THE CORPORATION OF THE
TOWN OF ARNPRIOR

By-Law No. 3127-79

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 unusal, 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
'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;

(b) 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 material handling equipment;

(c) Conveyance
'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
'council' means the Council of the Corporation of the Town of Arnprior;

(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 the 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) Municipality
'municipality' means the land within the geographic limit of the Town of Arnprior;

(k) Noise
'noise' means unwanted sound;

(l) 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.

(2) Zones
In this By-Law

(a) Residential Area
'residential area' means those areas of the Municipality specified as follows:
- those areas of the municipality zoned for residential use in any by-law in force from time to time passed pursuant to Section 35 of The Planning Act, R.S.O. 1970, Chapter 349, or any predecessor or successor of that Section;

(b) Quiet Zone
'quiet zone' means those areas of the municipality specified in Schedule "A", attached hereto.

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:

1. Racing of any motorized conveyance other than in a racing event regulated by law.

2. The operation of a motor vehicle in such a way that the tires squeal.

3. 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.

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 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 an area of the municipality within a prohibited time shown for such an area.

TABLE 3-1
PROHIBITIONS BY TIME AND PLACE

	Prohibited Period of Time	
	Quiet Zone	Residential Area
1. The Operation of any electronic device or group of connected electronic devices incorporating one or more loud speakers or other electromechanical transducers, and intended for the production, reproduction or amplification of sound.	At All Time	'C'
2. 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.	At All Time	'D' & 'E'

6. EXEMPTION OF TRADITIONAL, FESTIVE OR RELIGIOUS ACTIVITIES

Nothwithstanding 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 neighbourhood social activities on streets or other public land authorized by the Town of Arnprior.

7. 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.

8. 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 less than $25.00 and not more than $1,000.00, exclusive of costs and every such fine is recoverable under the Provincial Offences Act.

Read a first time this 10th day of DECEMBER, 1979.

Read a second time this 12th day of May, 1980.

Read a third time and finally passed this 12th day of May, 1980.

Mayor

Clerk

I hereby certify the foregoing to be a complete and true copy of By-law Number 31-27-79

Clerk

This By-law is approved pursuant to the provisions of The Environmental Protection Act, 1971, as amended, at Toronto, this day of 1980.

MINISTER OF THE ENVIRONMENT

TABLE 3-1 (con't)

	Quite Zone	Residential
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 maintenace of essential services or the moving of private household effects.	'D' & 'E'	'D' & 'E'
7. The operation of any equipment in connection with construction	'D' & 'E'	'D' & 'E'

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.

4. 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.

5. GRANT OF EXEMPTION BY COUNCIL

(1) Application to Council

Notwithstanding anything contained in this by-law, any person may make 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.

(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.

(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.