

**CORPORATION OF THE
TOWN OF NIAGARA-ON-THE-LAKE**

BY-LAW NO. 4588C-24

**A BY-LAW TO AMEND BY-LAW 4588-12 AS AMENDED, BEING
A BY-LAW TO PROHIBIT AND REGULATE NOISE WITHIN THE
TOWN OF NIAGARA-ON-THE-LAKE; TO HARMONIZE THE
IDLING PROVISIONS WITHIN BY-LAW 4588-12 WITH THOSE
OF IDLING REDUCTION BY-LAW 2024-025;**

WHEREAS the Council of the Corporation of the Town of Niagara-on-the-Lake approved By-law 4588-12 on the 9th day of October, 2012;

AND WHEREAS Section 9 of the Municipal Act, R.S.O. 2001, Chapter 25, as amended provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

AND WHEREAS Section 10(2) of the Municipal Act, R.S.O. 2001, Chapter 25, as amended, authorizes a Council to pass a By-law respecting the health, safety and well-being of persons, and the economic, social and environmental well-being of the municipality;

AND WHEREAS By-law No. 4588-12 as amended identifies motor idling as a source of objectionable noise and imposes an idling time restriction within the Town of Niagara-on-the-Lake;

AND WHEREAS Council has approved recommendation 1.2 of OPS-24-001 to align idling provisions in Noise By-law 2488-12 as amended with Idling Reduction By-law 2024-025;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE enacts as follows:

1. That Section 2.0 “Definitions” of By-law 4588-12 being a By-law to Regulate Noise within the boundaries of the Town of Niagara-on-the-Lake be amended by adding the following definitions:

“Agricultural Vehicle” includes vehicles and mobile machinery designed and used exclusively for operations off the public highway in the performance of agricultural work, animal husbandry or engaged in Normal Farm Practice;

“Boat” means a ship or any other description of a vessel not propelled by oars or paddles and includes a boat used exclusively for towing purposes, a water taxi and a boat used on water for living purposes;

“Idling” means the operation of the combustion engine of a vehicle while the vehicle is not moving forward or in reverse, and not being used to operate auxiliary equipment essential to basic operation of the vehicle, and "idle" shall have a corresponding meaning;

“Normal Farm Practice” means:

- i) Practice conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances;
- ii) Practice making use of innovative technology in a manner consistent with proper farm management practices, as defined under the Farming and Food Production Protection Act (FFPPA);

“Person” includes an individual, corporation, organization, association, partnership and the like;

3. That Schedule “B” (General Prohibitions) attached to By-law 4588-12 as amended, be further amended by deleting: “The operation of an engine or motor in, or on, any Motor Vehicle or item of attached auxiliary equipment for a continue period exceeding five (5) minutes, while such Motor Vehicle is stationary in a Residential Area, unless:”
4. That Schedule “B” (General Prohibitions) attached to By-law 4588-12 as amended, be further amended by deleting Sections 3(a) through 3(n) inclusive;
5. That Schedule “B” (General Prohibitions) attached to By-law 4588-12 as amended, be amended by adding: “3. No person shall cause or permit a vehicle or boat engine to idle for more than three (3) minutes in a sixty (60) minute period. Each one (1) hour period will be considered as another occurrence period. Exceptions to this time limit are:

- a. Authorized Emergency Vehicles or boats while engaged in operational activities, including training and patient transfer activities;
- b. Vehicles or boats assisting in an emergency activity, including tow trucks while engaged in hooking up to or moving another vehicle;
- c. Vehicles or boats required to remain motionless because of an emergency, traffic (including congestion and signals), weather conditions, or mechanical difficulties over which the driver has no control;
- d. Mobile work vehicles or boats while they are in the course of being used for their basic function;
- e. Vehicles or boats engaged in the course of a parade, race or other event authorized by Council;
- f. Transit vehicles passengers are actively embarking or disembarking enroute or at a terminus;
- g. Transit vehicles while at a layover or stopover location where passengers are on board;
- h. Vehicles or boats where idling is required as part of the repair process or to prepare a vehicle for service while the vehicle is in the possession or on the property of a commercial repair facility;
- i. Food preparation and food vending vehicles or boats with no auxiliary source of power to ensure food safety;
- j. Commercial vehicles or boats using heating or refrigeration systems powered by the motor or engine for the preservation of perishable cargo or the welfare of animals;
- k. Passenger vehicles or boats using heating or air conditioning to ensure the welfare of infants, seniors or animals;
- l. Armoured vehicles where a person remains inside the vehicle while guarding the contents of the vehicle or while the vehicle is being loaded or unloaded;

- m. A vehicle or boat whose engine is being operated to boost the battery of another vehicle, or which vehicle is connected to an external stationary device which relies on the power of the vehicle to carry out work such as a tractor or traction engine powering another such device by pulley or other connection;
 - n. Agricultural vehicles and equipment;
 - o. Vehicles engaged in Town services. Such vehicles shall be subject to the Town’s current Idling Reduction Policy;
 - p. Vehicles, including hybrid vehicles, that eliminate the emission of greenhouse gas emissions and do not exceed the maximum emission criteria for all air contaminants during the idling phase of operation;
 - q. Boats not at anchor or tied to a dock;”
6. That Schedule “B” (General Prohibitions) attached to By-law 4588-12 as amended, is hereby deleted and replaced with Schedule “B” (Specific Prohibitions) attached hereto;
7. That Schedule “D” (Administrative Penalties) attached to By-law 4588-12 as amended, be further amended by deleting:

