

**THE CORPORATION OF THE TOWNSHIP OF CRAMAHE  
BY-LAW NUMBER 06-71**

**BEING A BY-LAW TO PROHIBIT AND REGULATE NOISE WITHIN THE TOWNSHIP OF CRAMAHE**

**WHEREAS** the Council of a local municipality is empowered under the Municipal Act, R.S.O. 2001, Section 129, as amended, to pass by-laws for regulating or prohibiting the emission of sounds or vibrations; and

**WHEREAS** it is the policy of the Council to reduce and control unusual or unnecessary sounds or vibrations which may degrade the quality and tranquility of the lives of the inhabitants of the Township of Cramahe or cause nuisance;

**NOW THEREFORE** the Council of the Corporation of the Township of Cramahe enacts as follows:

1. Definitions

In this by-law,

a) **Agriculture** means an area designated under the Zoning By-law, which permits agricultural operations

b) **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

c) **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

d) **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

e) **Council** means the Council of the Corporation of the Township of Cramahe

f) **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

g) **Motor Vehicle** includes an automobile, motorcycle, motor assisted bicycle unless otherwise indicated in the Highway Traffic Act, and any other vehicle propelled or driven otherwise than by muscular power but **does not** include motor vehicles running on 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

h) **Motorized Conveyance** means 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 or if propelled or driven only by muscular, gravitational or wind power

i) **Municipality** means the Corporation of the Township of Cramahe

j) **Noise** means unwanted sound

k) **Off Road Vehicle** means a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel on not more than three wheels or on more than three wheels and bind of a prescribed class of vehicle. This shall include, but is not limited to, dirt bikes, ATV's and motorized snow vehicles.

l) **Point of Reception** means any point on the property of a person within the Township of Cramahe.

m) **Residential area** means any area designated in the Municipality zoning by-law as residential, being in RR, ER, SR, R1, R2, R3, and R4.

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 anywhere in the Municipality.

- a) Persistent barking, calling, whining or other persistent noise made by any domestic pet,
- b) The racing of any motorized conveyance other than in a racing event regulated by law;
- c) 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;
- d) 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;
- e) 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 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, life platforms, refuse compactors, farm tractors and self propelled implements of husbandry; 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 for personal use, and not for profit.
- f) The operation of a motor vehicle horn or other warning device except when required or authorized by law with good safety practices;
- g) The operation of any item of any construction equipment in a residential zone without effective muffling devices in good working order and in constant operation;
- h) The operation of a vehicle in such a way that the tires squeal.

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 Residential Area of the Municipality within a prohibited time shown.

TABLE 3-1  
PROHIBITIONS BY TIME AND PLACE

	Act	Times Prohibited
3.1	All selling or advertising by shouting or outcry or amplified sound.	At all times
3.2	Detonation of fireworks except as permitted in Section 4(f) of this by-law, or explosive device not used for construction.	At all times.
3.3	The operation of a combustion engine which is used in or is intended to be used in, a toy, or model or replica of any device, which has no function other than amusement and which is not a conveyance.	20:00hrs. of one day to 07:00hrs. of the next (09:00 Sunday)
3.4	The operation of any solid waste bulk lift or refuse compacting equipment.	20:00hrs. of one day to 07:00hrs. of the next (09:00 Sunday)

3.5	The operation of any construction equipment in connection with construction.	20:00hrs. of one day to 07:00hrs. of the next. (09:00 Sunday)
3.6	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.	20:00hrs of one day to 07:00hrs. of the next (09:00 Sunday)
3.7	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, or production or amplification of any similar sounds by electronic means except where required or authorized by law or in accordance with good safety principles.	20:00hrs. of one day to 07:00hrs. of the next (09:00 Sunday)
3.8	The operation of any powered or non-powered vehicle tool for domestic purposes other than snow removal.	20:00hrs. of one day to 07:00hrs. of the next (09:00 Sunday)
3.9	The operation of any motorized conveyance other than on a highway or other public place intended for its operation.	22:00hrs. of one day to 07:00hrs of the next day. (09:00 Sunday)
3.10	Yelling, shouting, hooting, whistling or singing.	21:00hrs. of one day to 07:00hrs. of the next. (09:00 Sunday)
3.11	The operation of any electronic device or group of connected devices incorporating loudspeakers or other electromechanical transducers, and intended for the production, reproduction or amplification of sound.	21:00hrs. of one day to 07:00hrs. of the next (09:00 Sunday)

