

**THE CORPORATION OF THE TOWN OF GANANOQUE
BYLAW 2010 - 46**

**BEING A BY-LAW TO PROHIBIT AND TO REGULATE NOISE WITHIN THE TOWN OF
GANANOQUE.**

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

AND WHEREAS the Municipal Act R.S.O. 2001, c. M.25 section 129 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 Town of Gananoque deems it expedient to regulate noise.

NOW THEREFORE the Council for The Corporation of the Town of Gananoque enacts as follows:

DEFINITIONS

For the purpose of this By-law,

By-law Enforcement Officer or Town of Gananoque Police shall mean a person or persons appointed by The Corporation of the Town of Gananoque to enforce the provisions of this By-law;

Construction shall mean the 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 component and materials in any form or for any purposes, and includes any work in connection therewith;

Construction Equipment shall mean 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-way haulers, trucks, ditches, compactors and rollers, pumps, concrete mixers, graders, or other material handling equipment;

Clearly Audible shall mean a noise level that a reasonable person would, in all of the circumstances, consider to be excessive, or unnecessary, or intrusive, or disturbing or unacceptable;

Council shall mean the Council of the Corporation of the Town of Gananoque;

Emergency Vehicle shall include ambulance, fire, police department vehicles and a motor vehicle being used to respond to an emergency;

Livestock shall mean, but is not limited to chickens, turkeys or other fowl, swine, goats, sheep or cattle;

Motor Vehicle shall mean a vehicle or any other device employed to transport a person or person or goods from place to place propelled, driven or drawn by any means other than by muscular, gravitational or wind power, including but not limited to motor vehicle, motorcycle, motorized snow vehicle, motor assisted bicycle, trailer, farm tractor, road building machine;

Municipal/Utility Service Vehicle shall mean a vehicle operated by or on behalf of the town or a local board of the Town or any other company or agency that supplies or manages a utility within the Town 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.

Noise shall mean sound that is unusual or excessive, or that is unwanted by or disturbing to persons;

Other Areas shall mean any point on a premises where noise from other than those premises is received;

Point of Reception shall mean any point on a premises where noise from other than those premises is received;

Residential Area shall mean any area of the Municipality that is zoned residential in the Zoning By-law of the municipality;

Utility means a system that is used to provide a utility service to the public, including water, sewage, electricity, gas, communications networks and cable services.

1.0 General Prohibitions

1. No person shall within the Town of Gananoque ring any bell, blow any horn, shout or make any other unusual noise in the streets or public places or so near thereto as shall be calculated to disturb the inhabitants of the area of subject to public annoyance or inconvenience, or being the owner of any animal or owner or operator of a noise producing apparatus, permit such animal or apparatus to emit or produce such noise.
2. For the purposes of Section 2 hereof, the following noises or sounds, among others, shall be deemed to be unusual noises with disturb inhabitants:
 - a. Racing a motor vehicle other than in a racing event regulated by by-law;
 - b. The operation of a motor vehicle in such a way that the tires squeal;
 - c. 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;
 - d. The operation of a motor vehicle resulting in banging, clanking, squealing or other like sounds

- i. The original equipment manufacturer specifically recommends a longer idling period of normal and efficient operation of the motor vehicle in which case such recommended period shall not be exceeded;
 - ii. The operation of such engine or motor is essential to a basic function of the vehicle or equipment, including but not limited to operation of a ready-mix concrete truck, lift platforms, or refuse compactors and heat exchange systems normal operation;
 - iii. 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;
 - iv. Prevailing low temperatures make longer idling periods necessary immediately after starting the motor or engine
 - v. 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.
- f. 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 in such a manner as to disturb the peace and comfort of a person or persons at the point of reception.
 - g. The sound of any bell, steam or air whistle, horn, siren or signal device on or off a vehicle;
 - h. The selling or advertising by shouting, or loud speaking;
 - i. The sounds of keeping of any animal or bird;
 - j. Persistent yelling and shouting, whistling, singing.

2.0 Limitations by Time and Peace

No person shall emit, cause or permit the emission of noise resulting from any act listed in Schedule A – Prohibitions by Time and Place, if clearly audible at a point of reception located in an area of the Municipality specified in Schedule A within a prohibited time shown for such an area

3.0 Exemption

Notwithstanding any other provisions of this by-law to the contrary, this by-law does not apply to a person who emits or causes or permits the emission of noise in connection with:

- a. Emergency vehicles;
- b. The ringing of any emergency bells, alarms
- c. The immediate health, safety or welfare of the inhabitants;
- d. Races, authorized by the municipality;
- e. Regimental salutes;
- f. Parades authorized by the Municipality;
- g. Fireworks displays authorized by the Municipality;
- h. Community public events authorized by the Municipality;
- i. Sporting, recreational and entertainment events in or on public parks or buildings authorized by the Municipality;
- j. Musical and other performances in public parks or buildings authorized by the Municipality;

- k. Municipal/Utility Service Vehicles, including but not limited to snow clearing, street cleaning and garbage collection vehicles;
- l. The raising or herding of livestock;
- m. Blasting authorized by the Municipality
- n. The ringing of bells in connection with any church, chapel or religious services

4.0 Penalties

Every person who contravenes any of the provisions of this by-law is guilty of an offence and shall, upon conviction, be liable to a fine pursuant to the Provincial Offences Act.

