

**CORPORATION OF THE TOWNSHIP OF LEEDS AND THE
THOUSAND ISLANDS**

BY-LAW 17-021

BEING A BY-LAW TO CONTROL NOISE.

WHEREAS Section 128 of the Municipal Act 2001, S.O. 2001, c.25, provides that a municipality may prohibit and regulate with respect to public nuisances that are or cause public nuisances;

AND WHEREAS Section 129 of the Municipal Act 2001, S.O. 2001 c.25, provides that a municipality may prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination;

AND WHEREAS the Council of the Corporation of the Township of Leeds and Thousand Islands deems it expedient to regulate noise;

NOW THEREFORE the Council of the Corporation of the Township of Leeds and Thousand Islands hereby enacts as follows:

1. **DEFINITIONS**

In this by-law,

- a) **"Construction"** includes erecting, altering, repairing, maintaining, painting, dismantling or demolishing any building or structure, and moving, land clearing, grubbing, tree removal, earth moving, grading, excavating, operating any construction equipment, blasting and detonation of explosive devices other than fireworks, 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 associated or related work;
- b) **"Construction Equipment"** means any equipment or device designed and intended for use in construction, or material handling, including but not limited to, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off highway haulers, trucks, ditchers, compactors and rollers, pumps, concrete mixers, or graders;
- c) **"Council"** means the Council of the Corporation of the Township of Leeds and the Thousand Islands;
- d) **"Emergency"** means a situation or an impending situation, often dangerous, caused by the forces of nature, an accident, an intentional act or otherwise which arises sudden and calls for prompt action;
- e) **"Emergency Vehicle"** includes a land ambulance, an air ambulance, a fire department vehicle, a police vehicle, and any motor vehicle being used to respond to an emergency;

- f) "Firearms" shall include any type of firearm and other weapon as defined under the Firearms Act, Part III of the Criminal Code and the related regulations;
- g) "Highways" includes a common and public highway, street, avenue, parkway, driveway, bridge, viaduct or trestle designed and intended for, or used by, the general public for the passage of vehicles and includes the untraveled portion of the highway;
- h) "Holiday" means a day that is declared a public holiday as defined in the Retail Business Holiday Act, R.S.O. 1990, c. R.30;
- i) "Motor Vehicle" includes a vehicle or other device employed to transport a person or goods from place to place propelled or driven by any means other than muscular power, including but not limited to an automobile, bus, truck, motorcycle, motor assisted bicycle or trailer but does not include a motorized snow vehicle, traction engine, farm tractor, other farm vehicle or road building machine;
- j) "Municipality" means land within the geographic limit of the Township of Leeds and the Thousand Islands;
- k) "Municipal Service Vehicle" means a vehicle operated by or on behalf of Leeds and the Thousand Islands while the vehicle is being used for the construction, repair or maintenance of a highway, including the clearing and removal of snow, the construction, repair or maintenance of a utility, the collection or transportation of waste, or other municipal purpose;
- l) "Noise" means sound that is likely to disturb any person, or that is likely to interfere with the reasonable use and enjoyment of a premise or residence;
- m) "Person" includes a corporation as well as an individual;
- n) "Premises" means a piece of land and any buildings and structure on it, and includes a place of business, road, and any other location or place;
- o) "Provincial Offences Officer" means an individual appointed by by-law or other agencies designated by Council who are responsible for the administration of this by-law;
- p) "Residence" means a room, suite of rooms, or dwelling, including a mobile trailer, operated as a housekeeping unit that is used or intended to be used as a separate domicile by one or more persons, and that normally contains cooking, eating, living, sleeping and sanitary facilities;
- q) "Township" means the Corporation of the Township of Leeds and the Thousand Islands.

2. **GENERAL PROHIBITIONS**

2.1 No person shall, at any time, make, cause or permit the making of noise within the Municipality, which is audible to:

- a) A person in a premises or a vehicle other than the premises or vehicle from which the noise is originating; or
- b) A person in a residence other than the residence from which the noise is originating; or
- c) Is an activity in Schedule 1 of this By-law.

3. **PROHIBITIONS BY TIME AND PLACE**

3.1 No person shall emit, cause or permit the making of noise by engaging in an activity or cause and permit an activity listed in column one of Schedule 2 to this by-law to occur:

- a) During the hours specified in column two in a designated area; or
- b) During the hours specified in column three in other areas.

4. **EXEMPTIONS FOR PUBLIC SAFETY**

4.1 The prohibitions described in Section 2 and 3 do not apply if the noise is the result of measures undertaken in an emergency for the:

- a) Immediate health, safety or welfare of the inhabitants of the Municipality or other persons: or
- b) Preservation or restoration of property; unless the noise is of longer duration or of a more disturbing nature than is reasonably necessary to deal with the emergency.

5. **ADMINISTRATION**

5.1 The Clerk or his/her designate, is responsible for the administration of this by-law.

5.2 All Provincial Offences Officers with authority to enforce the by-laws of the Township are responsible for enforcing the provisions of this by-law.

5.3 Any person may apply to the Clerk requesting an exemption from any of the prohibitions described in Sections 2 and 3 and Council hereby delegates to the Clerk or his/her designate, the authority to process any such application and to approve, reject or approve with conditions an exemption.

5.4 Grant of Exemption

Upon receipt of a written application for Grant of Exemption to the by-law, the Clerk may refuse to grant any exemption or may grant the exemption applied for. Any exemption granted shall specify the time-period not more than six months during which it is effective and may contain such terms and conditions as the Clerk determines to be appropriate.

