

**THE CORPORATION OF THE TOWNSHIP OF LEEDS AND THE
THOUSAND ISLANDS**

BY-LAW NO. 22-049

BEING A BY-LAW TO CONTROL NOISE.

WHEREAS Section 128 of the *Municipal Act, 2001*, S.O. 2001, c.25, provides that a municipality may prohibit and regulate with respect to public nuisances that are or cause public nuisances;

AND WHEREAS Section 129 of the *Municipal Act, 2001*, S.O. 2001 c.25, provides that a municipality may prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination;

AND WHEREAS the Council of the Corporation of the Township of Leeds and Thousand Islands deems it expedient to regulate noise;

NOW THEREFORE the Council of the Corporation of the Township of Leeds and Thousand Islands hereby enacts as follows:

1. SHORT TITLE

This by-law shall be referred to as the "Noise By-law".

2. DEFINITIONS

In this by-law,

Construction includes erecting, altering, repairing, maintaining, painting, dismantling or demolishing any building or structure, and moving, land clearing, grubbing, tree removal, earth moving, grading, excavating, operating any construction equipment, blasting and detonation of explosive devices other than fireworks, 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 associated or related work;

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, trucks, ditchers, compactors and rollers, pumps, concrete mixers, or graders;

Council means the Council of the Corporation of the Township of Leeds and the Thousand Islands;

Emergency means a situation or an impending situation, often dangerous, caused by the forces of nature, an accident, an intentional act or otherwise which arises sudden and calls for prompt action;

Emergency Vehicle includes a land ambulance, an air ambulance, a fire department vehicle, a police vehicle, and any motor vehicle being used to respond to an emergency;

Firearms shall include any type of firearm and other weapon as defined under the Firearms Act, Part III of the Criminal Code and the related regulations;

Highways includes a common and public highway, street, avenue, parkway, driveway, bridge, viaduct or trestle designed and intended for,

or used by, the general public for the passage of vehicles and includes the untraveled portion of the highway;

Holiday means a day that is declared a public holiday as defined in the Retail Business Holiday Act, R.S.O. 1990, c. R.30;

Motor Vehicle includes a vehicle or other device employed to transport a person or goods from place to place propelled or driven by any means other than muscular power, including but not limited to an automobile, bus, truck, motorcycle, motor assisted bicycle or trailer but does not include a motorized snow vehicle, traction engine, farm tractor, other farm vehicle or road building machine;

Municipality means land within the geographic limit of the Township of Leeds and the Thousand Islands;

Municipal Service Vehicle means a vehicle operated by or on behalf of Leeds and the Thousand Islands while the vehicle is being used for the construction, repair or maintenance of a highway, including the clearing and removal of snow, the construction, repair or maintenance of a utility, the collection or transportation of waste, or other municipal purpose;

Noise means sound that is likely to disturb any person, or that is likely to interfere with the reasonable use and enjoyment of a premise or residence;

Person includes a corporation as well as an individual;

Premises means a piece of land and any buildings and structure on it, and includes a place of business, road, and any other location or place;

Provincial Offences Officer means an individual appointed by by-law or other agencies designated by Council who are responsible for the administration of this by-law;

Residence means a room, suite of rooms, or dwelling, including a mobile trailer, operated as a housekeeping unit that is used or intended to be used as a separate domicile by one or more persons, and that normally contains cooking, eating, living, sleeping and sanitary facilities;

Township means the Corporation of the Township of Leeds and the Thousand Islands.

Term not defined – meaning any word or term not defined in this bylaw shall have the meaning ascribed to it in the Act or the Building Code; if the word is not in the Act or Building Code it shall mean as defined in the Webster's Dictionary.

3. GENERAL PROHIBITIONS

No person shall, at any time, make, cause or permit the making of noise within the Municipality, which is audible to:

- a) A person in a premises or a vehicle other than the premises or vehicle from which the noise is originating; or
- b) A person in a residence other than the residence from which the noise is originating; or
- c) Is an activity in Schedule 1 of this By-law.

