

Amended B/L 4040 – March 27, 1984
Amended B/L 4262 – August 11, 1987
Amended B/L 5727 – June 23, 1998
Amended B/L 7120 – February 9, 2010
Amended B/L 7632 – April 22, 2014
Amended B/L 7900 – May 10, 2016

THE CORPORATION OF THE TOWN OF LASALLE

BY-LAW NO: 3783

A By-Law to control noise in the Township of Sandwich West.

WHEREAS it is expedient to exercise the power conferred upon the Council by The Environmental Protection Act, 1971, as amended, and other statutory authority;

AND WHEREAS a recognized body of scientific and technological knowledge exists by which sound and vibration may be substantially reduced;

AND WHEREAS the people 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 WHEREAS it is the policy of the Council to reduce and control such sound or vibration;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SANDWICH WEST ENACTS AS FOLLOWS:

1 Interpretation

(1) In this By-law,

(a) **Construction**

“**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;

(b) **Construction Equipment**

“**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, payers, generators, off-highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders, or other material handling equipment;

(c) **Conveyance**

“**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;

(d) **Council**

“**Council**” means the Council of the Corporation of the Township of Sandwich West

(e) **Highway**

“**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;

(f) **Minister**

“**Minister**” means Minister of the Environment;

(g) **Ministry**

“**Ministry**” means Ministry of the Environment;

(h) **Motor Vehicle**

“**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 vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of The Highway Traffic Act;

(i) **Motorized Conveyance**

“**Motorized Conveyance**” means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power;

(j) **Municipality**

“**Municipality**” means the land within the geographic limit of the Township of Sandwich West;

(k) **Noise**

“**Noise**” means unwanted sound;

(l) **Noise Control Officer**

“**Noise Control Officer**” means a Police Officer of the Township of Sandwich West or any person designated by Council as responsible for the administration of this By-law from time to time;

(m) **Point of Reception**

“**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) **Residential Area**

“**Residential Area**” means those areas of the Municipality designated as residential in By-law Number 3577 of The Corporation of the Township of Sandwich West as amended from time to time.

(b) **Agricultural Area**

“**Agricultural Area**” means those areas of the Municipality designated as agricultural in By-law Number 3577 of The Corporation of the Township of Sandwich West as amended from time to time.

2 General Prohibitions

No person 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:

- (1) Racing of any motorized conveyance other than in a racing event regulated by law.
- (2) The operation of a motor vehicle in such a way that the tires squeal.
- (3) 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.
- (4) 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.
- (5) 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 or an agricultural zone 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) 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,
 - (c) 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,
 - (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 performed other than for profit.
- (6) 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
- (7) The operation of any item of construction equipment in an agricultural area without effective muffling devices in good working order and in constant operation.

3 Prohibitions by Time and Place

No person shall emit or cause or permit the emission of sound resulting from any act listed in Table 3-1 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 PROHIBITIONS BY TIME AND PLACE | | | |
|---|--|----------------------------------|-------------------------|
| | | Prohibited Period of Time | |
| | | Agricultural Area | Residential Area |
| 1 | The detonation of fireworks or explosive devices not used in construction | At all times | At all times |
| 2 | Discharge of Firearms – save and except in the area described in By-law #3575 Amended March 27, 1984 – Bylaw #4040 | At all times | At all times |
| 3 | The operation of a combustion engine which (i) is, or (ii) is used in, or (iii) is intended 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. | 9:00 a.m. to 9:00 p.m. | At all times |
| 4 | 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 | At all times | At all times |
| 5 | The operation of any auditory signaling 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 in accordance | At all times | At all times |
| 6 | 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 and controlled by a railway governed by the Canada Railway Act | At all times | At all times |
| 7 | The operation of any motorized conveyance other than on a highway or other place intended for its operation. | At all times | At all times |
| 8 | The venting, release or pressure relief of air, steam, or other gaseous material, product or compound from any autoclave, boiler, pressure vessel, pipe, valve, machine, device or system. | 9:00 p.m. to 8:00 a.m. | 9:00 p.m. to 8:00 a.m. |
| 9 | 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 agriculture. | At all times | At all times |
| 10 | The operation of a commercial car wash with air drying equipment. | 11:00 P.M. to 8:00 A.M. | 11:00 P.M. to 8:00 A.M. |
| 11 | Yelling, shouting, hooting, whistling or singing. | At all times | At all times |

