemption under section 4.2 of this By-law, 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 deems appropriate.

4.5. A breach of any of the terms or condition of an exemption granted by Council under section 4.2 of this By-law that is emitted, caused, or permitted to be emitted or caused by the applicant shall render the exemption null and void.

4.6. Notwithstanding any other provision of this by-law, Sections 2 and 3 of this by-law shall not apply where the source of sound is located within an Industrial Area and if the sound is in accordance with the terms and conditions of a valid Certificate of Approval, provisional Certificate of Approval or other approval issued under the *Environmental Protection Act*, R.S.O. 1990, c. E.19, where such approval addresses sound as a source of contamination.

## 5. ENFORCEMENT

This By-law shall be enforced by the Township By-law Enforcement Officer.

## 6. OFFENCE

Every person who contravenes this By-law is guilty of an offence.

## 7. PENALTY

Every person who is convicted of an offence shall be liable to a penalty as set out in Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, or any successor thereof, with a minimum penalty of one hundred and twenty-five dollars ($125.00), for each day or part of a day on which an offence occurs and continues.

## 8. SEVERABILITY

If any provision of this By-law is declared invalid or unenforceable by any competent authority, such provision shall be deemed severed and shall not affect the validity or enforceability of the remaining provision of this By-law.

## 9. SCHEDULES

Schedule “A” and Schedule “B” attached hereto shall form part of this By-law.

## 10. REPEAL

By-law 46-87, as amended, is now repealed in its entirety.

## 11. SHORT TITLE

The short title of this By-law is “the Zorra Noise Control By-law, 2012”.

## 12. EFFECTIVE DATE

This By-law shall come into full force an effect upon third and final reading.

**READ A FIRST AND SECOND TIME THIS 2nd day of October, 2012**

**READ A THIRD TIME AND FINALLY PASSED THIS 2nd day of October, 2012**

| | |
|---|---|
| **MAYOR** | **CLERK** |
| **MARGARET LUPTON** | **KAREN GRAHAM** |

**SCHEDULE "A"**
**TO BY-LAW NO. 69-12, as amended**

| NOISE CREATED FROM THE FOLLOWING ACTIVITIES IS PROHIBITED | PROHIBITED TIME OF DAY | PROHIBITED AREA |
|---|---|---|
| 1. The operation of a radio television, stereo or other electronic device including any amplification device, or any musical or other sound producing instrument | At all times | Residential, Industrial, Institutional, Agricultural, Commercial |
| 2. Yelling, shouting or the like | 11:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays, Sundays and holidays) | Residential |
| 3. The operation of a car wash | 11:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays, Sundays and holidays) | Residential, Industrial, Commercial |
| 4. The venting or release of steam, the operation of a generator or air filtration system, noise from grinding, milling, the operation of machinery, or the like unless the sound is in accordance with the terms and conditions of a valid Certificate of Approval, provisional Certificate of Approval or other approval issued under the *Environmental Protection Act*, R.S.O. 1990, c. E.19, where such approval addresses sound as a source of contamination. | 9:00 p.m. to 7:00 a.m. ( to 9:00 a.m. on Saturdays, Sundays and holidays) | Residential |
| | 11:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays, Sundays and holidays) | Industrial, Institutional, Agricultural |
| 5. The operation of waste collection machinery or refuse compacting equipment. | 9:00 p.m. to 7:00 a.m. ( to 9:00 a.m. on Saturdays, Sundays and holidays) | Residential |
| | 11:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays, Sundays and holidays) | Industrial, Institutional, Commercial |
| 6. Loading, unloading, packing, delivering or otherwise handling any container, product or material unless necessary for the maintenance of essential services or for the moving of private household effects. | 9:00 p.m. to 7:00 a.m. ( to 9:00 a.m. on Saturdays, Sundays and holidays) | Residential |
| | 11:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays, Sundays and holidays) | Institutional |
| 7. The operation of any tool including a hammer, saw, nail gun, lawnmower, staple gun, hedge trimmer, drill, or the like.<br>Exemption: Shall not include a snowblower. | 9:00 p.m. to 7:00 a.m. ( to 9:00 a.m. on Saturdays, Sundays and holidays) | Residential, Commercial |
| 8. The operation of a combustion engine for a toy or a replica of a larger device such as a remote controlled toy aeroplane. | 9:00 p.m. to 9:00 a.m. | Residential |
| 9. The **misuse** of a dirt bike, all-terrain vehicle, snowmobile, go-cart, dune buggy or like conveyance. | At all times. | Residential, Agricultural |
| 10. The operation of construction equipment. | 7:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays) and at all times on Sundays and holidays. | Residential, Commercial |
| 11. The operation of gravel or sand pit, stone quarry or stone crushing operation. | 7:00 p.m. to 7:00 a.m. Monday to Friday<br>7:00 p.m. Friday to 8:00 am on Saturday<br>1:00 pm on Saturday until 7:00 a.m. on Monday<br>Any holiday | Industrial |