4. PROHIBITIONS BY TIME AND PLACE

No person shall emit, cause or permit the making of noise by engaging in an activity or cause and permit an activity listed in column one of Schedule 2 to this by-law to occur:

- a) During the hours specified in column two in a designated area; or
- b) During the hours specified in column three in other areas.

5. EXEMPTIONS FOR PUBLIC SAFETY

The prohibitions described in Section 2 and 3 do not apply if the noise is the result of measures undertaken in an emergency for the:

- a) Immediate health, safety or welfare of the inhabitants of the Municipality or other persons: or
- b) Preservation or restoration of property; unless the noise is of longer duration or of a more disturbing nature than is reasonably necessary to deal with the emergency.

6. ADMINISTRATION

6.1 The Clerk or their designate, is responsible for the administration of this by-law.

6.2 The Director of Planning and Development or designate shall establish any practices, policies and procedures necessary to implement the By-law.

6.3 The Director of Planning and Development or designate shall prescribe all forms and notices, including the Penalty Notice, necessary to implement the By-law and may amend such forms and notices from time to time as necessary.

6.4 The Director of Planning and Development or designate may cancel an Administrative Monetary Penalty, including any administrative fee, where the Penalty Notice was issued to a Person due to an error made by the Township.

6.5 The Director of Planning and Development or designate may cancel any administrative fee, without cancelling the Administrative Monetary Penalty, where the fee was imposed as the result of an error made by the Township.

6.6 All Provincial Offences Officers with authority to enforce the by-laws of the Township are responsible for enforcing the provisions of this by-law.

6.7 Any person may apply to the Clerk requesting an exemption from any of the prohibitions described in Sections 2 and 3 and Council hereby delegates to the Clerk or his/her designate, the authority to process any such application and to approve, reject or approve with conditions an exemption.

6.8 Grant of Exemption

Upon receipt of a written application for Grant of Exemption to the by-law, the Clerk may refuse to grant any exemption or may grant the exemption applied for. Any exemption granted shall specify the time-period not more than six months during which it is effective and may contain such terms and conditions as the Clerk determines to be appropriate.

6.9 The Clerk shall consider all applications for exemption and shall only grant an exemption, or an exemption with conditions, where:

- a) The request is necessary and in public interest;
- b) The proposed mitigation measures are appropriate;
- c) The duration of the request exemption is reasonable.

6.10 Information required to support Request for Exemption

A request for exemption to the noise by-law shall contain:

- a) The name and address of the applicant;
- b) A description of the source of sound or vibration in respect of which exemption is sought;
- c) A statement of the particular provision or provisions of the by-law from which the exemption is sought;
- d) The period of time, of a duration not more than six months, for which the exemption is sought;
- e) The reasons why the exemption should be granted; and
- f) A statement of the steps, if any, planned or presently being taken to bring about compliance with the by-law.

7. EXEMPTION-NORMAL FARM PRACTICES

This by-law shall not apply to a person who emits or causes or permits the emission of noise in connection with normal farming practices within the meaning of the Farming and Food Production Protection Act, 1998, S.O. 1998, c.1 as amended, and the Livestock, Poultry and Honey Bee Act, R.S.O. 1990, c.L.24, as amended.

8. VALIDITY

If a court of competent jurisdiction declares any provision, or part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

9. PENALTY

- i. Every person who contravenes any provision of this Bylaw is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act R.S.O. 1990, c. P33 and to any other applicable penalties.
- ii. Every Person who contravenes any provision of this By-law is liable to the fines and administrative fees set out under the Administrative Monetary Penalty By-law.
- iii. Every Person who is in contravention of the provisions of this By-law may request a review of the matter in accordance with the Administrative Monetary Penalty By-law.

10. SCHEDULES

Schedules '1', '2', and '3' are attached to and form part of this by-law.

11. EFFECT

This by-law shall come into force and take effect upon approval of set fines by the Ministry of the Attorney General.