| | | | |
|----|---|---|---|
| 12 | The operation of power assisted hang glider or parafoil. | At all times | At all times |
| 13 | The operation of any item of snow making equipment. | At all times | At all times |
| 14 | All selling or advertising by shouting or outcry or amplified sound. | At all times | At all times |
| 15 | 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. | 8:00 P.M. to 8:00 A.M. | 8:00 P.M. to 8:00 A.M. |
| 16 | The operation of any equipment in connection with construction. | 8:00 P.M. to 8:00 A.M. 7:00 A.M. Amended June 23rd, 1998 By-law #5727 | 8:00 P.M. to 8:00 A.M. 7:00 A.M. Amended June 23rd, 1998 By-law #5727 |
| 17 | The operation or use of any tool for domestic purposes other than snow removal. | 9:00 P.M. to 8:00 A.M. | 9:00 P.M. to 8:00 A.M. |
| 18 | The operation of solid waste bulk lift or refuse compacting equipment. | 7:00 P.M. to 7:00 A.M. | 7:00 P.M. to 7:00 A.M. |
| 19 | The operation of a commercial car wash of a type other than mentioned in Item 10. | 11:00 P.M. to 8:00 A.M. | 11:00 P.M. to 8:00 A.M. |
| 20 | The operation of an electronic bug killer. | 11:00 P.M. to 8:00 A.M. | 11:00 P.M. to 8:00 A.M. |

4 Exemption Public Safety

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 emergency measures undertaken:

- (1) for the immediate health, safety or welfare of the inhabitants or any of them;
- or,
- (2) 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.

5 Grant of Exemption by Council

(1)

Application to Council

Notwithstanding anything contained in this By-law, any person may make application to Council to be granted an exemption from any of the provisions of this By-law with respect to any source of sound or vibration for which he might be prosecuted and Council, by resolution, may refuse to grant any exemption or may grant the exemption applied for or any exemption of lesser effect, and any exemption granted shall specify the time period, not in excess of six (6) months, during which it is effective and may contain such terms and conditions as Council sees fit.

(2)

Decision

In deciding whether to grant the exemption, 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 sees fit.

(3)

Breach

Breach by the applicant of any of the terms or conditions of any exemption granted by Council shall render the exemption null and void.

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6 Exemption of Traditional, Festive or Religious Activities

Notwithstanding any other provision of this By-law, this By-law does not apply to a person who emits or causes or permits the emission of sound or vibration in connection with any of the listed traditional, festive, religious and other activities:

- (a) Turtle Club Minor Baseball Parade
- ~~(b) May Day~~
- (c) Legion Remembrance Day Parade

Amended February 9, 2010 – Bylaw 7120

~~That Section 6 of the By-law be amended to include an annual exemption for the Strawberry Festival in addition to those listed in the By-law and reference to the “May Day Parade” be deleted since the event has not occurred in some time.~~

Amended April 22, 2014 – Bylaw 7632

~~That section 6 of the By-law be amended to include an annual exemption for the Canadian Cancer Society Relay for Life in addition to those originally listed.~~

Amended May 10, 2016 – Bylaw 7900

That section 6 of By-law be amended to include an annual exemption to events held at the Vollmer Recreation Complex, Cenotaph Park and Front Road Park until 12:00 am in addition to those listed in this bylaw, and references to the Strawberry Festival and the Canadian Cancer Society Relay for Life be deleted as the events occur at the facilities indicated in said bylaw.

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 Penalty

~~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 \$1,000.00 for a first offence and not less than \$100.00 and not more than \$1,000.00 for a second or subsequent offence, exclusive of costs and every such fine is recoverable under The Summary Convictions Act.~~

Amended May 19, 1987 – Bylaw #4262

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 \$2000.00, exclusive of costs, and every such fine is recoverable under the *Provincial Offences Act*.

9 That By-law Number 3722, finally passed on the 23rd day of May, A.D., 1978 be and the same is hereby repealed.

10 This By-law shall come into full force and effect upon the final passing thereof subject to approval of the Minister of the Environment.

READ a first and second time this 8th day of May, A.D. 1979.

1st Reading - May 8th, 1979

2nd Reading - May 8th, 1979

READ a third time and finally passed this 18th day of June,

3rd reading - June 18th, 1979

This By-law approved pursuant to the provisions of The Environmental Protection Act, 1971, as amended, at Toronto this 26th day of July A.D., 1979.