

The Corporation of the Town of LaSalle

By-law 8706

Being a By-law to Regulate Noise Control within
the Town of LaSalle

Whereas section 129 of the *Municipal Act*, 2001, S.O. 2001, c. 25 authorizes the councils of local municipalities to pass By-laws to prohibit and regulate with respect to noise;

And whereas it is in the public interest to reduce the noise levels in the Town by prohibiting and regulating the making, creation or maintenance of excessive and unreasonable noises within the Town;

Now therefore the Council of the Corporation of the Town of LaSalle hereby enacts as follows:

1.0 Definitions

1.1 In this By-law,

“Council” means the Council of the Corporation of the Town of LaSalle;

“Construction” includes erection, alteration, repair, dismantling, demolition, structural maintenance, land clearing, earth moving, grading, excavating, the laying of pipe and conduit whether above or below ground level, street and highway building, application of concrete, 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;

“Construction Equipment” means any equipment or device designed and intended for use in construction or materials handling, including but not limited to, hand tools, power tools, air compressors, pile drivers, pneumatic or hydraulic 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;

“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 within the premises of a person;

“Highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, lane, bridge, viaduct or trestle;

“Inhabitants” means one or more persons who reside in the municipality;

“Motor Vehicle” includes an automobile, motorcycle and any other vehicle propelled or driven other than by muscular power;

“Municipality” means the geographical area in respect of which the Town has jurisdiction;

“Noise” means unwanted sound;

“Person” includes, but is not limited to, an individual, sole proprietorship, partnership, association or corporation;

“Point of Reception” means any point on the premises where sound originating from other than those premises is received;

“Residential Area” means any land within the municipality which is zoned for residential uses by the Town’s Zoning By-law or which is used in whole or in part for human habitation.

2.0 General Prohibition

2.1 No Person shall make, cause or permit Noise or vibration which is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the Inhabitants of the municipality.

3.0 Specific Prohibitions

3.1 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) The revving of an engine or motor;
- (2) The operation of a Motor Vehicle in such a way that the tires squeal;
- (3) The operation of a Motor Vehicle, engine, motor, Construction Equipment, or pneumatic device without an effective exhaust, intake-muffling or other sound attenuation device, which device is in good working order and in constant operation;
- (4) The operation of a Conveyance or a Motor Vehicle, with or without a trailer, resulting in banging, clanking, squealing or other sounds due to improperly secured loads or equipment, or inadequate maintenance;
- (5) 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.

4.0 Prohibitions By Time And Activity

4.1 (1) No Person shall emit or cause or permit the emission of sound resulting from any act listed in Schedule “A”, if clearly audible at a Point of Reception located in an area of the Municipality within the prohibited time as set out in Schedule “A”.

(2) Subsection (1) does not apply to the exempted area where it is listed in Schedule “A” next to the listed act and the prohibited time.

5.0 Exemption For Public Safety And Highways

5.1 Despite any other provisions in this By-law, it shall be lawful to emit or cause or permit the emission of sound in connection with measures for:

- (1) The immediate health, safety or welfare of the inhabitants of the municipality under emergency circumstances; or
- (2) Any emergency requiring immediate action for the Construction, preservation, restoration or repair of any highway.

6.0 Exemption – Activities

- 6.1 Despite any other provision in this By-law, this By-law does not apply to any Person who emits or causes or permits the emission of sound or vibration in connection with any of the activities set out in Schedule “B”.

7.0 Request For An Exemption

- 7.1 (1) Despite any other provision in this By-law, any Person may submit a application with full particulars and supporting documentation to the Clerk for an exemption from any of the provisions of this By-law.
- (2) No application shall be deemed complete until all required information has been provided by the applicant.
- (3) A breach by the applicant of any of the terms or conditions of the exemption shall terminate the exemption forthwith.

8.0 Intention To Maintain Valid Provisions By Severance

- 8.1 The Council declares and confirms its intent that should have provisions or any part of any provisions of this By-law be held by a court of competent jurisdiction to be invalid, or of no force and effect, it is the intent of the Council in enacting this By-law, that each and every other provision of this By-law, and every part of any provisions, authorized by law, stand and be applied and enforced in accordance with its terms to the extent possible according to law.

9.0 Enforcement And Penalties

- 9.1 (1) Every person who contravenes any of the provisions of this By-law is guilty of an offence and, upon conviction is liable to a fine or penalty under the Provincial Offences Act, R.S.O 1990, Chapter P.33, as amended.
- (2) Each day that such offence is committed, or permitted to continue, shall constitute a separate offence and may be punishable as such. Such fines shall be recoverable under the Provincial Offences Act, R.S.O 1990, Chapter P.33, as amended.
- (3) An Officer or designate may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the provisions of this By-law are in compliance and to enforce and carry out the provisions of this By-law or any direction or order issued pursuant to the Municipal Act, 2001, S.O 2001, c.25 or this By-law.
- (4) For the purpose of an inspection under section (3) an Officer or designate may,
- (a) Required the production for inspection of documents or things relevant to the inspection;
 - (b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) Require information from any Person concerning a matter related to the inspection; and
 - (d) Alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.
- (5) A sample taken under section (4)(d) shall be divided into two parts, and one part shall be delivered to the Person from whom the sample is taken if the Person so requests at the time the sample is taken and provides the necessary facilities.

