

THE CORPORATION OF THE TOWNSHIP OF BLANDFORD-BLENHEIM

BY-LAW NUMBER 1681-2011

Being a By-law respecting noise or vibration within the Township of Blandford-Blenheim.

WHEREAS section 129 of the Municipal Act 2001, as amended, permits local municipalities to prohibit and regulate noise and vibration and to require that a permit be obtained for the making of noise or vibration:

AND WHEREAS the people of the Township of Blandford-Blenheim have the right to an environment free from unusual, unpleasant, unnecessary or excessive noise or vibration:

NOW THEREFORE, the Council of the Corporation of the Township of Blandford-Blenheim enacts as follows:

1. Short Title

This By-Law may be cited as the **Noise Control By-Law**.

2. Interpretation

For the purpose of this By-Law the following terms shall have the corresponding meaning:

- (a) **Council** means the Council of the Township of Blandford-Blenheim
- (b) **Emergency** means a situation or an impending situation, often dangerous, caused by the forces of nature, an accident, an intentional act or otherwise, which rises suddenly and calls for prompt action;
- (c) **Emergency Vehicle** includes a land ambulance, an air ambulance, a fire department vehicle, a police vehicle and a motor vehicle being used to respond to an Emergency;
- (d) **Industrial Area** means an area designated as industrial in the zoning By-Law of the Township of Blandford-Blenheim, as may be amended from time to time;
- (e) **Noise** means sound that is unusual or excessive and likely to disturb the quiet enjoyment of the inhabitants of the municipality;

- (f) **Residential Area** means an area designated as residential in the zoning By-Law of the Township of Blandford-Blenheim, as may be amended from time to time;
- (g) **Township** means the Corporation of the Township of Blandford-Blenheim

3. General Prohibitions

- (a) No person shall make, cause or permit to be made, any noise or vibration, at any time, which is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants of the Township.

4. Prohibitions by Time and Place

- (a) No person shall make, cause, or permit to be made those noises or vibrations specifically listed in **Schedule 2** within the prohibited time shown for Residential Areas if those noises or vibrations are likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants of the Township.

5. Specific Prohibitions

- (a) No person shall make, cause or permit to be made, any of the noises or vibrations, at any time, outlined in **Schedule 1**.

6. Exemptions

- (a) Notwithstanding any other provisions of this By-Law, it shall be lawful in an Emergency to make, cause or permit to be made, any noise or or vibration in connection with Emergency measures.
- (b) Notwithstanding any other provisions of this By-Law, this By-Law shall not apply to a person who makes, causes or permits to be made any noise or vibration in connection with;
 - (i) an authorized Emergency Vehicle;
 - (ii) machines, vehicles or equipment by or on behalf of the Township;
 - (iii) bells, tones or whistles utilized as traffic control devices including those at traffic signal locations and railway crossings;

- (iv) regimental salutes;
- (v) snow removal equipment, while in the operation of snow removal;
- (vi) the bells for any church, chapel, meeting house or religious service;
- (vii) parades or events permitted or sanctioned by the Township;
- (viii) agriculture operations and agriculture processing operations;
- (ix) concrete finishing operations on construction projects when such is duly certified as essential to the project; or,
- (x) work undertaken for the immediate health, safety or wellbeing of the inhabitants of the Township.
- (xi) normal activities of industry in any "M" Zone, as defined within the Township of Blandford-Blenheim Zoning By-laws.

7. Exemption Granted by Permit by Council

- (a) Notwithstanding any other provision of this By-Law, any person may make an application to Council to be granted an exemption permit from any of the provisions of this By-Law and Council may, by resolution, refuse or grant any exemption. Council may also grant an exemption permit to a greater or lesser extent.
- (b) Any exemption granted by Council shall specify the time period during which it is effective and may contain such terms and conditions as Council sees fit.
- (c) An application for an exemption permit from the provisions of this By-Law shall be made in writing to the Clerk of the Township, or his/her designate, at least 60 days prior to the event for which the exemption is sought and shall include the following;
 - (i) the name and address of the applicant;
 - (ii) the name and address of the organization represented by the applicant, if applicable;
 - (iii) the source of the noise or vibration in respect of which the exemption permit is sought;

