



By-law No. 47-2023

Noise By-law

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47-2023 (Original)	June 6, 2023

The Corporation of the Township of Woolwich

By-law No. 47-2023

A By-law Regulate Noise in the Township of Woolwich

Whereas sections 8, 9 and 10 of the *Municipal Act, 2001*, S.O. 2001 c.25 (the “Municipal Act”) authorize a municipality 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 authorizes a municipality to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of the Council are or could become public nuisances; and

Whereas section 129 of the Municipal Act authorizes a municipality to prohibit and regulate with respect to noise and vibration and, in particular, to prohibit noise unless permission is obtained and to impose conditions for obtaining, continuing to hold and renewing the permission, including requiring the submission of plans; and

Whereas section 130 of the Municipal Act provides that a municipality does not have the authority to regulate noise in connection with deliveries to certain businesses; and

Whereas section 425 of the Municipal Act authorizes a municipality to pass by-laws providing that a person who contravenes a by-law of the municipality passed under that Act is guilty of an offence; and

Whereas the Municipal Act further authorizes a municipality, 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 pass the subject by-law to regulate noise in the municipality;

Now therefore, the Council of the Corporation of the Township of Woolwich enacts as follows:

Part I. Short Title, Purpose and Scope

Short Title

1. This By-law may be cited as the “Noise By-law”.

Purpose

2. This by-law has been enacted to regulate Noise within the Township of Woolwich

Scope

3. This by-law shall not apply to any activities listed in Schedule "B" to this by-law.

Part II. Interpretation

Headings and References

4. The division of this by-law into parts and the insertion of headings are for convenient reference only and shall not affect the interpretation of the by-law.
5. All references to applicable law are ambulatory and apply as amended from time to time.

Definitions

6. For the purposes of this by-law:

"Authorized Emergency Vehicle" includes any:

- a. ambulance;
- b. fire department vehicle
- c. police vehicle;
- d. a snowplow or other maintenance vehicle operated by or for the Township, the Regional Municipality of Waterloo or the Ministry of Transportation; and
- e. vehicle for a Public Utility company while actively engaged in the construction, maintenance, or repair of any Highway, or any equipment or facilities thereon;

"Airport" means a complex of runways and buildings for the takeoff, landing, and maintenance of civil aircraft, with facilities for passengers;

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

"Construction" includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earthmoving, 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;

"Construction Equipment" means any equipment or device designed and intended for use in Construction or material handling, including but not limited to, hammers, saws, drills,

augers, 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 only within the premises of a person;

“Council” means the Council of the Township;

“decibels” means the sound level in decibels obtained when using a sound level meter with the A-weighting expressed in terms of the energy equivalent sound level or the continuous sound level that would result in the same total sound energy being produced over a given period of time;

“Highway” has the same meaning as in the *Highway Traffic Act*, RSO 1990, c H.8;

“Statutory Holiday” means any day within the definition of "holiday" in the *Retail Business Holidays Act*, R.S.O. 1990, c. R.30;

“Husbandry” means the raising of livestock and the cultivation of crops;

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

“Noise” means any sound that is of such a volume or nature that it is likely to disturb the inhabitants of the Township;

"Officer" means a By-law Enforcement appointed by Council to enforcement of the Township by-laws, an Officer of the Kitchener Waterloo Humane Society or a Police Officer appointed under the *Police Services Act*, R.S.O. 1990, c P.15;

"Residential Renovation" means work, other than work performed by a professional or licensed contractor, consisting of Construction at a residential property by a person residing at the property (with or without the assistance of other persons);

"Person" means an individual, firm, corporation, partnership, association or organization, including a charitable organization;

“Point of Reception” means any location within a building with the windows and doors closed or on the premises where a Person, in the opinion of an Officer, reasonably occupies or spends their leisure time where sound originating from other than those premises is received;

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

“Township” means the Corporation for the Township of Woolwich and a reference to the

Township is a reference to the geographical area of the Township of Woolwich or to the Corporation of the Township of Woolwich as the context requires; and

“Unreasonable Noise” means noise that is clearly audible at a Point of Reception that, in the opinion of an Officer, is excessive or of such nature or volume that it interferes with the reasonable enjoyment or habitation of an inhabitant of a property.

