

# THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

## BY-LAW #18-96

Being a by-law to rescind By-law # 6-93 and to control noise.

WHEREAS Chapter E.19, Section 178 (1) of the Environmental Protection Act, R.S.O., 1990 and amendments thereto authorizes the Municipality to pass by-laws to regulate or prohibit the emission of sounds or vibrations and may make different provisions for different areas of the Municipality;

AND WHEREAS it is the policy of the council to reduce and control such sound or vibration;

NOW THEREFORE the Council of the Corporation of the Township of Armour enacts as follows:

### 1. INTERPRETATION

In 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 structural installation of construction components and materials in any form or for any purpose, and includes any work in connection therewith.
- b. **"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 drives, pneumatic or hydraulic tools, bulldozers, gravel crushers and related equipment, 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.
- c. **"COUNCIL"** means the Council of the Municipal Corporation of the Township of Armour.
- d. **"MINISTER"** means the Minister of Environment and Energy.
- e. **"MINISTRY"** means the Ministry of Environment and Energy.
- f. **"MOTOR VEHICLE"** includes an automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power; but does not include the

cars of 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.

- g. "**MUNICIPALITY**" means the land within the geographic limit of the Municipal Corporation of the Township of Armour.
- h. "**NOISE**" means unwanted sound.
- i. "**POINT OF RECEPTION**" means any point on the premises of a person where sound or vibration originating from other than those premises is received.

### **ZONES**

In this by-law,

- a. "**RESIDENTIAL AREA**" means within 1000 feet of those areas of the municipality identified in the zoning by-law to be "residential settlement", "seasonal residential" and "lakeshore residential".
- b. "**ALL ZONES**" means the land within the geographic limit of the Municipal Corporation of the Township of Armour.

## **2. PROHIBITED BY TIME AND PLACE**

No person shall emit or cause or permit the emission of sound resulting from any act listed below if clearly audible at a point of reception located in an area of the municipality within a prohibited time shown for such an area.

## PROHIBITIONS BY TIME AND PLACE

DESCRIPTION	ALL ZONES	RESIDENTIAL AREA
<p>a. The operation of a combustion engine which,</p> <p>i) is, or</p> <p>ii) is used in, or</p> <p>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</p>		6 p.m. one day to 10 a.m. next day
<p>b. 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.</p>	11 p.m. one day to 10 a.m. next day	
<p>c. The operation of any auditory signalling 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.</p>	11 p.m. one day to 10 a.m. next day	
<p>d. 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 is stationary unless:</p> <p>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; or,</p>		11 p.m. one day to 6 a.m. next day

DESCRIPTION	ALL ZONES	RESIDENTIAL AREA
<p>ii) 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, and the vehicle is stationary for purposes of delivery or loading; or,</p>		<p>11 p.m. one day to 6 a.m. next day</p>
<p>iii) prevailing low temperatures make longer idling periods necessary immediately after starting the motor or engine.</p>		
<p>e. 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.</p>	<p>11 p.m. one day to 10 a.m. next day</p>	
<p>f. Loading, unloading, delivering, packing, unpacking, or otherwise handling any container, products, materials, or refuse, whatsoever, unless necessary for the maintenance of essential services or the moving of private household effects.</p>	<p>11 p.m. one day to 10 a.m. next day</p>	
<p>g. The operation or use of any tool for domestic purposes other than snow removal.</p>	<p>9 p.m. one day to 7 a.m. next day</p>	
<p>h. The operation of any equipment in connection with construction.</p>	<p>9 p.m. one day to 6 a.m. next day</p>	<p>8 p.m. one day to 7 a.m. next day</p>
<p>i. The operation of log chippers and de-barkers.</p>	<p>9 p.m. one day to 6 a.m. next day</p>	<p>8 p.m. one day to 7 a.m. next day</p>

**3. EXEMPTION**

**Public Safety**

Notwithstanding any other provision of this by-law, it shall be lawful to emit or cause or permit the emission of sound or vibration in connection with emergency measures undertaken:

- (a) for the immediate health, safety or welfare of the inhabitants or any of them; or,
- (b) 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.

**4. 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 shall remain in force.

**5. PENALTY**

Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and upon conviction shall be liable to the fines and penalties prescribed by the Provincial Offences Act.

**6. REPEAL**

That By-law #6-93 is hereby repealed.

- 7. THAT THIS BY-LAW** shall come into force on the date it is passed by the Council of the Corporation of the Township of Armour subject to the approval of the Minister of Environment and Energy.

Read a first, second and third time,  
signed and the seal of the  
Corporation affixed thereto and  
finally passed in open Council this  
26<sup>th</sup> day of November, 1996.

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REEVE

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CLERK-ADMINISTRATOR

This By-law is approved pursuant to the provisions of the Environmental  
Protection act, R.S.O. 1990 C. E -19, as amended, at Toronto, this 24<sup>th</sup> day  
of December, 1996.



MINISTER OF ENVIRONMENT AND ENERGY