

**THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS
BY-LAW NO. 00-59**

A By-law to Control Noise

WHEREAS the Council of a municipality is empowered under the Environmental Protection Act, R.S.O. 1990. c.E.19, as amended, to pass by-laws, subject to the approval of the Minister of the Environment, for regulating or prohibiting the emissions of sounds or vibrations;

AND WHEREAS it is the policy of the Council of the Township of Lake of Bays to reduce and control unusual or unnecessary sounds or vibrations which may degrade the quality and tranquillity of the lives of the inhabitants of the Township of Lake of Bays;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS ENACTS AS FOLLOWS:

1. INTERPRETATION

In this by-law,

(a) By-law Enforcement Officer

“By-law Enforcement Officer” means the By-law Enforcement Officer, or Deputy By-law Enforcement Officer, as appointed by the Council of the Township of Lake of Bays;

(b) Construction

“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

“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) Council

“Council” means the Council of the Corporation of the Township of Lake of Bays;

(e) Highway

“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;

(f) Minister

“Minister” means Minister of the Environment;

(g) Ministry

“Ministry” means the Ministry of the Environment;

(h) Motor Vehicle

“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 or road-building machine within the meaning of the Highway Traffic Act;

(i) Motorized Conveyance

“motorized conveyance” means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power;

(j) Noise

“noise” means unwanted sound;

(k) Point of Reception

“point of reception” means any point on the premises of a person where sound or vibration originating from other than those premises is received;

(l) Public Park

“public park” means any open space or recreational area, owned or controlled by the Township or any board, commission or other authority established under any statute of the Province of Ontario and may include one or more athletic fields, field houses, community centres, bleachers, swimming pools, bandstands, skating rinks, tennis courts, bowling greens, boat liveries, bathing stations, curling rinks, refreshment rooms, fair grounds, arenas or similar uses;

(m) Township

“Township” means the Corporation of the Township of Lake of Bays and or the land within the geographic limits of the Corporation of the Township of Lake of Bays, depending on the context;

(n) Zone 1

“Zone 1” means the area encompassing the Communities of Hillside, Dwight, Dorset and Baysville, as designated in the Township Comprehensive Zoning By-law and shown on Appendices “A-1” to “A-4”;

(o) Zone 2

“Zone 2” means those parts of the Township not within Zones 1 and 3, as shown on Appendices “A-5” to “A-14”;

(p) Zone 3

“Zone 3” means those areas which are not within Zone 1 and which are designated as Rural – RU in the Township Comprehensive Zoning By-law, as shown on Appendices “A-5” to “A-14”.

2. ADMINISTRATION

The By-law Enforcement Officer or Deputy By-law Enforcement Officer for the Township shall be responsible for the administration and enforcement of this by-law.

3. GENERAL PROHIBITIONS

No person shall emit or cause or permit the emission of sound resulting from an act listed in Schedule 1 – General Prohibitions, and which sound is clearly audible at a point of reception.

4. PROHIBITION BY TIME AND PLACE

No person shall emit or cause or permit the emission of a sound resulting from any act listed in Schedule 2 - Prohibitions by Time and Place, if clearly audible at a point of reception located in an area of the municipality specified in Schedule 2 within a prohibited time shown for such an area.

5. PUBLIC SAFETY EXEMPTION

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:

- (a) for the immediate health, safety or welfare of the inhabitants or any of them; or,
- (b) 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.

6. EXCEPTION OF CERTAIN ACTIVITIES

The provisions of Sections 3 and 4 do not apply to the emission of sounds or vibrations made by persons in connection with the following:

- (a) The use in a reasonable manner of an apparatus or mechanism for the amplification of the human voice or of music in a public park or recreational area under the control and management of the Township in connection with any public election meeting, public celebration or other lawful gathering, provided that written permission of Council to hold such meeting, celebration, or gathering has been first obtained under any applicable by-law of the Township.
- (b) Any band or parade, provided that written permission of Council to operate such band or hold such parade has been first obtained under any applicable by-law of the Township.

7. GRANT OF EXEMPTION BY COUNCIL

Application to Council

- (a) Council may, by resolution upon receipt of a written application, grant an exemption to the provision of Sections 3 and 4 of this by-law to any person, with respect to any source of sound or vibration for which that person might be prosecuted for such period of time and subject to such terms and conditions as Council deems advisable and Council may refuse to grant any exemption or may grant an exemption of lesser effect than applied for and any exemption granted shall specify the time period, not in excess of six months, during which it is effective.

Details of Application for Exemption

- (b) An application mentioned in subsection (a) shall be made in writing, accompanied by the application fee as set out in the Township Departmental User Fee By-law, and shall contain:
- (i) the name and address of the applicant,
 - (ii) a description of the source of sound or vibration in respect of which exemption is sought,
 - (iii) a statement of the particular provision or provisions of the by-law from which exemption is sought,
 - (iv) the period of time, of a duration not in excess of six months, for which the exemption is sought,
 - (v) the reasons why the exemption should be granted,
 - (vi) a statement of the steps, if any, planned or presently being taken to bring about compliance with the by-law, and
 - (vii) proof of publication within the preceding ten days, in a newspaper of general circulation within the Township, of a notice of intention to apply for an exemption to this by-law, containing the information required by clauses (i) through (v) hereof, and further stating the date upon which it is intended that application will be made to Council.