- (iv) the provisions of this By-Law from which the exemption permit is sought;
 - (v) the date and time of commencement of the event for which the exemption is being sought;
 - (vi) the time of conclusion for each day of the event for which the permit exemption permit is sought;
 - (vii) the location of the event for which the exemption permit is sought;
 - (viii) the rationale for granting an exemption permit;
 - (ix) the name of the contact person or persons who will be supervising the event;
 - (x) payment of the permit processing fee in the amount set by Council and in effect at the time of application; and,
 - (xi) proof of publication within the proceeding ten (10) days, in a newspaper of general circulation within the Township, of a notice of intention to apply for an exemption permit under this By-Law, containing the information required by clauses (i) through (x) hereof, and further stating the date upon which it is indented that application will be made to Council.
- (d) Any breach of the terms or conditions of the exemption permit granted by Council shall render the exemption permit null and void.

8. Enforcement

- (a) This By-Law shall be enforced by the Township or O.P.P.

9. Offence and Penalties

- (a) Every person who contravenes any provisions of this By-Law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c.P.33.

10. Severability

- (a) 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 remain in full force and effect.

11. Repeal

- (a) By-Law Number 1314-2000 is hereby repealed

By-law **READ** a **FIRST** and **SECOND** time this 1st day of June, 2011.

By-Law **READ** a **THIRD** time and **ENACTED** in Open Council this 1st day of June, 2011.

(SEAL)

Marion Wearn, Mayor

Fran Bell, CAO/Clerk

Specified Prohibitions

1. The operation of a motor vehicle in such a way that the tires squeal.
2. The operation of any combustion engine, pneumatic device or construction equipment without an effective exhaust or intake-muffling device in good working order and in constant operation.
3. The operation of an engine in, or on, any motor vehicle or item of attached auxiliary equipment for a continuous period exceeding five minutes, anywhere within the geographic area of the Township of Blandford-Blenheim, where the point is in a Residential Area or Industrial Area unless:
 - a) 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
 - b) the operation of such engine or motor is essential to a basic function of the vehicle or equipment including but not limited to, the operation of a ready mix concrete truck, lift platforms or refuse compactor; or
 - c) weather conditions justify the use of heating or refrigeration systems powered by the motor of an engine for the safety and the welfare of the operator, passengers or animals, or the preservation of perishable cargo and the vehicle is stationary for the purpose of delivery or loading; or
 - d) prevailing low temperatures make longer idling periods necessary immediately after starting the motor or engine; or
 - e) 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 preformed other than for profit.
4. The operation of a motor vehicle horn or other warning device except where required or authorized by By-Law or in accordance with good safety practices.
5. The operation of a stereo or other electronic device designed to amplify sound in, or on, a motor vehicle in such a way that the sound can easily be heard outside of the motor vehicle.

Prohibitions by Time in Residential Areas

<u>ACT</u>	<u>RESIDENTIAL AREA</u>
1. The discharge of firearms	At all times
2. The operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers, or other electro-mechanical transducer, and intended for the for the production, reproduction or amplification of sound in a Residential Area.	A
3. The operation of any motorized conveyance other than on a highway or other place intended for its operation.	B
4. Yelling, shouting, hooting, whistling or singing.	A

A - 2300hr (11:00 pm) one day until 0700hr (7:00 am) next day or 0900hr (9:00 am) on Sundays.

B - 2100hr (9:00 pm) one day until 0700hr (7:00 am) next day or 09:00hr or (9:00 am) on Sundays.

By-law Number 1681-2011

SCHEDULE 3

Township of Blandford-Blenheim

Part I Provincial Offences Act

By-law Number 1681-2011: Noise

Item	Column 1 Short Form Wording	Column 2 Offence Creating Provisions	Column 3 Set Fines
1	Causing or permitting noise by squealing tires	Section 5(a)	\$125.00
2	Causing or permitting noise by operating a combustion engine without exhaust in good working order	Section 5(a)	\$125.00
3	Causing or permitting noise from the idling of a vehicle	Section 5(a)	\$125.00
4	Causing or permitting noise from a vehicle horn or other warning device	Section 5(a)	\$125.00
5	Causing or permitting noise from a vehicle stereo or other electronic device	Section 5(a)	\$125.00