Time Conversions (for reference only)  
20:00 hrs = 8:00 pm 21:00 hrs = 9:00 pm 22:00 hrs = 10:00 pm

4. Exemptions

Notwithstanding any other provision of this by-law, this by-law does not apply to a person who emits or causes or permits the emission of a sound or vibration in connection with any of the following activities:

- a) Noise arising from any equipment, apparatus, or device used in agriculture for food crop seeding, chemical spraying or harvesting.
- b) Noise arising from or caused by a gathering held in a public park or recreational area administered by the Municipality in connection with any Municipal, Provincial, Federal election or celebration, any Statutory Canadian Holiday celebrations, and any Applefest celebrations approved by council.
- c) Noise arising from or caused by a parade approved by Council.
- d) Noise arising from or created by the siren of an emergency vehicle.
- e) Noise arising from or created by emergency measures undertaken:
  - i) for the immediate health, safety or welfare of the inhabitants or any of them; or,
  - ii) for the preservation or restoration of property; unless such sound or vibration is clearly of a longer nature more disturbing than is reasonably necessary for the accomplishment of such emergency purpose.
- f) Noise from the detonation of fireworks on the statutory holidays Victoria Day and Canada Day.

5. Grant of Exemptions by Council

a) **Application to Council**

Notwithstanding anything contained in this by-law, any person may make an 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 and Council, by resolution, may refuse to grant any exemption or may grant the exemption applied for or any exemption of lesser effect and any exemption granted shall specify the time period, not in excess of six months, during which it is effective and may contain such terms and conditions as Council sees fit.

b) **Decision**

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.

c) **Breach**

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

6. Severability

If a court of competent jurisdiction declares 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. Penalty

- a) Every person who contravenes any provision of this by-law 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 P. 33.
- b) For the purposes of this by-law, each day on which the offence occurs or continues shall be deemed to be a separate offence.

Township of Cramahe by-law 02-14 is hereby repealed in its entirety upon this by-law coming into force and effect.

Enacted and passed this 7th day of November 2006.

  
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Mayor, Elie Dekeyser

  
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Clerk/Administrator, Christie Alexander

**Part 1, of the Provincial Offences Act  
Set Fine Schedule**

By-Law number 06-71, a By-Law to Prohibit and Regulate  
Noise within the Township of Cramahe

<b>Item</b>	<b>Column 1 Short Form Wording</b>	<b>Column 2 Offence Creating Provision</b>	<b>Column 3 Set Fine (including costs)</b>
1	Permit Persistent barking, whining or other persistent pet noises	Section 2(a)	\$105.00
2	Have Ineffective exhaust	Section 2(c)	\$105.00
3	Permit vehicle operation resulting in banging, clanking or squealing	Section 2(d)	\$105.00
4	Permit operation of engine while stationary	Section 2(e)	\$105.00
5	Operate motor vehicle horn	Section 2(f)	\$105.00
6	Operation of construction equipment – no muffling device	Section 2(g)	\$105.00
7	Permit squealing of tires	Section 2(h)	\$105.00
8	Sell by outcry	Section 3.1	\$105.00
9	Detonate fireworks, explosives	Section 3.2	\$105.00
10	Permit operation of a combustion engine	Section 3.3	\$105.00
11	Use of refuse compactor 8 pm – 7 am	Section 3.4	\$105.00
12	Use of solid waste bulk lift 8 pm – 7am	Section 3.4	\$105.00
13	Operation of Construction equipment in connection with construction 8 pm – 7 am	Section 3.5	\$105.00
14	Carry out venting of gas 8 pm – 7 am	Section 3.6	\$105.00
15	Use of auditory signaling device 8 pm – 7am	Section 3.7	\$105.00
16	Use of power tools 8 pm – 7am	Section 3.8	\$105.00
17	Operate a vehicle other than on highway 10 pm – 7 am	Section 3.9	\$105.00
18	Yelling 9 pm – 7 am	Section 3.10	\$105.00
19	Permit noise from Electronic Device 9 pm – 7 am	Section 3.11	\$105.00

NOTE: The penalty provision for the offences indicated above is Section 7(a) of By-Law 06-71, a certified copy of which has been filed.