

**The Corporation of the
Township of South-West Oxford**

By-law No. 49-2021

**A By-law to prohibit and regulate noise and vibration
within the Township**

Whereas Section 129 of the Municipal Act, 2001 states that a Municipality may prohibit and regulate matters with respect to noise and vibration;

And Whereas it is in the public interest to maintain a reduced noise level in the Township of South-West Oxford, so as to preserve, protect and promote public health, safety, welfare and peace and quiet of the inhabitants of the Township;

Now Therefore the Council of the Corporation of the Township of South-West Oxford enacts as follows:

1. Definitions

- 1.1 **Agricultural operation** means an agricultural, aquacultural, horticultural or silvicultural operation that is carried on in the expectation of gain or monetary reward;
- 1.2 **Agricultural processing** includes sawing, cleaning, treating, grading, and packaging to the extent that these activities relate to products primarily from and are conducted as part of an agricultural operation;
- 1.3 **Bass Noise** means any low frequency sound which may be audible or otherwise felt as a vibration;
- 1.4 **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;
- 1.5 **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, tractors, excavators, trenchers, cranes, derricks, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators and

rollers, pumps, concrete mixers, graders or other material handling equipment;

- 1.6 **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;
- 1.7 **Council** means the Council of the Township of South-West Oxford;
- 1.8 **Dwelling Unit** means a dwelling unit within the meaning of the Township's Zoning By-law;
- 1.9 **Engine Brake** means a device commonly used in a truck, power unit, semi-trailer unit to slow or brake the vehicle by means of closing exhaust valves on the engine of the vehicle, or any similar device;
- 1.10 **Highway** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, via duct or trestle designed and intended for, or used by, the general public for the passage of vehicles;
- 1.11 **Motor vehicle** includes an automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power; or a motorized snow vehicle, ATV, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the Highway Traffic Act;
- 1.12 **Motorized conveyance** means a conveyance propelled or driven otherwise than by a muscular, gravitational or wind power;
- 1.13 **Municipal Law Enforcement Officer (MLEO)/By-law Enforcement Officer** means the person or his/her designate appointed by By-law, by the Township for the purposes of administering and enforcing the provisions of this By-law;
- 1.14 **Noise** means any bass noise, unusual noise or noise likely to disturb the inhabitants of the Municipality;
- 1.15 **Outdoor Special Event** means an outdoor concert, sporting event, festival attraction or similar event, whether held on private or public property which the public is invited or admitted;
- 1.16 **Person** includes any company, corporation, owner, partnership, firm, association, society or party;

- 1.17 **Point of Reception**” means any point on the premises of a person where sound or vibration originating from other than those premises is received;
- 1.18 **Township** means the Corporation of the Township of South-West Oxford;
- 1.19 **Zoning By-law** means the Zoning By-law adopted and in effect by the Township of South-West Oxford pursuant to the Planning Act as amended or revised from time to time.

2. General Prohibitions

Unusual Noise, Noise Likely to Disturb

- 2.1 No person shall cause or permit any bass noise, unusual noise or noise likely to disturb the residents of the Township.

Unnecessary Motor Vehicle Noise

- 2.2 No person shall emit or cause or permit the emission of sound as a result of **racing of any motorized conveyance** other than in a racing event regulated by law.
- 2.3 No person shall emit or cause or permit the emission of sound as a result of the operation of a motor vehicle in such a way that the **tires squeal**.
- 2.4 No person shall emit or cause or permit the emission of sound as a result of the operation of any **combustion engine** or pneumatic device **without an effective exhaust or intake muffling device** in good working order and that is in constant operation.
- 2.5 No person shall emit or cause or permit the emission of sound as a result of 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.

Construction Equipment

- 2.6 No person shall emit or cause or permit the emission of sound as a result of the operation of any item of **construction equipment** in an area **without effective muffling devices** in good working order and that is in constant operation.