By-law Enforcement Officer

- (c) A copy of the application for exemption shall be delivered to the By-law Enforcement Officer who shall prepare a report to Council, which report shall contain the Officer's opinion on the merits of the application and recommendations as to terms and conditions, if any.

Decision

- (d) In deciding whether to grant the exemption, Council shall consider the application, the report of By-law Enforcement Officer and any written submission then received by Council and shall give the applicant and any person in support of or opposed to the application an opportunity to be heard and may consider such other matters as it

sees fit.

Breach

- (e) A breach by the applicant of any of the terms and conditions imposed by Council in granting an exemption shall immediately render the exemption null and void.

8. 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.

9. PENALTY

Every person who contravenes any provision of this by-law is guilty of an offence, and on conviction is liable to a fine provided for in the Provincial Offences Act.

10. APPROVAL OF BY-LAW

This by-law shall not come into force and effect until approved by the Minister of the Environment.

11. REPEAL OF BY-LAWS

By-law No. 99-49 is hereby repealed.

12. ENFORCEMENT

Nothing herein shall be deemed to limit the ability of the Ontario Provincial Police to enforce this by-law at any time.

READ a FIRST, SECOND TIME and THIRD TIME and finally passed this 9th day of May, 2000.

"T.C. Pinckard"
Mayor

"Norma I. Bryant"
Clerk

This By-law is approved pursuant to the provisions of the Environmental Protection Act, 1990, as amended, at Toronto, this 30th day of August, 2000.

"Dan Newman"
Minister of the Environment

SCHEDULE 1

General Prohibitions

1. 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 in Zone 1 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) 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, lift platforms and refuse compactors; or,
 - (c) 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 or animals or the preservation of perishable cargo; or,
 - (d) prevailing low temperatures make longer idling periods necessary, immediately after starting the motor or engine; or,
 - (e) 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 other than for profit.
2. The racing of any motorized conveyance other than in a racing event regulated by law.
3. The operation of a motor vehicle in such a way that the tires squeal.
4. The operation of a motor vehicle horn or other warning device except where required or authorized by law or in accordance with good safety practices.
5. The operation of any item of construction equipment in any Zone without effective muffling devices in good working order and in constant operation.
6. 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.
7. 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.

SCHEDULE 2Prohibitions by Time and Place

	<u>Prohibited Period of Time</u>		
	<u>Zone 1</u>	<u>Zone 2</u>	<u>Zone 3</u>
1. The 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 by electronic means except where required or authorized by law or in accordance with good safety practices.	B	B	B
2. The operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electromechanical transducers, and intended for the production, reproduction or amplification of sound.	B	B	B
3. All selling or advertising by shouting or outcry or amplified sound.	C	C	C
4. Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, products, materials, or refuse, whatsoever, unless necessary for the maintenance of essential services or the moving of private household effects.	D	D	-
5. The operation of any construction equipment in connection with construction.	D	D	D
6. The detonation of explosive devices not used in construction.	A	A	A
7. The discharge of firearms.	E	E	-
8. The operation of a combustion engine which, (i) Is, (ii) Is used in, or (iii) Is intended for use in A toy or model or replica of a larger device, which model or replica has no functions other than amusement and which is not a conveyance.	D	D	D
9. The operation of any powered rail car including but not limited to refrigeration cars, locomotive, or self-propelled passenger cars, while stationary on property not owned or controlled by a railway governed by the Canada Railway Act.	C	C	-
10. The operation of any motorized conveyance other than on a highway or on a snowmobile trail maintained by a member club of the Muskoka Snowmobile region.	B	B	-
11. The venting, release or pressure relief of air, steam or other gaseous material, product or compound from any auto-clave, boiler, pressure vessel, pipe, valve, machine, device or system.	D	D	-
12. The operation of any powered or non-powered tool for domestic purposes other than snow removal.	C	C	-
13. The operation of solid waste bulk lift or refuse compacting equipment, or delivery equipment hoist.	E	E	-
14. The operation of a commercial car wash with air drying equipment.	C	C	-
15. Yelling, shouting, hooting, whistling or singing.	D	D	D

SCHEDULE 2 cont'd

	<u>Prohibited Period of Time</u>		
	Zone 1	Zone 2	Zone 3
16. The operation of a power assisted hang glider or parafoil.	C	C	-
17. The operation of a commercial car wash of a type other than mentioned in Item 14.	C	C	-

Prohibited Periods of Time

A – At all times

B – 2300 one day to 0700 next day
(11:00 p.m. to 7:00 a.m.)

C – 2100 one day to 0700 next day
(9:00 p.m. to 7:00 a.m.)

D- 2100 one day to 0700 next day (1200 Sundays)
(9:00 p.m. to 7:00 a.m./12 noon on Sundays)

E – 1900 one day to 0700 next day
(7:00 p.m. to 7:00 a.m.)