- (6) If a sample is taken under section (4)(d) and the sample has not been divided into two parts, a copy of any report on the sample shall be given to the Person from whom the sample was taken.
- (7) A receipt shall be provided for any document or thing removed under section (4)(d), and the document or thing shall be promptly returned after the copies or extracts are made.
- (8) No Person shall interfere with, hinder or impede, or attempt to interfere, hinder or impede an Officer or designate in the performance of any duty authorized by this By-law or by provincial legislation.
- (9) If the Officer or designate is satisfied that a contravention of this By-law has occurred, the Officer or designate may make an order requiring the Person, Owner or occupier of the land who contravened the By-law or who caused or permitted the contravention to:
 - (a) Discontinue the contravening activity; or
 - (b) Do work to correct the contravention.
- (10) Any Person who contravenes an order under section 9.9 is guilty of an offence.
- (11) An order under section (9) shall set out:
 - (a) Reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
 - (b) The date by which there must be compliance with the order.
- (12) An order under section (9) shall be served to the Owner or any Person the Officer or designate determines to be an interested party. Service of an order shall be deemed to be served by sending the order registered or first class mail, by posting or by personal service.
- (13) An order under section (9) may require work to be done even though the facts which constitute the contravention of the By-law were present before the By-law making them a contravention came into force.
- (14) In default of any work directed or required by the Town under this section being done by the Person directed or required to do it, the matter or thing shall be done at the Person's expense.
- (15) Where the Town or any authorized agent on behalf of the Town has performed the work required to bring about compliance with the By-law, the Town may recover the cost of doing anything or matter under section (14) by action or by adding the costs to the tax roll and collected in the same manner as property taxes.
- (16) The costs in section (15) shall include interest calculated at a rate of 15 percent, calculated for the period commencing on the day the Town incurs the costs and ending on the date the costs, including the interest, are paid in full.
- (17) For the purpose of section (14), the Town or any authorized agent on behalf of the Town may enter upon land at any reasonable time and complete the work set out in the order.
- (18) Where the singular is used it shall also mean or stand for the plural.

10.0 Schedules – Part Of By-Law

10.1 Schedules A and B attached to this By-law shall form part of this By-law.

11.0 By-Law Repealed

11.1 By-law No. 3783 is repealed.

Read a first and second time and finally passed this 24 day of May, 2022.

1st Reading – May 24, 2022

2nd Reading – May 24, 2022

3rd Reading – May 24, 2022

Mayor

Clerk

Schedule "A"

Time and Activity Prohibitions

Type of Act	Prohibited Period of Time	Exempted Area
1. Persistent yelling, shouting, screaming, or hooting.	At any time	N/A
2. The activation of a security alarm resulting in the sound for a duration in excess of five minutes.	At any time	N/A
3. The operation of any equipment in connection with Construction.	8:00 p.m. to 7:00 a.m.	Commercial, Industrial, and Institutional
4. The operation of any tool for domestic purposes other than snow removal.	9:00 p.m. to 8:00 a.m. Saturday, Sunday, and statutory holidays 9:00 p.m. to 9:00 a.m.	N/A
5. The operation of solid waste, refuse or recyclable bulk-lift or refuse-compacting equipment	6:00 p.m. to 6:00 a.m.	Agricultural, Commercial, Industrial, and Institutional
6. The operation of an engine or motor which is used in or is intended for use in, a toy or a model or replica of any device, which toy, model or replica has no function other than amusement, and which is not a conveyance.	9:00 p.m. to 7:00 a.m. Saturday, Sunday, and statutory holidays 8:00 p.m. to 9:00 a.m.	N/A
7. Vehicle repairs.	8:00 p.m. to 7:00 a.m. Saturday, Sunday, and statutory holidays 8:00 p.m. to 9:00 a.m.	N/A
8. The loading, unloading, delivering, packing, unpacking, or otherwise handling of any containers, products, or materials	9:00 p.m. to 7:00 a.m. Saturday, Sunday, and statutory holidays 8:00 p.m. to 9:00 a.m.	N/A
9. The use of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electromechanical transducers and intended for the production, reproduction, or amplification of sound.	9:00 p.m. to 7:00 a.m. Saturday, Sunday, and statutory holidays 8:00 p.m. to 9:00 a.m.	N/A
10. The playing of loud music.	11:00 p.m. to 7:00 a.m.	N/A

Type of Act	Prohibited Period of Time	Exempted Area
	Saturday, Sunday, and statutory holidays 11:00 p.m. to 9:00 a.m.	
11. The detonation of fireworks or explosive devices not used in construction. –save and except as described in by-law 8013, as amended.	At any time	N/A
12. The discharge of firearms	At any time	Agricultural as described in by-law 5304.
13. The operation of a commercial car wash with air drying equipment	10:00 p.m. to 8:00 a.m.	N/A
14. The operation of power lawn mowers.	9:00 p.m. to 8:00 a.m.	N/A
15. Dynamic braking, engine braking, or engine retarding of a motor vehicle	At all times	N/A

Schedule "B"

Exempted Activities

1. Incidental Noise from any carnival, midway, exhibition, fair, circus or similar event for which the Town has issued a license.
2. Incidental Noise from any parade authorized by Council.
3. Incidental Noise from any sporting, recreational, musical, entertainment or similar event or performance, which has been authorized by Council.
4. Incidental Noise from any activity if the Town, Ontario Power Generation, Essex Power Inc. or the Provincial, Federal, or Municipal levels of government, their employees, agents or contractors, associated with the construction, repair, performance or maintenance of essential public services.
5. Incidental Noise from the detonation of fireworks which detonation has been authorized by Council.