3. Prohibitions (By Type/Time/Place)

- 3.1 No person shall within the limits of the Township of South-West Oxford make or permit to be made the following noises and vibrations in so far as they disturb the residents of the Township at any time:
- 3.2 No person shall emit or cause or permit the emission of sound that is clearly audible at a point of reception from the operation of a combustion engine which, is or, is used in, or 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.
- 3.3 No person shall emit or cause or permit the emission of sound that is clearly audible at a point of reception from 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** unless an exemption has been granted by the Council of the Township of South-West Oxford.
- 3.4 No person shall emit or cause or permit the emission of sound that is clearly audible at a point of reception from the operation of any auditory **signaling device**, including but not limited to the ringing of bells or gongs and the blowing of horns, the use of drums, 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.
- 3.5 No person shall emit or cause or permit the emission of sound that is clearly audible at a point of reception from the 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.
- 3.6 No person shall emit or cause or permit the emission of sound that is clearly audible at a point of reception from **selling or advertising** by shouting or outcry or amplified sound.
- 3.7 No person shall emit or cause or permit the emission of sound that is clearly audible at a point of reception from the operation of any equipment in connection with **construction** between 9:00 p.m. to 7:00 a.m., unless in the commission of work connected with an emergency.

- 3.8 No person shall emit or cause or permit the emission of sound that is clearly audible at a point of reception from the operation or use of any **tool for domestic purpose** other than snow removal between 9:00 p.m. to 7:00 a.m.
- 3.9 No person shall emit or cause or permit the emission of sound that is clearly audible at a point of reception from the operation of **solid waste bulk lift or refuse compacting equipment** between 9:00 p.m. to 7:00 a.m.
- 3.10 No person shall emit or cause or permit the emission of sound that is clearly audible at a point of reception caused by any licensed or unlicensed **motorized vehicle**, including trucks, motor cars, snow mobiles, motor bikes, and ATV's, in starting up or driving said motorized vehicle, truck, motor car, snow mobile, motor bike, and ATV's.
- 3.11 No person shall emit or cause or permit the emission of sound that is clearly audible at point of reception caused by **excessive yelling and/or shouting**.

4. Exemptions

- 4.1 The provisions of this By-law shall not apply to the Township or any local board thereof, the Province of Ontario, the Government of Canada or any of their agents when the emission or sound is in connection with work undertaken for the immediate health, safety or welfare of the inhabitants of the Municipality.
- 4.2 The provisions of this By-law shall not apply to emergency response measures undertaken for the immediate health, safety or welfare of the inhabitants of the Township, including the operation of sirens on emergency vehicles and the discharge of firearms by peace officers in the performance of their duties.
- 4.3 The provisions of this By-law shall not apply to necessary municipal operations, including but not limited to, snow clearing or snow removal activities, street cleaning, and garbage collection, undertaken by or on behalf of the Township.
- 4.4 The provisions of this By-law shall not apply to agricultural operations and agricultural processing activities.
- 4.5 The provisions of this By-law shall not apply to the ringing of bells or chimes in connection with any church, chapel, meeting house, or religious service, including church clocks striking the hour and the

playing of any church carillon.

- 4.6 The provisions of this By-law shall not apply to the discharge of firearms which are part of a licensed gun club or shooting range operating under the authority of the Government of Canada.
- 4.7 The provisions of this By-law shall not apply where the source of sound is located within an Industrial Area and if the sound is in accordance with the terms and conditions of a valid license and/or permit issued and authorized under the Aggregate Resources Act.
- 4.8 Notwithstanding the provisions of this By-law, any person may apply to the Council of the Township of South-West Oxford for an exemption to any provision of this By-law with respect to any noise to allow such person to emit, cause or permit such noise for a period of time set out in their request, and Council may grant such exemption, grants an alternative exemption or refuse such exemption, and may set out conditions to be met as Council deems appropriate in relation to any request received.
- 4.9 Every person applying for an exemption under Section 4.7 of this By-law shall, at least 20 business days prior to the Council meeting at which the request for exemption is to be addressed by Council, provide the Clerk of the Township a written request that shall contain:
 - i. The name, address, email address and telephone number of the applicant;
 - ii. A description of the source and location of sound in respect of which the exemption is being sought;
 - iii. The period of time for which the exemption is sought;
 - iv. The reason why the exemption should be granted;
 - v. A statement of the steps, if any, planned or presently being taken to bring about compliance with the By-law and/or to mitigate the noise or vibration;
 - vi. Payment of the by-law exemption processing fee as set in the Township Fees and Charges By-law in effect at the time of such exemption request.
- 4.10 In deciding whether to grant the exemption under Section 4.7 of this By-law, Council shall give the applicant and any person opposed to the