Part III. Noise Regulations

Prohibitions by Time

7. No Person shall emit, cause to be emitted, or permit the emission of sound at a prohibited time as indicated in Schedule "A" to this by-law resulting from any act listed in Schedule "A".
8. Where the emission of sound is allowed at a time set out in Schedule "A" to this by-law, no Person shall emit or cause to be emitted or permit the emission of Unreasonable Noise.

Noise Exemptions Requests

9. Any Person may apply to the Clerk to allow the emission of Noise prohibited by this by-law, upon the payment of a non-refundable application fee in accordance with the Township's Fees and Charges By-law and providing the following information in writing:
 - a. the name and address of the applicant;
 - b. a description of the source of sound in respect of which exemption is sought;
 - c. the period of time for which the exemption is sought;
 - d. the reasons for the exemption; and
 - e. any steps planned or presently being taken to mitigate the Noise.
10. The Clerk may grant an exemption to this by-law, subject to any conditions, limits or additional mitigation measures as specified by the Clerk.
11. Where an exemption is granted by the Clerk, breach of any of the terms or conditions of the exemption may render the exemption null and void.
12. An exemption may be granted for a time up to four consecutive days or four days within one month.

Part IV. Enforcement and Penalty

Order to Comply

13. Where the Officer has reasonable grounds to believe that a contravention of this

by-law has occurred, the Officer may make an order requiring the Person who contravened this by-law to do work to correct the contravention.

14. An order issued under this by-law shall set out:
 - a. reasonable particulars of the contravention adequate to identify the contravention and the location where the contravention occurred; and,
 - b. the work or remedial action required to be done and the date by which the work or remedial action must be done.
15. An order issued under this by-law may require work or remedial action to be done even though the facts which constitute the contravention of this by-law were present before this by-law came into force.
16. Any Person who fails to comply with an order issued under this by-law is guilty of an offence.

Enforcement

17. Any Officer is authorized to enforce this by-law.

Authority to Enter

18. Any Officer may enter onto land at any reasonable time for the purpose of carrying out an inspection to determine if this by-law or an order issued under this by-law is being complied with.
19. For the purposes of an inspection authorized by this by-law, an Officer may:
 - a. require 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, samples or photographs necessary for the purposes of the inspection.
20. No Person shall hinder or obstruct or attempt to hinder or obstruct any Officer who is exercising a power or performing a duty under this by-law.

Penalty

21. Every Person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a set fine or penalty in accordance with the

Provincial Offences Act, R.S.O. 1990. c P.33.

Part V. Conflict and Transition

Conflict and Terms Severable

- 22. In the event the provisions of this by-law are inconsistent with the provisions of the Municipal Act, its Regulations, or any other Act, the provisions of the Act or Regulation shall prevail
- 23. The terms and provisions of this by-law shall be severable, and should any term or provision be found by a court of competent jurisdiction to be legally unenforceable, inoperative or invalid, the remainder of the by-law shall continue to be in full force and effect.

Repeal and Enactment

- 24. By-law numbers 61-2016 and 38-2017 are repealed when this by-law comes into effect.
- 25. This by-law shall come into effect on the day it is passed.

PASSED this 6th day of June, 2023.

