

THE CORPORATION OF THE TOWNSHIP OF STRONG
BY - LAW #96-1352
BEING a By-law to Control Noise

WHEREAS it is deemed expedient to exercise the power conferred upon the Council of the Corporation of the Township of Strong by the Environmental Protection Act, R. S. O. 1990, Chapter 19, Section 178 1(a), as amended, 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 sounds or vibrations which may degrade the quality and tranquillity of their life or cause nuisance; and

WHEREAS it is the policy of the Council of the Corporation of the Township of Strong to reduce and control such sound and vibration.

NOW THEREFORE the Council of the Corporation of the Township of Strong hereby enacts as follows:

Interpretation - Definitions

1. "Council" means the Council of the Municipal Corporation of the Township of Strong;
2. "Minister" means the Minister of the Environment and Energy
3. "Ministry" means the Ministry of the Environment and Energy
4. "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 (agriculture) or road building machine within the meaning of the Highway Traffic Act;
5. "Municipality" means the land within the geographic limit of the Municipal Corporation of the Township of Strong;
6. "Noise" means unwanted sound;
7. "Point of Reception" means any point on the premises of a person where sound or vibration originating from other than those premises is received;
8. "Residential Area" means those areas of the Municipality identified in the Zoning By-law to be "Rural Residential" "Shoreline Residential".

Prohibited by Time and Place

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. The operation in any residential area between 11 pm in the evening and 8 am in the morning, of a combustion engine which is, or is used in, or is intended for use in a toy or model or replica that has no function other than amusement and which is not a conveyance.
2. The operation in the municipality between 11 pm in the evening and 8 am in the morning, 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.

3. The operation in the municipality between 11 pm in the evening and 8 am in the morning of any auditory signally device, including but not limited to the ringing of bells or gongs and 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.
4. The operation in any residential area between 11 pm in the evening and 8 am in the morning 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:
 - (a) 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 (b) 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 (c) prevailing low temperatures make longer idling periods necessary immediately after starting the motor or engine.
5. Persistent barking, calling or whining or other similar persistent noise-making in the Municipality between 11 pm in the evening and 8 am in the morning by any domestic pet or other animal kept or used for any purpose other than agriculture.
6. The operation or use in the municipality between 11 pm in the evening and 8 am in the morning of any tool for domestic purposes other than snow removal.

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:

1. for the immediate health, safety or welfare of the inhabitants or any of them; or
2. 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.

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.

Penalty

Every person who contravenes any of the provisions of this by-law is guilty of an offence and shall upon conviction thereof, forfeit and pay a penalty of not more than \$5000 for a first offence and subsequent offences, exclusive of costs, and every such fine is recoverable under the Provincial Offences Act.

READ A FIRST AND SECOND TIME THIS 24th Day of September 1996

READ A THIRD TIME AND FINALLY PASSED ON A MOTION BY LAWRENCE ERVEN

AND SECONDED BY MERLYN SNOW THIS 26TH DAY OF NOVEMBER 1996

John MacLachlan
John MacLachlan, Reeve

Diana Georgie
Diana Georgie, Clerk

CERTIFIED to be a true
copy of by-law #96 - 1352
enacted in open council
this 26th day of November 1996

Diana Georgie