**Schedule "B"**

**TOWNSHIP OF ZORRA**
**Part I Provincial Offences Act**
**By-law #69-12, as amended: Zorra Noise Control By-law**

| Item | Short Form Wording | Provision Creating or Defining Offence | Set Fine |
|---|---|---|---|
| 1. | Permitting a domesticated pet to make noises disturbing others (i.e. dog barking). | 2. (2.1) | $350.00 |
| 2. | Squealing of motor vehicle tires. | 2. (2.2) | $350.00 |
| 3. | Use of a horn, whistle, alarm, bell, gong or similar device – disturbing other persons. | 2. (2.3) | $350.00 |
| 4. | The discharge of firearms. | 2. (2.4) | $350.00 |
| 5. | Trap shooting exceeding 3 hours/week. | 2. (2.4.5) | $350.00 |
| 6. | Idling of a vehicle motor in excess of 10 minutes and creating noise. | 2. (2.5) | $350.00 |
| 7. | Operation of an air conditioner, pool pump or filter, heat pump or any similar device that is not in proper working order that creates noise. | 2. (2.6) | $350.00 |
| 8. | Operation of a combustion engine without an effective exhaust muffling device in proper working order that creates noise. | 2. (2.7) | $350.00 |
| 9. | Operation of a vehicle radio, stereo, or any similar device that creates noise. | 2. (2.8) | $350.00 |
| 10. | Operation of a radio television, stereo or other electronic device including any amplification device, or any musical or other sound producing instrument when prohibited. | S.3 Schedule A(1) | $350.00 |
| 11. | Yelling, shouting or the like when prohibited. | S.3 Schedule A(2) | $350.00 |
| 12. | Operation of a car wash when prohibited. | S.3 Schedule A(3) | $350.00 |
| 13. | Venting or release of steam, the operation of a generator or air filtration system, noise from grinding, milling, the operation of machinery, or the like when prohibited. | S.3 Schedule A(4) | $350.00 |
| 14. | Operation of waste collection machinery or refuse compacting equipment when prohibited. | S.3 Schedule A(5) | $350.00 |
| 15. | Loading, unloading, packing, delivering or otherwise handling any container, product or material when prohibited. | S.3 Schedule A(6) | $350.00 |
| 16. | Operation of any tool including a hammer, saw, nail gun, lawnmower, staple gun, hedge trimmer, drill, or the like when prohibited. | S.3 Schedule A(7) | $350.00 |
| 17. | Operation of a combustion engine for a toy or a replica of a larger device when prohibited. | S.3 Schedule A(8) | $350.00 |
| 18. | Misuse of a dirt bike, all-terrain vehicle, snowmobile, go-cart, dune buggy or like conveyance. | S.3 Schedule A(9) | $350.00 |
| 19. | Operation of construction equipment when prohibited. | S.3 Schedule A(10) | $350.00 |
| 20. | Operation of gravel or sand pit, stone quarry or stone crushing operation when prohibited. | S.3 Schedule A(11) | $350.00 |

Note: the general penalty provision for the offences listed above is section 7 of bylaw no. 69-12, as amended by bylaw 72-12, certified copies of which have been filed.