5.5 The Clerk shall consider all applications for exemption and shall only grant an exemption, or an exemption with conditions, where:

- a) The request is necessary and in public interest;
- b) The proposed mitigation measures are appropriate;
- c) The duration of the request exemption is reasonable.

5.6 Details of Application for Exemption

The application mentioned in subsection 5.4 shall contain:

- a) The name and address of the applicant;
- b) A description of the source of sound or vibration in respect of which exemption is sought;
- c) A statement of the particular provision or provisions of the by-law from which the exemption is sought;
- d) The period of time, of a duration not more than six months, for which the exemption is sought;
- e) The reasons why the exemption should be granted; and
- f) A statement of the steps, if any, planned or presently being taken to bring about compliance with the by-law.

6. **EXEMPTION-NORMAL FARM PRACTICES**

This by-law shall not apply to a person who emits or causes or permits the emission of noise in connection with normal farming practices within the meaning of the Farming and Food Production Protection Act, 1998, S.O. 1998, c.1 as amended, and the Livestock, Poultry and Honey Bee Act, R.S.O. 1990, c.L.24, as amended.

7. **VALIDITY**

If a court of competent jurisdiction declares any provision, or part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

8. **PENALTY**

Every person who contravenes any of the provisions of this by-law is guilty of an offence and, upon conviction, is subject to a fine as provided in the Provincial Offences Act and to any other applicable penalties.

9. **SCHEDULES**

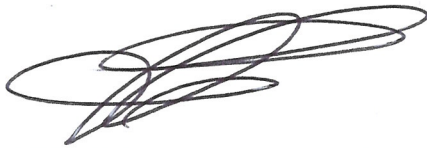
Schedules '1', '2', and '3' are attached to and form part of this by-law.

10. **EFFECT**

This by-law shall come into force and take effect upon approval of set fines by the Ministry of the Attorney General.

READ A FIRST, AND SECOND TIME THIS 10th DAY OF APRIL, 2017.

READ A THIRD TIME AND FINALLY PASSED THIS 10th DAY OF APRIL, 2017.



Joe Baptista, Mayor



Vanessa Latimer, Clerk



SCHEDULE 1 TO BY-LAW 17-021

GENERAL PROHIBITIONS

1. Racing of any motorized vehicle other than in a racing event regulated by law.
2. The operation of a motorized vehicle in such a way that the tires squeal.
3. The operation of any combustion engine or pneumatic device without an effective exhaust muffling device that is in good working order and in constant operation.
4. The operation of an engine or motor in, or on, any vehicle or item of attached auxiliary equipment for a continuous period exceeding five minutes while such vehicle is stationary in a designated area, unless;
 - a) The vehicle is in an enclosed structure constructed so as to effectively prevent the emission of noise;
 - b) 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
 - c) Continuous operation of the 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 platform or refuse compactors and heat exchange systems during normal operation; or
 - d) Weather conditions justify the use of heating or refrigeration systems powered by the motor or engine for the safety and welfare of the operator, passengers, animals, or the preservation of perishable cargo, and the vehicles is stationary for purposes of delivery or loading; or
 - e) Prevailing low temperatures make longer idling periods necessary immediately after starting the motor or engine; or
 - f) The idling is for the purpose of cleaning and flushing radiator and associated circulation system for seasonal change of antifreeze, cleaning of the fuel system, carburetor or similar work, when such work is performed other than for profit.
5. The operation of any item of construction equipment in a designated area without an effective muffling device in good working order and in constant operation.
6. The operation of an air conditioner, pool pump or filter, heat pump, ventilation or exhaust fan or similar equipment that is not in proper working order.

SCHEDULE 2 TO BY-LAW 17-021

PROHIBITIONS BY TIME AND PLACE

ACT	PROHIBITED PERIOD OF TIME
1. The operation of any auditory signalling device, including but not limited to the ringing of bells or gongs or 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.	24 hours
2. The operation of any electronic device or group of connected electronic devices incorporating one or more loud speakers or other electro-mechanical transducers, and intended for the production or reproduction or amplification of sound.	24 hours
3. All selling or advertising by shouting or outcry or amplified sound.	24 hours
4. The operation of any equipment in connection with construction including detonation of explosive devices.	8 pm – 7 am daily and 24 hours On Sunday and Holidays.
5. The operation of any motor vehicle other than on a highway or other place intended for its operation.	11 pm – 7 am
6. Persistent (20 min or more) barking, calling, whining or other similar persistent noise making by any domestic pet or any other animals kept or used for any purpose other than agriculture.	24 hours
7. The operation of any powered or non-powered tool for domestic purposed other than snow removal.	9 pm – 7 am daily and 9 pm

SCHEDULE 3 TO BY-LAW 17-021
EXEMPTIONS TO THE NOISE BY-LAW PROHIBITIONS

The following sources or activities are considered by Council to be exempt from the provisions of this by-law:

1. Any parade, procession or events for ceremonial, religious or traditional purposes that have been authorized by Council.
2. The use of bells or chimes normally associated with church activities.
3. Any midway, circus or fair when authorized by council.
4. Any supervised activity, authorized by Council
The Lansdowne Fair, Turkey Fair, Frost Fest, Rockport Winter Carnival and Rockport Rocks for Sail.
5. Fireworks displays on holidays
Victoria Day
Canada Day
Civic Holiday
Labour Day
6. Any sporting, recreational or entertainment event in public parks or buildings between 8 AM and 11 PM.
7. The operation of emergency vehicles.
8. The operation of municipal service vehicles and related equipment.
9. Agricultural activities on agricultural properties.
10. This by-law shall not apply to a Provincial Offences Officer carrying out normal duties.