Item	Column 1 - Short Form Wording	Offence	Set Fine
Schedule "D" - Noise By-law No. 4588-12 as amended			
3	Operation of engine/motor in/on motor vehicle/auxiliary equipment exceeding 5 minutes	s. 4 Schedule B. (3)	\$350

8. That Schedule “D” (Administrative Penalties) attached to By-law 4588-12 as amended, be further amended by adding:

Item	Column 1 - Short Form Wording	Offence	Set Fine
Schedule "D" - Noise By-law No. 4588-12 as amended			
3	Operation of engine/motor in/on motor vehicle/boat/auxiliary equipment exceeding 3 minutes	s. 4 Schedule B. (3)	\$350

9. That Schedule “D” (Administrative Penalties) attached to By-law 4588-12 as amended, is hereby deleted and replaced with Schedule “D” (Administrative Penalties) attached hereto;
10. This By-law shall come into force and take effect immediately upon the passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 26TH DAY
OF MARCH 2024.

LORD MAYOR GARY ZALEPA

TOWN CLERK GRANT BIVOL

SCHEDULE “B”
SPECIFIC PROHIBITIONS

1. All selling or advertising by shouting or outcry of amplified Sound;
2. Persistent barking, whining or other similar persistent Sound made by any animal;
3. No person shall cause or permit a vehicle or boat engine to idle for more than three (3) minutes in a sixty (60) minute period. Each one (1) hour period will be considered as another occurrence period. Exceptions to this time limit are:
 - a. Authorized Emergency Vehicles or boats while engaged in operational activities, including training and patient transfer activities;
 - b. Vehicles or boats assisting in an emergency activity, including tow trucks while engaged in hooking up to or moving another vehicle;
 - c. Vehicles or boats required to remain motionless because of an emergency, traffic (including congestion and signals), weather conditions, or mechanical difficulties over which the driver has no control;
 - d. Mobile work vehicles or boats while they are in the course of being used for their basic function;
 - e. Vehicles or boats engaged in the course of a parade, race or other event authorized by Council;
 - f. Transit vehicles passengers are actively embarking or disembarking enroute or at a terminus;
 - g. Transit vehicles while at a layover or stopover location where passengers are on board;
 - h. Vehicles or boats where idling is required as part of the repair process or to prepare a vehicle for service while the vehicle is in the possession or on the property of a commercial repair facility;
 - i. Food preparation and food vending vehicles or boats with no auxiliary source of power to ensure food safety;
 - j. Commercial vehicles or boats using heating or refrigeration systems powered by the motor or engine for the preservation of perishable cargo or the welfare of animals;
 - k. Passenger vehicles or boats using heating or air conditioning to ensure the welfare of infants, seniors or animals;

- l. Armoured vehicles where a person remains inside the vehicle while guarding the contents of the vehicle or while the vehicle is being loaded or unloaded;
- m. A vehicle or boat whose engine is being operated to boost the battery of another vehicle, or which vehicle is connected to an external stationary device which relies on the power of the vehicle to carry out work such as a tractor or traction engine powering another such device by pulley or other connection;
- n. Agricultural vehicles and equipment;
- o. Vehicles engaged in Town services. Such vehicles shall be subject to the Town's current Idling Reduction Policy;
- p. Vehicles, including hybrid vehicles, that eliminate the emission of greenhouse gas emissions and do not exceed the maximum emission criteria for all air contaminants during the idling phase of operation;
- q. Boats not at anchor or tied to a dock;

SCHEDULE D

SCHEDULE OF OFFENCES AND FINES
TO ADMINISTER BY-LAW 4588-12 AS AMENDED UNDER
AMPS (NON-PARKING) BY-LAW 5334-21 AS AMENDED

- 1. Column One in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column Two.
- 2. Column Two in the following table lists the provisions in Noise Prohibition By-law 4588-12 as amended that are hereby designated for the purposes of Section 3(1)(b) of the Regulation.
- 3. Column Three in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column Two.

Item	Column 1 - Short Form Wording	Offence	Set Fine
Schedule "D" - Noise By-law No. 4588-12 as amended			
1	Emit/cause/permit selling/advertising by shouting/outcry/amplified	s. 4 Schedule B. (1)	\$350
2	Cause/permit persistent barking/whining sound by any animal	s. 4 Schedule B. (2)	\$350
3	Operation of engine/motor in/on motor vehicle/boat/auxiliary equipment exceeding 3 minutes	s. 4 Schedule B. (3)	\$350
4	Emit/cause/permit noise from any auditory signaling device during prohibited time	s. 5 Schedule C (1)	\$350
5	Emit/cause/permit noise from operation of any electronic device during prohibited time	s. 5 Schedule C (2)	\$500
6	Noise from loading/unloading containers/products/ materials/refuse during prohibited time	s. 5 Schedule C (3)	\$350
7	Noise from construction equipment during prohibited time	s. 5 Schedule C (4)	\$350
8	Noise from fireworks or explosive devices when prohibited	s. 5 Schedule C (5)	\$350
9	Emit/cause/permit noise from operation of combustion engine when prohibited	s. 5 Schedule C (6)	\$350
10	Noise from powered/non-powered tool for domestic purposes, when prohibited	s. 5 Schedule C (7)	\$350
11	Emit/cause/permit noise from solid waste bulk lift/refuse compacting equipment when prohibited	s. 5 Schedule C (8)	\$350
12	Play musical instrument outdoors during prohibited time	s. 5 Schedule C (9)	\$350
13	Yelling/shouting/hooting/whistling/singing when prohibited	s. 5 Schedule C (10)	\$350