

THE CORPORATION OF THE TOWNSHIP OF STRONG
BY-LAW No. 2022-032

Being a By-Law to Control Noise

WHEREAS It is expedient to exercise the power conferred upon the Council by The Environmental Protection Act, R.S.O. 1990, chap. E.19, as amended, and other statutory authority; and

WHEREAS Section 129(a) of the Municipal Act 2001, S.O. c. 25, as amended, authorizes the municipality to prohibit, regulate and otherwise control noise;

WHEREAS The people have a right to and should be ensured an environment free from unusual, unnecessary or excessive noise which may degrade the quality and tranquility of their life or cause nuisance;

AND WHEREAS It is the policy of the Council to reduce and control such noise or vibration;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF STRONG ENACTS AS FOLLOWS:

DEFINITIONS

"**appliance**" means a household device whether fixed or portable;

"**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;

"**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, 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 a building;

"**Council**" means the Council of The Corporation of the Township of Strong;

"**domestic pet**" means any animal, other than a human, kept by a person as a pet. For the purposes of this definition, animals commonly considered to be livestock are exempted where they are used for agricultural purposes outside of rural residential and shoreline residential zones;

"**excessive noise**" means noise under human control and of such a nature as to interfere with the peace, comfort and convenience of any person. The person making the complaint must not be in or at the same place where the noise is being emitted. The determination of whether noise meets the threshold of this definition shall be at the sole discretion of an officer as defined in this by-law;

"**highway**" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for, or used by, the general public for the passage of vehicles;

"**motorized conveyance**" means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power;

"**noise**" means unwanted sound and vibrations;

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“**Officer**” means a Municipal Law Enforcement Officer appointed by the Township of Strong, or a Police Officer as defined by the Police Services Act, R.S.O. 1990;

“**owner**” means the registered owner of the land from which noise originates, and also includes a trustee acting on behalf of the registered owner, the estate of a registered owner and a person with a leasehold interest in the land;

“**point of reception**” means any place on a property where sound or vibration is heard, the source of which does not originate from same property;

“**public park**” means any open space or recreational area, owned or controlled by The Corporation of the Township of Strong, commission or other authority established under any statute of the Province of Ontario and may include one or more athletic fields, field houses, community centers, bleachers, swimming pools, bandstands, skating rinks, tennis courts, bowling greens, boat liveries, bathing stations, curling rinks, refreshment rooms, fair grounds, arenas or similar uses;

“**residential area**” means those areas of the Municipality identified in the Zoning By-law to be “Rural” “Rural Residential” “Shoreline Residential” “Limited Shoreline Residential”;

“**service vehicle**” means a vehicle operated by or on behalf of the Village of Strong or private contractor, while such vehicle is being used in the clearing and removal of snow, sanding or salting;

1. PROHIBITIONS

1.1 No person or owner shall emit, cause, or permit the emission of noise, which is clearly audible to a person at a point of reception, resulting from an act listed in Schedule “A” - Prohibitions within the prohibited time shown for such an act.

1.2 No person or owner shall emit, cause, or permit the emission of excessive noise which, at the discretion of an officer, *unduly* disrupts the normal living or working environment of a person at a point of reception, resulting from an act listed in Schedule “A” - Prohibitions, regardless of the prohibited time as listed.

1.3 No person or owner shall emit, cause, or permit the emission of noise which, at the discretion of an officer, would cause a nuisance to the community.

2. GENERAL EXEMPTIONS

2.1 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 to accomplish such emergency purpose.

2.2 The operation of service vehicles.

2.3 Audible pedestrian signals.

2.4 Section 1.2 of this by-law shall be deemed not to apply to the following:

- (a) construction or demolition being conducted under a permit issued by the Township of Strong;
- (b) Industrial or Commercial operations carried out in accordance with an approved site plan.

3. GRANT OF EXEMPTION BY COUNCIL

3.1 Notwithstanding anything contained in this by-law, any person may make application to Council to be granted an exemption from any of the provisions of this by-law with respect to any source of sound or vibration for which he might be prosecuted. Council, by resolution,

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may refuse to grant any exemption or may grant the exemption applied for or any exemption of lesser effect. Any exemption granted shall specify the time period, not in excess of six (6) months during which it is effective and may contain such terms and conditions as Council sees fit.

3.2 In deciding whether to grant the exemption, 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 sees fit.

3.3 Breach by the applicant of any of the terms or conditions of the exemption shall render the exemption null and void.

4. PENALTIES

4.1 Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended

4.2 Every person guilty of an offence under this by-law may, if permitted under the Provincial Offences Act, pay a set fine and the Chief Judge of the Ontario Court Provincial division, shall be requested to establish set fines in accordance with Schedule "B" attached to this by-law.

5.0 ENFORCEMENT

5.1 The enforcement of this by-law shall be assigned to the Municipal Law Enforcement Officer of the Township of Strong, or any other person appointed to such duties by a by-law of the Village

5.2 No person shall hinder or obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an Officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this by-law.

5.3 Nothing herein shall be deemed to limit the ability of the Ontario Provincial Police to enforce this by-law at any time.

6. SEVERABILITY

6.1 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.

7. REPEAL OF BY-LAWS

7.1 By-law No 2017-016 is hereby repealed.

READ A FIRST TIME THIS 12TH Day of July, 2022.

READ A SECOND TIME THIS 26TH Day of July, 2022.

READ A THIRD TIME AND FINALLY PASSED THIS 26TH Day of July, 2022.

Original Copy Signed

Mayor Kelly Elik

Original Copy Signed

Clerk-Administrator Caitlin Haggart

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SCHEDULE "A"

PROHIBITIONS

Item	Prohibited Activity	Prohibited Time
1.	The operation of any electronic devices intended for the production, reproduction or amplification of sound.	23:00 one day to 07:00 the next day
2.	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.	23:00 one day to 07:00 the next day
3.	The operation of any construction equipment or in connection with construction.	21:00 one day to 06:00 the next day.
4.	The operation of a toy, model or replica of a larger device, that has no function other than amusement.	23:00 one day to 07:00 the next day
5.	The operation of any motorized conveyance other than on a highway or authorized snowmobile trail.	23:00 one day to 07:00 the next day
6.	Persistent barking, whining or other similar persistent noise making by a domestic pet.	23:00 one day to 07:00 the next day
7.	The operation of any powered or nonpowered tool, equipment or appliance for domestic purposes other than snow removal.	23:00 one day to 07:00 the next day
8.	The operation of solid waste bulk lift or refuse compacting equipment.	23:00 one day to 07:00 the next day
9.	Yelling, shouting, hooting or hollering.	23:00 one day to 07:00 the next day
10.	Loud playing of musical instruments.	23:00 one day to 07:00 the next day
11.	The detonation of fireworks or explosive devices not used in construction.	23:00 one day to 07:00 the next day
12.	The operation of a motorized conveyance in such a way as to rev the engine beyond what is required for normal operation and maintenance.	23:00 one day to 07:00 the next day

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PART I PROVINCIAL OFFENCES ACT

SCHEDULE "B"

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1.	Make or permit noise from prohibited activity during prohibited time	s. 1.1	\$150.00
2.	Make or permit excessive noise from prohibited activity	s. 1.2	\$250.00
3.	Make or permit nuisance noise	s. 1.3	\$150.00
4.	Obstruct officer	s. 5.2	\$250.00

NOTE: The general penalty provision for the offences listed above is Section 4.1 of By-law 2022-032, a certified copy of which has been filed.