THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC

BY-LAW NUMBER 2001-67

BEING A BY-LAW TO PROHIBIT AND TO REGULATE NOISE WITHIN THE TOWNSHIP OF SOUTH FRONTENAC.

WHEREAS, pursuant to Section 210 of the Municipal Act, R.S.0 1990, Chapter M.45 as amended, the Council of a local Municipality may pass a by-law to:

Prohibit or regulate, within the municipality or within any defined area or areas thereof, the ringing of bells, the blowing of horns, shouting and unusual noises, or noises likely to disturb the inhabitants;

NOW THEREFORE the Council of the Corporation of the Township of South Frontenac ENACTS as follows:

DEFINITIONS

1. For the purpose of this by-law,

(a) "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" mains 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, ditches, compactors and rollers, pumps, concrete mixers, graders, or other material handling equipment;

(c) "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;

(d) "council" means the Council of the Corporation of the Township of South Frontenac;

(c) "livestock" includes, but is not limited to chickens, turkeys or other fowl, swine, goats, sheep or cattle;

(f) "motor vehicle" shall mean a vehicle or any other device employed to transport a person or persons 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;

(g) "municipality" means the Corporation of the Township of South Frontenac;

(h) "noise" means unwanted sound;

(i) "other areas" means any area other than a residential area as defined in the municipality's zoning by-law;

(j) "point of reception" means any point on a premises where noise from other than those premises is received;

(k) "residential area" means any area of the Municipality that is zoned residential in the Zoning By-law of the Municipality.

GENERAL PROHIBITIONS

2. No person shall emit, cause or permit the emission of noise resulting from an act listed herein, and which noise is clearly audible at a point of reception:

(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;

(e) 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 stationary in a Residential Area unless:

(i) 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;

(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-mixed concrete trucks, 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 sounding 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 keeping of any animal or bird.

LIMITATIONS BY TIME AND PLACE

3. No person shall emit, cause or permit the emission of noise resulting from any act listed in Schedule 1 - Prohibitions by Time and Place, if clearly audible at a point of reception located in an area of the Municipality specified in Schedule 1 within a prohibited time shown for such an area.

EXEMPTION

4. 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 immediate health, safety or welfare of the inhabitants;

(c) races, authorized by the Municipality;

(d) regimental salutes;

(e) parades authorized by the Municipality;

(f) fireworks displays authorized by the Municipality;

(g) community public events authorized by the Municipality;

(h) sporting, recreational and entertainment events in or on public parks or buildings;

(i) musical and other performances in public parks or buildings authorized by the Municipality;

(j) municipal maintenance vehicles, including but not limited to snow clearing, street cleaning and garbage collection vehicles;

(k) the raising or herding of livestock;

(l) blasting authorized by the Municipality;

PENALTIES

5. 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.

ENFORCEMENT

6. This by-law shall be enforced by the by-law enforcement officers of the Municipality.

7. Schedule 1 to this By-law forms part and parcel of this By-law.

VALIDITY

8. 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 the remaining section, clause or provisions of the by-law remain in effect until repealed.

REPEAL

9. Any prior noise by-law is hereby repealed.

EFFECTIVE DATE

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

TITLE OF BY-LAW

11. This by-law may be cited as the "noise by-law".

READ A FIRST AND SECOND TIME THIS _____DAY OF _____, 2001

READ A THIRD AND FINAL TIME THIS _____DAY OF _____, 2001

_____ _____

Gary Stefan
Clerk/Administrator

Phil Leonard
Mayor

SCHEDULE 1

PROHIBITING BY TIME AND PLACE

		PROHIBITED PERIOD OF TIME	
		Residential Areas	Other Areas
1.	The operation of any construction equipment in connection with construction.	C & E	C & E
2.	The operation of any powered or non-powered tool for domestic purpose other than snow removal.	D	D
3.	The operation of a solid waste bulk lift or refuse compacting equipment.	C	C
4.	The take-off or landing, of a power assisted hang glider, parafoil or aircraft of any type.	A	F
5.	The operation of a pit or quarry.	B & E	B & E
6.	Yelling, shouting, hooting, whistling, or singing.	D	D

Prohibited Periods of Time

A - at any time

B - 19:00 Hrs. of one day to 07:00 Hrs. the next day.

C - 21:00 Hrs. of one day to 07:00 Hrs. the next day (09:00 Hrs. Sundays)

D - 23:00 Hrs. of one day to 07:00 Hrs. the next day (09:00 Hrs. Sundays)

E - all day Sunday,

F - between the hours of sunset and sunrise.