12. REPEAL OF PREVIOUS BY-LAW

By-law 17-021, Being a by-law to Control Noise is repealed.

READ A FIRST AND SECOND TIME THIS 11th DAY OF JULY, 2022.

READ A THIRD TIME AND FINALLY PASSED THIS 11th DAY OF JULY, 2022.

The Corporation of the Township of Leeds and the Thousand Islands



Corinna Smith-Gatcke, Mayor



Megan Shannon, Clerk



SCHEDULE 1 TO BY-LAW 22-049

GENERAL PROHIBITIONS

1. Racing of any motorized vehicle other than in a racing event regulated by law.
2. The operation of a motorized vehicle in such a way that the tires squeal.
3. The operation of any combustion engine or pneumatic device without an effective exhaust muffling device that is in good working order and in constant operation.
4. The operation of an engine or motor in, or on, any vehicle or item of attached auxiliary equipment for a continuous period exceeding five minutes while such vehicle is stationary in a designated area, unless;
 - a) The vehicle is in an enclosed structure constructed so as to effectively prevent the emission of noise;
 - b) 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
 - c) Continuous operation of the 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 platform or refuse compactors and heat exchange systems during normal operation; or
 - d) Weather conditions justify the use of heating or refrigeration systems powered by the motor or engine for the safety and welfare of the operator, passengers, animals, or the preservation of perishable cargo, and the vehicles is stationary for purposes of delivery or loading; or
 - e) Prevailing low temperatures make longer idling periods necessary immediately after starting the motor or engine; or
 - f) The idling is for the purpose of cleaning and flushing radiator and associated circulation system for seasonal change of antifreeze, cleaning of the fuel system, carburetor or similar work, when such work is performed other than for profit.
5. The operation of any item of construction equipment in a designated area without an effective muffling device in good working order and in constant operation.
6. The operation of an air conditioner, pool pump or filter, heat pump, ventilation or exhaust fan or similar equipment that is not in proper working order.

SCHEUDLE 2 TO BY-LAW 22-049

PROHIBITIONS BY TIME AND PLACE

ACT	PROHIBITED PERIOD OF TIME
1. The operation of any auditory signalling device, including but not limited to the ringing of bells or gongs or 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.	24 hours
2. The operation of any electronic device or group of connected electronic devices incorporating one or more loud speakers or other electro-mechanical transducers, and intended for the production or reproduction or amplification of sound.	24 hours
3. All selling or advertising by shouting or outcry or amplified sound.	24 hours
4. The operation of any equipment in connection with construction including detonation of explosive devices.	8 pm – 7 am daily and 24 hours On Sunday and Holidays.
5. The operation of any motor vehicle other than on a highway or other place intended for its operation.	11 pm – 7 am
6. Persistent (20 min or more) barking, calling, whining or other similar persistent noise making by any domestic pet or any other animals kept or used for any purpose other than agriculture.	24 hours
7. The operation of any powered or non-powered tool for domestic purposed other than snow removal.	9 pm – 7 am daily and 9 pm

SCHEDULE 3 TO BY-LAW 22-049

EXEMPTIONS TO THE NOISE BY-LAW PROHIBITIONS

The following sources or activities are considered by Council to be exempt from the provisions of this by-law:

1. Any parade, procession or events for ceremonial, religious or traditional purposes that have been authorized by Council.
2. The use of bells or chimes normally associated with church activities.
3. Any midway, circus or fair when authorized by council.
4. Any supervised activity, authorized by Council

The Lansdowne Fair, Turkey Fair, Frost Fest, Rockport Winter Carnival and Rockport Rocks for Sail.

5. Fireworks displays on holidays

Victoria Day

Canada Day

Civic Holiday

Labour Day

6. Any sporting, recreational or entertainment event in public parks or buildings between 8 AM and 11 PM.
7. The operation of emergency vehicles.
8. The operation of municipal service vehicles and related equipment.
9. Agricultural activities on agricultural properties.
10. This by-law shall not apply to a Provincial Offences Officer carrying out normal duties.