

THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 4588B-21

A BY-LAW TO AMEND BY-LAW NO. 4588-12 BEING A BY-LAW TO PROHIBIT AND REGULATE NOISE IN THE TOWN OF NIAGARA-ON-THE-LAKE TO PERMIT AN EXEMPTION FOR TOWN OWNED RECREATIONAL FACILITIES

WHEREAS The Council of The Corporation of the Town of Niagara-on-the-Lake approved By-law No. 4588-12 on October 9, 2012.

WHEREAS section 9 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, provided 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, 2001, S.O. 2001, c. 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 provides for exemptions with in the Town of Niagara-on-the-Lake.

NOW THEREFORE the Council of the Corporation of the Town of Niagara-on-the-Lake enacts as follows:

1. That Schedule A, attached hereto, be amended by adding the following:
 7. Any emission of sound or vibration on Town of Niagara-on-the-Lake (the "Town") owned properties arising from sports or recreation activities, as approved by the Director of Operations or delegate for the Town, during the hours of 7 a.m. to 11:00 p.m., provided that the Director of Operations or delegate for the Town may further restrict the hours for any specific sporting or recreational activity.
2. This By-law shall come into force and effect immediately upon the passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED, THIS 20TH DAY OF JUNE 2022.

LORD MAYOR BETTY DISERO

TOWN CLERK RALPH WALTON

Schedule A
Permitted Sound

1. Operation of an Authorized Emergency Vehicle.
2. Operation of bells utilized as traffic control devices including the following:
 1. Bells and other devices at traffic signal locations;
 2. Bells at railway crossings.
3. Operation of Town machines and equipment including the following:
 1. Crosswalk painting machines;
 2. Catch basin cleaners;
 3. Tree and shrub pruning and mulching equipment
 4. Town owned or contracted street cleaners, flushers and sewer flushers
4. Operation of Construction Equipment and machinery by or on behalf of the Town carrying on or engaged in the performance of public works for emergency and safety purposes.
5. Operation of any machine or equipment that falls within the classification of a “Normal Farm Practice” as described under provincial legislation and that is in conjunction with a lawful agricultural operation. The Ontario Ministry of Agriculture, Food and Rural Affairs administers the Farming and Food Production Protection Act (FFPPA) – and has established processes to deal with complaints and determine what are and what are not “normal farm practices”: the Normal Farm Practices Protection Board.
6. Any emission of Sound specifically permitted under municipal, provincial or federal legislation.
7. *Any emission of sound or vibration on Town of Niagara-on-the-Lake (the "Town") owned properties arising from sports or recreation activities, as approved by the Director of Operations or delegate for the Town, during the hours of 7 a.m. to 11:00 p.m., provided that the Director of Operations or delegate for the Town may further restrict the hours for any specific sporting or recreational activity.*

Schedule B
General Prohibitions

All selling or advertising by shouting or outcry of amplified Sound;

Persistent barking, whining or other similar persistent Sound made by any animal;

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:

the Motor Vehicle is an armoured vehicle, where a person remains inside the Motor Vehicle while guarding the contents of the Motor Vehicle or while the Motor Vehicle is being loaded or unloaded;

the Motor Vehicle is in an enclosed structure constructed so as to effectively prevent excessive Sound emission;

the original equipment manufacturer specifically recommends a longer period for normal and efficient operation of the Motor Vehicle, in which case such recommended period shall not be exceeded;

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 mix concrete trucks, irrigation pumps, lift platforms, or refuse compactors and heat exchange systems;

the ambient outside temperature is more than 27 degrees Celsius (27°C) or less than 5 degrees Celsius (5°C);

the use of heating or refrigeration systems powered by the motor or engine are required for the safety and welfare of the operator, passengers, animals or the preservation of perishable cargo;

the Motor Vehicle is transporting a person where a medical doctor certifies in writing that for medical reasons, the person requires the temperature or humidity be maintained within a certain range;

the Motor Vehicle is assisting in an emergency;

the Motor Vehicle remains motionless because of an emergency over which the driver has no control, or because of mechanical difficulties over which the driver has no control;

the Motor Vehicle is engaged in a parade, race, or such other event authorized by Council;

the Motor Vehicle is halting temporarily in compliance with the directions of a police officer;

the Motor Vehicle is halting temporarily to obey a traffic control signal;

the Motor Vehicle is idling to comply with the requirements of the Highway Traffic Act for windows to be in a condition to afford the driver a clear view;and

the idling is required as part of a repair process or to prepare a Motor Vehicle for servicing;

Schedule C
Prohibitions by Time and Place

ACT	TIME PROHIBITION
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.	11:00pm - 7:00am next day 11:00pm - 9:00am Sundays / Statutory Holidays
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, including but not limited to a radio, television, amplifier, loud speaker, public address system, and other Sound equipment.	11:00pm - 7:00am next day 11:00pm - 9:00am Sundays / Statutory Holidays
Loading, unloading, delivering, packing, unpacking or otherwise handling of any containers, products, materials or refuse, whatsoever, unless necessary for the maintenance of an essential services as designated by the Provincial or Federal Government.	11:00pm – 7:00am next day 11:00pm – 9:00am Sundays / Statutory Holidays
Operation of any Construction Equipment in connection with Construction.	7:00pm – 7:00am next day ALL DAY Sundays
Detonation of fireworks or explosive devices.	11:00pm – 7:00am next day 11:00pm – 9:00am Sundays
Operation of a combustion engine which is, or is used in, or is intended for use in, a toy or a model or replica of a larger device, which model or replica has no function other than amusement and which is not a Motor Vehicle.	11:00pm – 7:00am next day 11:00pm – 9:00am Sundays / Statutory Holidays
The operation of any powered or non-powered tool for domestic purposes other than snow removal with a shovel.	11:00pm – 7:00am next day 11:00pm – 9:00am Sundays / Statutory Holidays
The operationof a solid waste bulk lift or refuse compacting equipment.	7:00pm – 7:00am next day 7:00pm – 9:00am Sundays
The playing of any musical instrument outdoors.	11:00pm – 7:00am next day 11:00pm – 9:00am Sundays / Statutory Holidays
Yelling, shouting, hooting, whistling or singing	11:00pm – 7:00am next day 11:00pm – 9:00am Sundays / Statutory Holidays

PART I Provincial Offences Act		
TOWN OF NIAGARA-ON-THE-LAKE BY-LAW NO.4588-12 SHORT TITLE: Noise Bylaw		
COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision or Defining Offence	COLUMN 3 Set Fine (Includes Costs)
Emit/Cause/Permit operation of any auditory signalling device.	S. 5, Schedule C 1	350.00
Emit/Cause/Permit operation of any electronic device.	S. 5, Schedule C 2	500.00
Loading / unloading containers / products / materials / refuse	S. 5, Schedule C 3	350.00
Operate Construction Equipment.	S. 5, Schedule C 4	350.00
Detonate fireworks or explosive devices.	S. 5, Schedule C 5	500.00
Emit / Cause / Permit operation of a combustion engine.	S. 5, Schedule C 6	350.00
Operate powered / non-powered tool.	S. 5, Schedule C 7	350.00
Emit / Cause / Permit Operation of solid waste bulk lift / refuse compacting equipment.	S. 5, Schedule C 8	350.00
Play musical instrument outdoors.	S. 5, Schedule C 9	350.00
Yelling / Shouting / Hooting / Whistling / Singing	S. 5, Schedule C 10	350.00