

OFFICE CONSOLIDATION

This is a consolidation of the Town's Noise By-law Number 86-110 as amended by By-law Number 95-66 prepared for reference and information purposes only. If there are any discrepancies between this consolidation and By-laws numbered 86-110 and 95-66, the By-laws shall prevail.

THE CORPORATION OF THE TOWN OF CALEDON

BY-LAW NO. 86-110 as amended by By-law 95-66

Being a by-law to control noise

WHEREAS it is expedient to exercise the power conferred upon the Council by the *Environmental Protection Act* and other statutory authority; and

WHEREAS a recognized body of scientific and technological knowledge exists by which sound and vibration may be substantially reduced; and

WHEREAS the people have a right to and should be ensured an environment free from unusual, unnecessary or excessive sound or vibration 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 sound or vibration;

NOW THEREFORE, the council of The Corporation of the Town of Caledon enacts as follows:

1. Interpretation

(1) In this by-law,

(a) Construction

“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

“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;

(c) Conveyance

“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;

(d) Council

“Council” means the Council of The Corporation of the Town of Caledon;

(e) Highway

“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;

(f) Motor Vehicle

“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) Motorized Conveyance

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

(h) Municipality

“municipality” means the land within the geographic limit of the Town of Caledon;

(i) Noise

“noise” means unwanted sound;

(j) Point of Reception

“point of reception” means any point on the premises of a person where sound or vibration originating from other than those premises is received.

(2) Residential Area

In this by-law “Residential Area” means those areas of the municipality designated in the Official Plan of the Town of Caledon Planning Area as “Settlement Area”.

2. General Prohibitions

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

1. Racing of any motorized conveyance other than in a racing event regulated by law.
 2. The operation of a motor vehicle in such a way that the tires squeal.
 3. 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.
 4. The operation of a vehicle or a vehicle with a trailer resulting in banging, clanking, squealing or other like sounds due to improperly secured load or equipment, or inadequate maintenance.
 5. 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 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; or,
 - (ii) operation of such engine or motor is essential to a basic function of the vehicle or equipment, including but not limited to, operation of ready-mixed concrete trucks, lift platforms and refuse compactors; or,
 - (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, and the vehicle is stationary for purposes of delivery or loading; or,
 - (iv) prevailing low temperatures make longer idling periods necessary immediately after starting the motor or engine; or,
 - (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.
 6. 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.
 7. The operation of any item of construction equipment in a Residential Area without effective muffling devices in good working order and in constant operation.
3. Prohibitions by Time and Place

No person shall emit or cause or permit the emission of sound resulting from any act listed in Table 3-1 if clearly audible at a point of reception located in a Residential Area within a prohibited time shown in Table 3-1.

TABLE 3-1

PROHIBITIONS BY TIME AND PLACE

Act	Prohibited Period of Time
1. The detonation of fireworks or explosive devices not used in construction	At all times
2. The discharge of firearms	At all times
3. The operation of a combustion engine which, (i) is, or (ii) is used in, or (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.	At all times
4. 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.	11:00 p.m. one day to 7:00 a.m. the next day
5. 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.	11:00 p.m. one day to 7:00 a.m. the next day
6. 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> .	11:00 p.m. one day to 7:00 a.m. the next day
7. The operation of any motorized conveyance other than on a highway or other place intended for its operation.	11:00 p.m. one day to 7:00 a.m. the next day
8. The venting, release or pressure relief of air, steam or other gaseous material, product or compound from any autoclave, boiler, pressure vessel, pipe, valve, machine, device or system.	11:00 p.m. one day to 7:00 a.m. the next day
9. 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.	11:00 p.m. one day to 7:00 a.m. the next day
10. The operation of a commercial car wash with air drying equipment.	11:00 p.m. one day to 7:00 a.m. the next day
11. Yelling, shouting, hooting, whistling or singing	11:00 p.m. one day to 7:00 a.m. the next day

TABLE 3-1

PROHIBITIONS BY TIME AND PLACE (Cont.)

12. The operation of a power assisted hand glider or parafoil.	11:00 p.m. one day to 7:00 a.m. the next day
13. All selling or advertising by shouting or outcry or amplified sound.	11:00 p.m. one day to 7:00 a.m. the next day
14. Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, products, materials, or refuse, whatsoever, unless necessary for the maintenance of essential services or the moving of private household effects.	11:00 p.m. one day to 7:00 a.m. the next day
15. The operation of any equipment in connection with construction	11:00 p.m. one day to 6:00 a.m. the next day
16. The operation or use of any tool for domestic purposes other than snow removal.	11:00 p.m. one day to 7:00 a.m. the next day
17. The operation of solid waste bulk lift or refuse compacting equipment.	11:00 p.m. one day to 7:00 a.m. the next day
18. The operation of a commercial car wash of a type other than mentioned in item 10.	11:00 p.m. one day to 7:00 a.m. the next day

4. Exemption for 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.

5. 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.

6. Penalty

Every person who contravenes any of the provisions of this by-law is guilty of an offence. *[Amended by By-law 95-66]*

7. Exemptions

The Council, upon application of any person who proposes to emit, or cause or permit the emission of sound not in conformity with the provision of this by-law, may authorize an exemption from the provisions of this by-law provided that, in the opinion of the Council, the general intent and purpose of this by-law are maintained. *[Amended by By-law 95-66]*

8. A person seeking an exemption shall

- (1) submit an application to the chief by-law enforcement officer who shall prepare a report in respect of the application,
- (2) pay a non-refundable application fee of \$50.00, at the time of submitting the application, and
- (3) be heard by the Council, or such committee of Council as designated by council, which committee shall recommend to Council whether or not to grant the exemption requested.
[Amended by By-law 95-66]

9. Effective Date

This by-law shall come into force and take effect from the date it is approved by the Minister of the Environment.

READ A FIRST TIME

THIS 23rd DAY OF JUNE, 1986

"Emil Kolb"
Mayor

"Gary H. Boyce"
Clerk

READ A SECOND AND THIRD TIME

AND FINALLY PASSED

THIS 7TH DAY OF JULY, 1986

"Emil Kolb"
Mayor

"Gary H. Boyce"
Clerk

This By-law is approved pursuant to the Provisions of the Environmental Protection Act at Toronto, This 19th day of August, 1986.

"Jim Bradley"

MINISTER OF THE ENVIRONMENT