

TOWNSHIP OF WOOLWICH

BY-LAW NUMBER 38-2017

**A BY-LAW TO AMEND BY-LAW 61-2016
BEING A BY-LAW TO CONTROL NOISE
IN THE TOWNSHIP OF WOOLWICH**

WHEREAS Sections 8, 9 and 10 of the Municipal Act, 2001 authorize the Corporation of the Township of Woolwich to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6, 8 and 9 of subsection 10(2) authorize by-laws respecting the economic, social and environmental well-being of the municipality; the health, safety and well-being of persons; the protection of persons and property; and animals;

AND WHEREAS Section 128 of the Municipal Act, 2001 authorizes the Corporation of the Township of Woolwich to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of the Council of the Township of Woolwich are or could become public nuisances;

AND WHEREAS Section 129 of the Municipal Act, 2001 authorizes the Corporation of the Township of Woolwich to prohibit and regulate with respect to noise and vibration and, in particular, to prohibit noise unless permission is obtained from the Township of Woolwich and to impose conditions for obtaining, continuing to hold and renewing the permission, including requiring the submission of plans;

AND WHEREAS Section 425 of the Municipal Act, 2001 authorizes the Corporation of the Township of Woolwich to pass by-laws providing that a person who contravenes a by-law of the Township of Woolwich passed under that Act is guilty of an offence;

AND WHEREAS the Municipal Act, 2001 further authorizes the Corporation of the Township of Woolwich, amongst other things, to delegate its authority to impose fees or charges on persons for services or activities provided or done by or on behalf of it, to provide for inspections and inspection orders, and to make orders to discontinue activity or to do work;

AND WHEREAS the Council of the Corporation of the Township of Woolwich deems it desirable to regulate noise;

NOW THEREFORE, the Council of the Corporation of the Township of Woolwich enacts as follows:

1. Interpretation

In this by-law,

(a) Airport

“Airport” means a complex of runways and buildings for the takeoff, landing, and maintenance of civil aircraft, with facilities for passengers.

(b) **By-law Enforcement Officer**

"By-law Enforcement Officer" means a person designated by Council as responsible for the administration and enforcement of the Township of Woolwich by-laws;

(c) **Clerk**

"Clerk" means the Municipal Clerk of the Township of Woolwich or designate;

(d) **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;

(e) **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; 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;

(f) **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;

(g) **Council**

"Council" means the Council of the Corporation of the Township of Woolwich;

(h) **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 and includes the area between the lateral property lines thereof;

(i) **Holiday**

"holiday" means any day within the definition of "holiday" in the Retail Business Holidays Act R.S.O. 1990, Ch. R.30, as amended, or any successor thereof;

(j) **Implements of Husbandry**

Implements of husbandry means any self-propelled vehicle designed and used primarily as a farm implement as defined in the Highway Traffic Act, R.S.O. 1990, Ch. H.8, as amended;

(k) **Minister**

"Minister" means the Minister of the Environment;

(l) **Ministry**

"Ministry" means the Ministry of the Environment;

(m) **Motor Vehicle**

"motor vehicle" includes an automobile, motorcycle, or any vehicle propelled or driven otherwise than by muscular power; but does not include the cars or 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, R.S.O. 1990, Ch. H.8, as amended;

(n) **Motorized Conveyance**

"motorized conveyance" means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power;

(o) **Municipality**

"municipality" means the land within the geographic limit of the Township of Woolwich;

(p) **Noise**

"noise" means any sound that is of such a volume or nature that it is likely to disturb the inhabitants of the Township of Woolwich;

(q) **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;

(r) **Public Utility**

"public utility" means those in the employment of Ontario Hydro, the Regional Municipality of Waterloo, Union Gas and Bell Canada;

(s) **Township**

"Township" means the Corporation for the Township of Woolwich;

(t) **Waterloo Regional Police Officer**

“Waterloo Regional Police Service” means any officer or constable of the Waterloo Regional Police Service.

2. General Exemptions

(1) This By-law does not apply:

- (a) to the emission of sound or vibration during an emergency, in connection with emergency measures:
 - (i) for the immediate health, safety or welfare of the inhabitants or any of them;
 - (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) where the Township of Woolwich, its employees, contractors or agents, including general public utilities, are carrying out Township operations or operating, maintaining or installing municipally-owned infrastructure, facilities or the like, except for the detonation of explosives;
- (c) to noise created by the activity of snow removal;
- (d) to road or bicycle races, parades, circuses, entertainment activities in public parks or neighbourhood social activities when such events are approved by Council and such activity or event is in compliance with the conditions set by Council in approving such activity or event;
- (e) to sport or recreational events in public parks where a permit has been issued by the Council of the Township of Woolwich authorizing such event and the event complies with all of the conditions of such permit;
- (f) to the use of implements of husbandry in the operation of agricultural endeavors;
or
- (g) to the operation of excavation equipment when used in a cemetery in conjunction with interment services.
- (h) to Airports. The jurisdiction over noise originating from the Airport itself, or from planes flying, landing or taking off, is entirely a matter of federal law, and is enforced by the Ministry of Transportation (Canada).