application an opportunity to be heard and may consider such other matters as it deems appropriate.

- 4.11 A breach of any of the terms or conditions of an exemption granted by Council under Section 4.7 of this By-law, shall render the exemption null and void.

5. Enforcement

- 5.1 This By-law may be enforced by the Ontario Provincial Police, Municipal Law Enforcement Officer, By-law Officer, Provincial Offences Officer, or any person appointed by the Township to enforce said by-law.
- 5.2 For the purpose of enforcement of this By-law, an appointed person such as the Ontario Provincial Police, Municipal Law Enforcement Officer, and/or Provincial Offences Officer may enter onto private property at any time to determine the source of a Sound or Noise.

6. Penalty and Offence

- 6.1 Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a penalty as provided for by the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 6.2 Upon conviction, the court in which the contravention has been entered and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted and such order shall be in addition to any other penalty imposed on the person convicted.

7. Severability

- 7.1 If any section or sections of this By-law or parts thereof be found by any court to be illegal or beyond the power of the Township to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent and continue in full force and effect unless and until similarly found and this By-law shall be enacted as such.

8. Interpretation

- 8.1 All references to the masculine gender shall, where appropriate include references to all genders and all references to the singular shall, where appropriate, include references to the plural.

8.2 Where a provision of this By-law conflicts with the provisions of another by-law in force in the Municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

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

9. Repeal and Effect

9.1 By-law No. 46-2013 is hereby repealed.

9.2 This By-law shall come into full force and effect on the final date of passing.

Read a First and Second time this 15th day of June, 2021.

Read a Third time and Finally Passed this 15th day of June, 2021.

'Original signed by'

Mayor: David Mayberry

'Original signed by'

Clerk: Julie Forth

Township of South-West Oxford
By-law No. 49-2021: Noise By-law
Part 1 – Provincial Offences Act

Set Fine Schedule:

	Column 1	Column 2	Column 3
Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1	Emit sound from racing – motorized conveyance	2.2	\$250.00
2	Emit sound from squealing tires	2.3	\$250.00
3	Emit sound from ineffective exhaust	2.4	\$250.00
4	Emit sound from use of horn other than warning	2.5	\$250.00
5	Emit sound from ineffective muffling device – construction equipment	2.6	\$250.00
6	Emit sound from engine combustion on toy device not used for conveyance	3.2	\$250.00
7	Emit sound from loudspeakers – amplifiers	3.3	\$250.00
8	Emit sound from signaling device other than when required	3.4	\$250.00
9	Emit sound from barking, calling or whining of domestic pet	3.5	\$250.00
10	Emit sound from selling/advertising by shouting or amplified sound	3.6	\$250.00
11	Emit sound from use of construction equipment after hours	3.7	\$250.00
12	Emit sound from use of domestic equipment after hours	3.8	\$250.00
13	Emit sound from use of waste or refuse equipment after hours	3.9	\$250.00
14	Emit sound from noise from licensed or unlicensed motorized vehicles	3.10	\$250.00
15	Emit sound from excessive yelling and shouting	3.11	\$250.00

NOTE: The general penalty provision for the offences listed above is Section 6 of By-law 49-2021, a certified copy of which has been filed.