

THE CORPORATION OF THE TOWNSHIP OF WARWICK

BY-LAW NUMBER 5 OF 2018

Being a By-law to Provide for the Prohibition of Certain Noises

WHEREAS Section 129 of the Municipal Act, 2001, as amended, provides that the councils of local municipalities may pass by-laws for regulating or prohibiting with respect to noise;

AND WHEREAS it is deemed expedient to reduce and control such sound or vibration;

NOW THEREFORE the Council of The Corporation of the Township of Warwick enacts as follows:

1. INTERPRETATION

In this by-law,

- (a) "By-law Enforcement Officer" means any person appointed by the Municipality to act as a by-law enforcement officer.
- (b) "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" means any equipment or device designed and intended for use in construction or material handling, including but not limited to, air 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" 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) "Corporation" means The Corporation of the Township of Warwick;
- (f) "Council" means the Council of The Corporation of the Township of Warwick;
- (g) "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;

- (h) "Minister" means Minister of the Environment;
- (i) "Ministry" means Ministry of the Environment;
- (j) "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 machine, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the Highway Traffic Act;
- (k) "Motorized Conveyance" means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power;
- (l) "Municipality" means the land within the geographic limit of the Township of Warwick;
- (m) "Noise" means unwanted sound;
- (n) "Noise Control Officer" means a By Law Enforcement Officer of the Township of Warwick or any person designated by Council as responsible for the administration of this by-law from time to time;
- (o) "Point of Reception" means any point on the premises of a person where sound or vibration originating from other than those premises is received.

2. ZONES

In this by-law,

- (a) "Urban" means those areas known as Watford and Warwick Village
- (b) "Rural" means all areas of the Township of Warwick that are not considered Urban

3. GENERAL PROHIBITIONS

No person within the boundary of the municipality 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:

- (a) Causing noises or unusual noises that are likely to disturb inhabitants;
- (b) Racing of any motorized conveyance other than in a racing event regulated by law;
- (c) The operation of a motor vehicle in such a way that the tires squeal;

- (d) 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;
- (e) The operation of a vehicle or a vehicle with a trailer resulting in banging, clanking, squealing or other like sounds due to improperly secured load or equipment, or inadequate maintenance;
- (f) 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 unless,
- 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,
 - 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
 - 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
 - prevailing low temperatures make longer idling periods necessary immediately after starting the motor or engine; or,
 - 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, carburettor or the like, when such work is performed other than for profit.
- (g) 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;
- (h) The operation of any item of construction equipment in a residential area without effective muffling devices in good working order and in constant operation.
- (i) Dynamic braking or engine braking or engine retarding of a motor vehicle.

3.1 AREA PROHIBITION

No person shall idle, or permit the idling of, a bus, for a continuous period exceeding 15 minutes, if the idling sound of the bus is clearly audible at a point of reception within the boundaries of the urban area,

3.2 MOTOR VEHICLES – STEREOS/ELECTRONIC DEVICES

No person within the municipality shall emit or cause or permit the emission of sound resulting from the operation of any stereo or other electronic device designed to create, transmit, reproduce or amplify sound in or on a motor vehicle, which is audible at a distance of 8 metres (26 feet) from such motor vehicle.

3.3 PROHIBITIONS BY TIME AND PLACE

No person within the municipality shall emit or cause or permit the emission of sound resulting from any act listed in Table 3.1, hereinafter set out, if clearly audible at a point of reception located in an area of the municipality indicated within a prohibited time shown for such an area.

TABLE 3.1 – Noise Prohibitions by time and Place

PROHIBITED NOISES	PROHIBITED PERIOD OF TIME	
	RURAL	URBAN
1. The operation of a combustion engine which, (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.	Midnight – 7 AM	At All times
2. The sound from or created by any radio, phonograph, tape player, television, public address system, sound equipment, loud speaker, or any musical or sound producing instrument of whatever kind when the same is played or operated in such manner or with such volume as to disturb the peace, quiet, comfort or repose of any individual in any office, dwelling house, apartment, hotel, hospital, or any other type of residence	At All times	At All times
3. The operation of any auditory signalling 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.	Midnight – 7 AM	Midnight – 7 AM
4. 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.	Midnight – 7 AM	At All Times
5. The operation of any motorized conveyance other than on a highway or other place intended for its operation	Midnight – 7 AM	At All Times
6. The venting, release or pressure relief of air, steam or other gaseous material, product or compound from any	Midnight – 7 AM	9 PM – 8 AM

