

THE CORPORATION OF THE  
TOWN OF ARNPRIOR

BY-LAW NO. 5974-11



BY-LAW NO. 5974-11, BEING A BYLAW TO REPLACE NOISE BY-LAW 3127-79 AND ANY AMENDMENTS THERETO, ATTACHED HERETO AS SCHEDULE A WHICH REFLECTS THE FOLLOWING AMENDMENTS:


1. **A table of contents has been added**
2. **Section 1. Interpretation**
  - **'Construction'**: the words "the manufacturing of material used for highway construction" have been added.
  - **'Construction Equipment'**: the words "motorized conveyance" have been added.
3. **Section 2.2**


The wording for this section has been replaced with, "The Revving of a motor vehicle engine or the squealing of tires as a result of the operation of a motor vehicle."
4. **Section 2.3**

The wording for this section has been replaced with, "The operation of any engine or device with improper exhaust or muffler system".
5. **Table 3-1**
  - Item 7: The wording "activity or" has been added; and
  - Item 8 has been added with the wording, "The use of engine air brakes or 'jack' brakes" has been added as prohibited sound at all times in the Quiet Zone and Residential Zone.
6. **Section 8. Penalty**

The wording has been revised to indicate that fines would be pursuant to the *Provincial Offences Act*.
7. **Formatting and grammatical changes have been made throughout the by-law.**

ENACTED AND PASSED IN OPEN COUNCIL this 13<sup>th</sup> day of June, 2011.

  
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TED STRIKE, Deputy Mayor

  
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MAUREEN SPRATT, Deputy Clerk

**THE CORPORATION OF  
THE TOWN OF ARNPRIOR  
NOISE CONTROL BY-LAW NO. 5974-11**



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A BY-LAW OF THE CORPORATION OF THE TOWN OF ARNPRIOR TO CONTROL NOISE

**WHEREAS** it is expedient to exercise the power conferred upon the Council by The Environmental Protection Act, 1971, 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 sound or vibration which may degrade the quality and tranquility of their life or cause nuisance, and

**WHEREAS** it is the policy of the Council to reduce and control such sound or vibration;

**NOW THEREFORE**, the Council of the Corporation of the Town of Arnprior enacts as follow:

**1. Interpretation**

(1) In this By-Law,

- (a) '**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, the manufacturing of material used for highway construction, 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;
- (b) '**Construction Equipment**' means any equipment, device or motorized conveyance designed and intended for use in construction or material handling, including but not limited to, air compressors, pile drives, 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 material handling equipment;
- (c) '**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;
- (d) '**Council**' means the Council of the Corporation of the Town of Arnprior;

- (e) **'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'** means the Minister of the Environment;
- (g) **'Ministry'** means the Ministry of the Environment;
- (h) **'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'** means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power;
- (j) **'Municipality'** means the land within the geographic limit of the Town of Arnprior;
- (k) **'Noise'** means unwanted sound;
- (l) **'Point of Reception'** means any point on the premises of a person where sound or vibration originating from other than those premises is received.
- (m) **'Residential Area'** means those areas of the Municipality specified as follows:
  - those areas of the municipality zones for residential use in any by-law in force from time to time passes pursuant to Section 35 of The Planning Act, R.S.O. 1970, Chapter 349, or any predecessor or successor of that Section;
- (n) **'Quiet Zone'** means the area and block municipally known as the Arnprior and District Memorial Hospital.

## 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:

- 2.1 Racing of any motorized conveyance other than in a racing event regulated by law.
- 2.2 The Revving of a motor vehicle engine or the squealing of tires as a result of the operation of a motor vehicle.
- 2.3 The operation of any engine or device with improper exhaust or muffler system.
- 2.4 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.

**3. Prohibitions by Time and Place**

No person shall emit, 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 an area of the municipality within a prohibited time shown for such an area.

**TABLE 3-1: PROHIBITIONS BY TIME AND PLACE**

	Quiet Zone	Residential Area
1. The operation of any electronic devices or group of connected electronic devices incorporating one or more loud speakers or other electromechanically transducers, and intended for the production, reproduction or amplification of sound.	At All Times	'C'
2. 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, reproduction or amplification of any similar sounds by electronic means except where required or authorized by law or in accordance with good safety practices.	At All Time	'D' & 'C'
3. Persistent barking, calling or whining or other similar persistent noise made by any domestic pet or any other animal kept or used for any purpose other than agriculture.	At All Time	At All Time
4. Yelling, shouting, hooting, whistling or singing.	At All Time	'E'
5. All selling or advertising by shouting or outcry or amplified sound.	At All Time	'D' & 'E'
6. 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' & 'E'	'D' & 'E'
7. The operation of any activity or equipment in connection with construction.	'D' & 'E'	'D' & 'E'
8. The use of engine air brakes or 'jack' brakes	At All Times	At All Time

**4. Prohibited Periods of Time:**

- A – 2300 one day to 0700 next day (0900 Sundays)
- B – 2100 one day to 0700 next day (0900 Sundays)
- C – 2100 one day to 0700 next day (0900 Sundays)
- D – All day Sundays and Statutory Holidays
- E – 2100 one day to 0700 next day.

**5. EXEMPTION: 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:

- (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. GRANT OF EXEMPTION BY COUNCIL**

**5.1 Application to Council**

Notwithstanding anything contained in this by-law, any person may make application to Council to be granted an exemption for 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.

**5.2 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.

**5.3 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.

**7. EXEMPTION OF TRADITIONAL, FESTIVE OR RELIGIOUS ACTIVITIES**

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 sound or vibration in connection with any of the listed traditional, festive, religious and other activities:

- (1) The use of bells or chimes normally associated with church activities.
- (2) Parades authorized by the Town of Arnprior.
- (3) Fireworks displays authorized by the Town of Arnprior.
- (4) All activities associated with the Arnprior Fair.
- (5) Sporting, recreational and entertainment events in public parks or municipal buildings.
- (6) Musical and other performances in public parks, municipal buildings, or place of worship.
- (7) Special neighborhood social activities on streets or other public land authorized by the Town of Arnprior.

**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 of the provisions of this by-law is guilty of an offence and shall, upon conviction thereof, is liable to a fine as provided for in the Provincial Offences Act. RSO 1990 as amended.

This by-law shall come into full force and take effect upon the passing thereof.

BE IT FURTHER ENACTED, that all By-laws, or parts thereof, and all or any Resolutions Council contrary thereto, or inconsistent herewith, be and the same are hereby repealed.

ENACTED and PASSED in Open Council this 13<sup>th</sup> day of June, 2011.

  
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 DEPUTY MAYOR

  
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 DEPUTY CLERK

This By-law is approved pursuant to the provisions of The Environmental Protection Act, 1971, as amended.