Mayor

Clerk

Schedule “A”- Prohibitions by Time

Source of Sound	Time
1. Unreasonable Noise that, in the opinion of an Officer, is likely to disturb at the Point of Reception.	At all times
2. The detonation of fireworks or explosive device not used in Construction.	At all times other than those permitted by other Township By-laws
3. The discharge of firearms.	At all times other than those permitted by other Township By-laws
4. The operation of a radio, television, stereo, musical instrument or any other electronic device or group of connected electronic or other electro-mechanical transducers intended for the reproduction or amplification of sound.	Sunday – Thursday, 21:00 to 09:00 the next day Friday – Saturday, 23:00 to 09:00 the next day
5. The operation of a radio, television, stereo, musical instrument or any other electronic device or group of connected electronic or other electro-mechanical transducers intended for the reproduction or amplification of sound louder than: a. 55 Decibels at a Point of Reception outside; or b. 45 Decibels at a Point of Reception inside.	All other times
6. 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.	At all times
7. The operation of a combustion engine which is used or 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.	19:00 one day to 09:00 next day
8. The operation of any Motorized Conveyance other than on a Highway or other place intended for its operation.	19:00 one day to 07:00 next day (09:00 on Sundays)
9. 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 <i>Canada Railway Act</i> .	19:00 one day to 07:00 next day (09:00 on Sundays)

Source of Sound	Time
10. 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.	At all times
11. 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
12. Persistent or repetitive yelling, shouting, hooting, whistling or singing.	At all times
13. Yelling, shouting, hooting, whistling, or singing.	21:00 one day to 07:00 next day (09:00 on Sundays)
14. Selling or advertising by shouting, outcry or amplified sound.	At all times
15. Loading, unloading, delivering, packing, unpacking, or other handling of any equipment, containers, products, materials, or refuse (other than as set out in item 16), except: <ul style="list-style-type: none"> a. where necessary for the maintenance of essential services or the moving of private household effects; or b. in connection with the delivery of goods to retail business establishments; restaurants, including cafes and bars; hotels and motels; and goods distribution facilities. 	All day Sundays and Statutory Holidays. 19:00 one day to 07:00 next day otherwise
16. The operation of solid waste bulk lift or refuse compacting equipment.	21:00 one day to 07:00 next day (09:00 on Sundays)
17. The operation of any item of Construction Equipment in a without effective muffling devices in good working order and in constant operation	At all times
18. The operation of any Construction equipment other than in connection with Residential Renovations.	All day Sundays and Statutory Holidays. 19:00 one day to 07:00 next day otherwise.
19. The operation of any Construction equipment in connection with Residential Renovations.	21:00 one day to 07:00 next day (09:00 on Sundays)
20. The operation or use of any tool for domestic purposes other than snow removal.	21:00 one day to 07:00 next day (09:00 on Sundays)

Schedule “B” - Exempt Activities

1. Operation of Authorized Emergency Vehicles or any emergency activities are undertaken for:
 - a. the immediate health, safety or welfare of the inhabitants of the Township; or
 - b. the preservation or restoration of property.
2. Operation of bells or other alarms utilized as traffic control devices, including the following:
 - a. bells and other devices at traffic signal locations; and,
 - b. bells at railway crossings.
3. Operation of machines and equipment by or on behalf of the Township, including but not limited to the following:
 - a. grass cutting, field maintenance, tree/shrub pruning and mulching equipment;
 - b. Township owned or contracted street cleaners and flushers; and
 - c. Construction equipment and machinery, including snow removal equipment, used by or on behalf of the Township while carrying on or engaged in the performance of public works, including but not limited the following, capital projects and maintenance operations.
4. Operation of bells, chimes, carillons and clocks in religious or public buildings.
5. Operation of machinery by or on behalf of a Public Utility where the work needs to be done on weekends or overnight to minimize service interruptions.
6. Operation of Construction equipment where the Township has issued a road use permit and in issuing such permit the Township mandates that the work be done on weekends or overnight to minimize traffic impacts.
7. Noises normally incidental to activities or events at outdoor recreational facilities or taking place pursuant to a Township issued permit for outdoor recreational facilities, subject to any conditions applicable to such permit.
8. Noise from Airports originating from the Airport itself, or from planes flying, landing or taking off which is entirely a matter of federal law, and is enforced by the Ministry of Transportation (Canada).
9. The use of implements of Husbandry in the operation of agricultural endeavors.
10. Noise relating to snow clearing equipment created by the activity of snow removal.