PROHIBITED NOISES	PROHIBITED PERIOD OF TIME	
	RURAL	URBAN
autoclave, boiler, pressure vessel, pipe, valve, machine, device or system.		
7. The operation of a commercial car wash with air drying equipment	Midnight to 7:00 A.M.	11:00 P.M. to 8:00 A.M.
8. Yelling, shouting, hooting, whistling or singing.	Midnight to 7:00 A.M.	At All Times
9. The operation of a power assisted hang glider or parafoil	Midnight to 7:00 A.M.	At All Times
10. The operation of any item of snow making equipment.	Midnight to 7:00 A.M.	At All Times
11. All selling or advertising by shouting or outcry of amplified sound.	Midnight to 7:00 A.M.	At All Times
12. 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		8 PM-6 AM
13. The operation of any equipment in connection with construction		8 PM-7 AM
14. The operation or use of any tool for domestic purposes other than snow removal	Midnight to 7:00 A.M.	9 PM – 8 AM
15. The operation of solid waste bulk lift or refuse compacting equipment.		8 PM-6 AM
16. The operation of a commercial car wash of a type other than mentioned in Item 7.	Midnight to 7:00 A.M.	11:00 P.M. to 8:00 A.M.
17. Unprovoked 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 agricultural for an extended amount of time	At All Times	At All Times

3.4 EXEMPTION

Table 3.1, paragraph 17, of section 3 shall not apply to:

- (a) A veterinary hospital, clinic, office or veterinary service lawfully operated and supervised by a veterinarian licensed to practice in Ontario;
- (b) A lawfully operated animal shelter;
- (c) Premises registered as a research facility in accordance with the Animals For Research Act, as amended;
- (d) Kennels licensed by The Corporation of the Township of Warwick;

- (e) Pet shops licensed by The Corporation of the Township of Warwick;
- (f) Any person in charge of a traveling circus, exhibition, or road show, or any employee thereof, lawfully displaying animals within the Township of Warwick;
- (g) Any person licensed or exempted as an operator of an animal supply facility in accordance with the Animals For Research Act, as amended, or the employees of such facility, during the course of their duties;
- (h) Any person who operates an elementary school, secondary school, college, university or provincial institution that contains a research facility exempted from registration under the Animals For Research Act, as amended;
- (i) Any person who operates, or who is employed by, an establishment which lawfully carries on the business of supplying animals to elementary schools, secondary schools, colleges, universities or provincial institutions;
- (j) Dogs maintained in a zoo, fair, exhibition, carnival, menagerie or circus operated or licensed by The Corporation of the Township of Warwick or other governmental agency;
- (k) The Corporation of the Township of Warwick or other governmental authority while lawfully operating a public park, exhibit, or zoological garden, and maintaining animals therein; and
- (l) Any dog owned, possessed or harboured by the Ontario Provincial Police, Royal Canadian Mounted Police or any other local police or other government enforcement agency.”

4. EXCEPTION

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:

- (a) Emergency measures undertaken,
 - i. for the immediate health, safety or welfare or the inhabitants or any of them; or,
 - ii. for the preservation or restoration of property; 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.
- (b) Garbage and recycling collection carried out by, or on behalf of, The Corporation of the Township of Warwick or its authorized agent.

5. EXEMPTIONS GRANTED BY THE TOWNSHIP

Application to the Township

1. Notwithstanding anything contained in the by-law, any person may make application to the Township for an exemption from any of the provisions of this by-law with respect to any source of sound for community events in the urban area.
2. All applications for noise exemptions will be considered by the Council of the Township of Warwick.
3. The Township may refuse to grant any exemption or may grant the exemption granted shall specify a time period, not in excess of six months, during which it is effective and may contain such terms and conditions as the Township deems appropriate.

Details of Application for Exemption

4. The application mentioned in subsection (1) shall be made in writing in the form attached as Schedule 1, and shall contain:
 - a) the name, address and telephone number of the applicant;
 - b) a description of the source and location of sound in respect of which exemption is sought;
 - c) a statement of the particular provision or provisions of this by-law from which exemption is sought;
 - d) the period of time, of a duration not in excess of six months, for which the exemption is sought;
 - e) the reasons for exemption should be granted;
 - f) a statement of the steps, if any, planned or presently being taken to bring about compliance with the by-law;

Breach

5. A breach of any of the terms or conditions of an exemption granted by the Township that is caused or permitted by the applicant shall render the exemption null and void.

6. EXEMPT ACTIVITIES

Notwithstanding any other provisions of this by-law, this by-law shall not apply to a person

who emits or causes or permits the emission of sound or vibration in connection with any of the activities listed in Schedule 2.

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. ENFORCEMENT AND PENALTIES

- (a) 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 Five Thousand Dollars (\$5,000), exclusive of costs and every such fine is recoverable under the Provincial Offences Act.
- (b) Each new date of a continuing offence will be considered a new offence.
- (c) This By-law is in conjunction with and also enforced under the provisions of the following by-laws: Official Plan, Property Standards, Cleaning of Land and Animal Control.

9. CONFLICTS

In the event of a conflict between provisions of this by-law and the Highway traffic Act, the Highway Traffic Act will prevail.

10. FORCE AND EFFECT

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


11. PREVIOUS BY-LAWS REPEALED

- (a) By-law 65 of 2011 is hereby repealed.
- (b) Any conflicting by-laws or resolutions with this by-law are hereby repealed

By-law read a first, second and third time and finally passed this 15th day of January, 2018.