3. Exemptions Requests

- (1) Any person may, upon the payment of a permit fee in accordance with the current Fees and Charges By-law of the Township of Woolwich, apply to the Clerk for an exemption to any provision of this By-law to allow such person to emit, cause to be emitted, or permit the emission of the noise as specified in the application for the period of time as set out in the application, and the Clerk may grant such exemption, grant such exemption subject to conditions as specified by the Clerk, grant an alternative exemption, grant an

alternative exemption subject to conditions as specified by the Clerk, or refuse to grant the exemption.

- (2) Where an exemption is granted by the Clerk, breach of any of the terms or conditions of the exemption shall render the exemption null and void.
- (3) Every person applying for an exemption under subsection (1) shall, at least 21 clear business days prior to the event for which the exemption is being requested, provide the Clerk of the Township with a complete and accurate written request in writing, and in duplicate, setting out the particulars respecting the exemption requested including:
 - (i) the name and address of the applicant;
 - (ii) a description of the source of sound in respect of which exemption is sought;
 - (iii) a statement of the particular provision or provisions of the By-law from which exemption is sought;
 - (iv) the period of time, of a duration not in excess of six months, for which the exemption is sought;
 - (v) the reasons to be relied upon by the Clerk in granting the exemption; and
 - (vi) a statement of the steps, if any, planned or presently being taken to bring about compliance with the By-law.

4. General Prohibitions

- (1) No person shall emit or cause to be emitted, or permit to be emitted, any noise resulting from an act specified herein, which is clearly audible at a point of reception, at any time, including:
 - (a) the persistent barking, calling or whining of any domestic pet or any animal, except an animal used for and located on the property of an agricultural livestock- based use as set out in the Township of Woolwich Zoning By-law, as amended;
 - (b) the operation of a motor vehicle in such a way that the tires squeal is prohibited;
 - (c) the use of a horn, whistle, alarm, bell, gong or the like, except for an auditory safety or warning device or chimes used in association with a religious establishment, or where required or authorized by law;
 - (d) the detonation of explosives;
 - (e) the operation of an air conditioner, pool pump or filter, heat pump or similar device that is likely to cause noise that disturbs inhabitants of the Township of Woolwich or that is not in proper working order;
 - (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 ten minutes, unless:
 - (i) the vehicle is in an enclosed structure constructed so as to effectively prevent excessive noise emission; or

- (ii) the original equipment manufacturer specifically recommends a longer idling period for normal and efficient operation of the motor vehicle or equipment, in which case such recommended period shall not be exceeded; or
 - (iii) 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-mix concrete trucks, lift platforms or refuse compactors and heat exchange systems; or
 - (iv) 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; or
 - (v) prevailing low temperatures make longer idling periods necessary, immediately after starting the motor vehicle or engine; or
 - (vi) 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.
- (g) the operation of a combustion engine without an effective exhaust muffling device in proper working order; or
- (h) the operation of a vehicle radio, stereo or the like.

5. Prohibitions by Time and Place

No person shall, at any location within the Municipality, emit, cause to be emitted, or permit the emission of sound resulting from any act listed in Schedule "A", attached to this by-law, if clearly audible at a point of reception located in any area of the municipality, within a prohibited time as indicated in Schedule "A", attached to this by-law.

6. 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 remain in force.

7. Enforcement

Every person who contravenes any of the provisions of this by-law:

- (a) is guilty of an offence; and
- (b) upon conviction is liable to a set fine or penalty in accordance with the Provincial Offences Act, R.S.O. 1990. Ch. P.33. as amended.

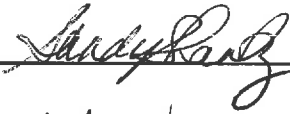
8. Prior By-laws Repealed

The Township of Woolwich By-law numbers 44-2015 and 53-2016 are hereby repealed as of the date and the time of this By-law coming into effect.

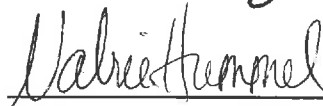
9. Effective Date of this By-law

This by-law shall come into effect upon approval of the set fines by the Chief Judge of the Ontario Court (Provincial Division).

Passed this 6th day of June, 2017.