5.0 Enforcement

This by-law shall be enforced by the By-law Enforcement Officers of the Town and the Town of Gananoque Police.

6.0 Schedule A to this by-law forms part and parcel of this by-law

7.0 Validity

If any section, clause or provision of this by-law is for any reason declared by a court of competent jurisdiction, found to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all remaining section, clause or provisions of the by-law remain in effect until repealed.

8.0 Repeal

Any prior noise by law is hereby repealed.

9.0 Effective Date

This by-law shall come into effect on the date of passing, thereof.

10.0 Title of By-law

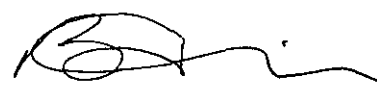
This by-law may be cited as the "Noise By-law".

The set fines to this by-law shall come into force and take effect on the date of the approval by the Senior Justice, Ontario Court of Justice, Province of Ontario.

READ A FIRST AND SECOND TIME THIS 20th DAY OF JULY, 2010.

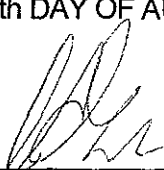


Mayor, James Garrah



Clerk, Bonnie Dingwall

READ A THIRD TIME, PASSED, SIGNED, AND SEALED WITH THE CORPORATE SEAL THIS 17th DAY OF AUGUST, 2010



Mayor, James Garrah



Clerk, Bonnie Dingwall

SCHEDULE A TO BY-LAW 2010 - 46

PROHIBITING BY TIME AND PLACE

		All Areas
1	The operation of any construction equipment in connection with construction.	21:00 to 7:00
2	The operation of any powered or non-powered tool for domestic purpose other than snow removal.	21:00 to 7:00
3	The operation of a solid waste bulk lift or refuse compacting equipment	21:00 to 7:00
	<ul style="list-style-type: none"> a. Racing a motor vehicle other than in a racing event regulated by bylaw; b. The operation of a motor vehicle in such a way that the tires squeal; c. 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; d. The operation of a motor vehicle resulting in banging, clanking, squealing or other like sounds e. The operation of an engine or motor, or on, any motor vehicle or time of attached auxiliary equipment for a continuous period exceeding five minutes, while such vehicle station in a residential area unless: <ul style="list-style-type: none"> i. The original equipment manufacturer specifically recommends a longer idling period of normal and efficient operation of the motor vehicle in which case such recommended period shall not be exceeded; ii. The operation of such engine or motor is essential to a basic function of the vehicle or equipment, including but not limited to operation of a ready-mix concrete truck, lift platforms, or refuse compactors and heat exchange systems normal operation; iii. 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; iv. Prevailing low temperatures make longer idling periods necessary immediately after starting the motor or engine v. 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. f. 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 of amplification of sound in such a manner as to disturb the peace and comfort of a person or persons at the point of reception. g. The sound of any bell, steam or air whistle, horn, siren or signal device on or off a vehicle; h. The selling or advertising by shouting, or loud speaking; i. The sounds of keeping of any animal or bird; j. Persistent yelling and shouting, whistling, singing. 	At any time

THE CORPORATION OF THE TOWN OF GANANOQUE
BY-LAW 2010-46 – Noise Regulation

“Part I Provincial Offences Act”
Schedule “A” to By-Law 2010-46

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1	Emit/cause/permit noise by operation of any equipment in connection with construction at a prohibited time.	s. 2 Sch A (1)	\$300.00
2	Emit/cause permit noise by operation of a powered or non-powered tool at a prohibited time.	s. 2 Sch A (2)	\$300.00
3	Emit/cause permit noise by operation of a solid waste bulk lift or refuse compacting equipment at prohibited time.	s. 2 Sch A (3)	\$300.00
4	Emit/cause permit noise by racing of a motor vehicle.	s. 2 Sch A section 3(a)	\$300.00
5	Emit/cause permit noise by operation of a motor vehicle in such a way that tires squeal.	s. 2 Sch A section 3(b)	\$300.00
6	Emit/cause permit noise by operation of combustion engine, pneumatic device or construction equipment without and effective exhaust or intake muffling device in good working order and in constant operation.	s. 2 Sch A section 3(c)	\$300.00
7	Emit/cause permit noise by operation of a motor vehicle resulting in banging, clanking, squealing and other like sounds.	s. 2 Sch A section 3(d)	\$300.00
8	Emit/cause permit noise by the operation of an engine or motor exceeding five minutes when vehicle is stationary.	s. 2 Sch A section 3(e)	\$130.00
9	Emit/cause permit the operation of any electronic device incorporating one or more loudspeakers intended for the production, reproduction or amplification of sound.	s. 2 Sch A section 3(f)	\$130.00
10	Emit/cause/permit the sound of bell, steam or air whistle, horn, siren or signal device on or off vehicle.	s. 2 Sch A section 3(g)	\$130.00
11	Emit/cause permit noise by selling / advertising by shouting.	s. 2 Sch A section 3(h)	\$130.00
12	Persistent noise making by any animal or bird.	s. 2 Sch A section 3(i)	\$130.00
13	Persistent yelling and shouting, whistling, singing.	s. 2 Sch A section 3(j)	\$130.00

Note: the general penalty provision for the offences listed above is section 4 of Bylaw 2010-46, a certified copy of which has been attached.