Mayor – Todd Case



Administrator/Clerk – Amanda Gubbels



SCHEDULE "A" To By-Law Number 5 of 2018

APPLICATION FOR NOISE BY-LAW EXEMPTION

Name: _____

Address: _____

Source and Location of sound: _____

Applicable by-law section: _____

Time Period of Exemption

From: _____ 20__ to _____ 20__.

Reason for Exemption: _____

Is the exemption related to a community event? ___ Yes ___ No

Attempts to comply: _____

Other information: _____

FOR OFFICE USE ONLY

Exemption Request Filed on: _____

Provided to Council on: _____

Nopie Exemption Approved: Yes No Initials: _____

Comments: _____

PERMIT #: _____

SCHEDULE "B" To By-Law Number 5 of 2018

ACTIVITIES TO WHICH THE BY-LAW DOES NOT APPLY

A list of sources (activities) shall constitute this Schedule and shall specify those events which Warwick Township Council considers to be exempt from the provisions of the By-Law.

1. Emergency vehicles providing a public service and/or answering a call for service.
2. Road and bicycle races authorized by the Township of Warwick
3. Regimental salutes
4. Parades authorized by the Township of Warwick
5. Fireworks displays authorized by the Township of Warwick
6. Sporting, recreational and public events organized by the Township of Warwick in public parks, building or grounds authorized by the Township of Warwick.
7. The discharge of firearms by Police Officers action in the due performance of their duties.
8. Transformers and diesel operated water pumps owned by the Authorized Utility Companies necessary preventive maintenance work undertaken by the Township of Warwick.
9. Necessary township operation, including but not limited to snow clearing, street cleaning and garbage collection, undertaken by or on behalf of the Township of Warwick.
10. Snow removal that is essential for the normal operation of a business.
11. Ringing of Church bells and or chimes
12. Ringing of School Bells.

SCHEDULE "C" To By-Law Number 5 of 2018

Set Fine Schedule

THE TOWNSHIP OF WARWICK

Part 1 Provincial Offences Act

By-Law # 5 of 2017, Noise By-Law

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision	COLUMN 3 Set Fine
1	Permit sound - race motor vehicle	s.2(1)	\$300.00
2	Permit sound - ineffective exhaust	s.2(3)	\$300.00
3	Permit sound - ineffective muffler	s.2(3)	\$300.00
4	Permit sound - pneumatic device	s.2(3)	\$300.00
5	Permit sound - vehicle with insecure load	s.2(4)	\$300.00
6	Permit sound - vehicle with trailer with insecure load	s.2(4)	\$300.00
7	Permit sound - excessive idling of motor vehicle in residential area	s.2(5)	\$300.00
8	Permit sound - unnecessary use of vehicle's horn	s.2(6)	\$300.00
9	Permit sound - unmuffled construction in residential area	s.2(7)	\$300.00
10	Permit sound - excessive idling of bus in within boundaries of urban areas	s.2.1	\$300.00
11	Permit Sound – Which is Audible at a Distance of 8 Meters (26 Feet) from such Motor Vehicle – Loud Stereo	S.2.2	\$300.00
12	Permit sound - unreasonable noise within prohibited time - combustion engine	s.3, Table 3-1, Para. 1	\$300.00
13	Permit sound - loud stereo	s.3, Table 3-1, Para. 2	\$300.00
14	Permit sound - loud sound equipment	s.3, Table 3-1,	\$300.00

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision	COLUMN 3 Set Fine
		Para. 2	
15	Permit sound - loud musical instrument	s.3, Table 3-1, Para. 2	\$300.00
16	Permit sound - auditory signalling device	s.3, Table 3-1, Para. 3	\$300.00
17	Permit sound - powered rail car	s.3, Table 3-1, Para. 4	\$300.00
18	Permit sound - motorized conveyance	s.3, Table 3-1, Para. 5	\$300.00
19	Permit sound - release of gaseous material	s.3, Table 3-1, Para. 6	\$300.00
20	Permit sound - commercial car wash with air dryer	s.3, Table 3-1, Para. 7	\$300.00
21	Permit sound – yelling, shouting, hooting, whistling, singing	s.3, Table 3-1, Para. 8	\$300.00
22	Permit sound - power hang glider	s.3, Table 3-1, Para. 9	\$300.00
23	Permit sound - snow making equipment	s.3, Table 3-1, Para. 10	\$300.00
24	Permit sound - selling by shouting and/or advertising by shouting	s.3, Table 3-1, Para. 11	\$300.00
25	Permit sound - loading goods and/or unloading goods	s.3, Table 3-1, Para. 12	\$300.00
26	Permit sound - construction equipment	s.3, Table 3-1, Para. 13	\$300.00
27	Permit sound - domestic tool	s.3, Table 3-1, Para. 14	\$300.00

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision	COLUMN 3 Set Fine
28	Permit sound - operation of refuse equipment	s.3, Table 3-1, Para. 15	\$300.00
29	Permit sound - commercial car wash	s.3, Table 3-1, Para. 16	\$300.00
30	Permit sound - barking dog	s.3, Table 3-1, Para. 17	\$300.00