Mayor



Clerk

THE CORPORATION OF THE TOWNSHIP OF WOOLWICH

Noise By-law Number 38-2017

Schedule "A" – Set Fine Schedule

Part 1 Provincial Offences Act

Prohibitions by Time and Place

Prohibited periods of time

A – 2300 – 0700 daily (0900 on Sundays)

B – 1900 – 0700 daily (0900 on Sundays)

C - 2100 – 0700 daily (0900 on Sundays)

D - All day Sundays and Statutory holidays

E - 1900 –0700 daily

Prohibitions Defined	Prohibited Period of Time
1. The detonation of fireworks or explosive devices not used in construction or exempt by permit issued by the Clerk of the Township pursuant to Township of Woolwich Fireworks By-law 15-2015.	At all times
2. The discharge of firearms pursuant to the Township of Woolwich Firearms By-law 108-2004.	At all times
3. 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.	B
4. The operation of a radio, television, stereo or other electronic device including any amplification device, or any musical or other sound producing instrument.	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 or in accordance with good safety practices.	E&D

Schedule A Continued

Prohibitions Defined	Prohibited Period of Time
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 or controlled by a railway governed by the Canada Transportation Act.	B & D
7. The operation of any motorized conveyance other than on a highway or other place authorized by law, for its operation.	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.	A
9. The operation of a commercial car wash	C
10. Yelling, shouting, hooting, whistling or singing	A
11. The operation of a power assisted hang glider or Para foil.	B&D
12. The operation of any item of snow making equipment.	B&D
13. All selling or advertising by shouting or outcry or amplified sound.	B&D
14. Loading, unloading, delivering, packing, unpacking or otherwise handling any containers, products, materials, or refuse, whatsoever, unless necessary for the maintenance or essential services or the moving of private household effects.	B & D
15. The operation of any equipment in connection with construction.	B & D
16. The operation or use of any tool for domestic purposes other than snow removal.	C & D
17. The operation of solid waste bulk lift or refuse compacting equipment.	C & D

NOTE: The Penalty Provision for the offences indicated above is Section 7 of By-law 38-2017, a certified copy of which has been filed.

TOWNSHIP OF WOOLWICH

PART I Provincial Offences Act

By-law 38-2017: A By-law to control noise in the Township of Woolwich

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Section creating or defining Offence	COLUMN 3 Set Fine
1.	Noise from persistent barking, calling or whining of any domestic animal.	4(1)(a)	\$200.00
2.	Noise from operating a motor vehicle in such a way that the tires squeal.	4(1)(b)	\$200.00
3.	Noise from sounding of a horn, whistle, alarm, bell or gong, which disturbs the inhabitants of the Township of Woolwich, other than where required or authorized by law;	4(1)(c)	\$200.00
4.	Noise from unlawfully detonating explosives	4(1)(d)	\$200.00
5.	Noise from operating an air conditioner, pool pump or filter, or heat pump so as to cause noise that disturbs inhabitants of the Township of Woolwich.	4(1)(e)	\$200.00
6.	Operating an engine or motor in, or on, any motor vehicle or item of attached auxiliary equipment for a continuous period exceeding ten minutes.	4(1)(f)	\$200.00
7.	Noise from operating a combustion engine without effective exhaust that disturbs inhabitants of the Township of Woolwich.	4(1)(g)	\$200.00
8.	Noise from operating a vehicle radio, stereo or the like that disturbs inhabitants of the Township of Woolwich.	4(1)(h)	\$200.00
9.	Discharging a firearm which causes noise	Schedule "A" (2)	\$200.00
10.	Noise from operating a combustion engine, which is a toy or model or replica during prohibited time.	Schedule "A" (3)	\$200.00
11.	Noise from operating an electronic device intended for the production or amplification of sound or any musical or other sound producing instrument.	Schedule "A" (4)	\$200.00

12.	Noise from operating any auditory signaling device or other similar devices not authorized by law during prohibited times	Schedule "A" (5)	\$200.00
13.	Noise from operating a powered rail car while stationary on property during prohibited times.	Schedule "A"(6)	\$200.00
14.	Noise from operating a motorized conveyance other than on a highway or other place authorized by law.	Schedule "A" (7)	\$200.00
15.	Noise from venting of air, steam or other gaseous material during prohibited times	Schedule "A" (8)	\$200.00
16.	Noise from operating a commercial car wash during prohibited times	Schedule "A" (9)	\$200.00
17.	Noise from yelling, shouting, hooting, whistling or singing during prohibited times.	Schedule "A" (10)	\$200.00
18.	Noise from operating a power assisted hang glider or Para foil during prohibited times	Schedule "A" (11)	\$200.00
19.	Noise from operating snowmaking equipment during prohibited times.	Schedule "A" (12)	\$200.00
20.	Noise from selling or advertising by shouting or amplified sound during prohibited times	Schedule "A" (13)	\$200.00
21.	Noise from loading or unloading, delivering, packing or unpacking any containers, products, materials or refuse during prohibited times.	Schedule "A" (14)	\$200.00
22.	Noise from operating construction equipment during prohibited times	Schedule "A" (15)	\$200.00
23.	Noise from operating any tool for domestic purposes, other than snow removal, during prohibited times	Schedule "A" (16)	\$200.00
24.	Noise from operating solid waste bulk lift or refuse compacting equipment during prohibited times.	Schedule "A" (17)	\$200.00

NOTE: The penalty provision for the offences indicated above is Section 7 of By-law 38-2017, a certified copy of which has been filed.