

**THE CORPORATION OF THE TOWNSHIP OF SOUTHGATE**

**BY-LAW NO. 2019-072**

**Being a By-law to Prohibit and Regulate Noise within  
the Township of Southgate**

**Whereas** Section 129 of the Municipal Act, 2001 (the "Act") authorizes councils of local municipalities to pass by-laws to prohibit and regulate with respect to noise; and

**Whereas** it is in the public interest to reduce the noise level in the Township of Southgate, so as to preserve, protect and promote public health, safety, welfare and peace and quiet of the inhabitants of the Township,

**Now therefore be it resolved that** the Council of the Corporation of the Township of Southgate enacts as follows:

**Definitions**

1. In this by-law;

- a) **"Agricultural Operation"** means an agricultural, aquacultural, horticultural or silvicultural operation that is operated as business;
- b) **"Agricultural Processing"** includes sawing, cleaning, treating, grading, storing, drying, packaging, etc. to the extent that these activities relate to agricultural commodities and products primarily from and are conducted as a part of agricultural operation;
- c) **"By-law Enforcement Officer"** means a person appointed by the Council of the Township of Southgate as a Municipal Law Enforcement Officer to enforce the provisions of this by-law;
- d) **"Car Alarm"** means any audible device installed in any form of vehicle for the purposes of deterring theft of, or from, the vehicle;
- e) **"Community Emergency"** means significant weather event or disturbance situation that has caused damage or change in normal living conditions in a community in which a government is empowered to react and perform actions that it would normally not be permitted to do so to protect and restore a community;
- f) **"Construction"** includes erection, alteration, repair, dismantling, demolition, structural maintenance, land clearing, earth moving, grading, excavating, the laying of pipe and conduit whether above or below ground level, street and highway building, application of concrete, 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;
- g) **"Construction Equipment"** means any equipment or device designed and intended for use in construction, or material handling, including but not limited to, hand tools, power tools, 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;

- h) "Construction Vehicle"** means any licensed truck or tractor and trailer truck combination permitted to be driven on the highways that is used for hauling materials for construction purposes;
- i) "Containerized Waste"** means waste materials deposited in a front-end loading container or waste bin for disposal and collection;
- j) "dB(A)"** means the sound level in decibels obtained when using a sound level meter with the A-weighting which meets the International Electrotechnical Commission Publication 651 or the American National Standards Institute S1.4-1983 or any successor thereto;
- k) "Effective Muffler"** means a muffler in good working order and in constant operation to prevent excessive or unusual noise and excessive smoke, but it does not include a cut-out muffler, straight exhaust, gutted muffler, hollywood muffler, by-pass or similar devices;
- l) "Equivalent Sound Level"**, sometimes denoted as  $L_{eq}$ , means the value of the constant sound level which would result in exposure to the same total A-weighted energy as would the specified time-varying sound, if the constant sound level persisted over an equal time interval and is measured in dB(A);
- m) "Highway"** means a common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of the highway;
- n) "Infill Housing"** means a development that occurs on a single lot, or a consolidated number of small lots or sites that are vacant or underdeveloped;
- o) "Motor Assisted Bicycle"** means a bicycle,
  - i.** that is fitted with pedals that are operable at all times to propel the bicycle
  - ii.** that weighs not more than fifty-five (55) kilograms;
  - iii.** that has no hand or foot operated clutch or gearbox driven by the motor and transferring power to the driven wheel;
  - iv.** that has an attached motor driven by electricity or having a piston displacement of not more than fifty (50) cubic centimetres; and
  - v.** that does not have sufficient power to enable the bicycle to attain a speed greater than fifty (50) kilometres per hour on level ground within a distance of two (2) kilometres from a standing start;
- p) "Motorcycle"** means a self-propelled vehicle having a seat or saddle for the use of the driver and designed to travel on not more than three (3) wheels in contact with the ground, and includes a motor scooter and dirt bike, but does not include a motor assisted bicycle;

- q) **"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 a streetcar or other motor vehicles running only upon rails, or a motorized snow vehicle, ATV, snowmobile, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the *Highway Traffic Act*;
- r) **"Municipal Construction Project"** means a significant construction project undertaken by the Township or on behalf of the Township which involves or affects municipal highways, municipal property or other property, or municipal services, and from which noise will be created that requires an exemption from the provisions of this by-law;
- s) **"Municipal Waste Collection"** means the collection, transportation and disposal of refuse as undertaken by the Township of Southgate;
- t) **"Person"** includes an individual, a corporation, a partnership, an association, or other legal entity;
- u) **"Point of Reception"** means any point on the premises of a person where sound or vibration originating from other than those premises are received;
- v) **"Recreation Motor Vehicle"** means a Motor Vehicle, Motorcycle, Motor Assisted Bicycle and Vehicle as defined in his by-law and not limited to those defined or prohibited in the Highway Traffic Act;
- w) **"Refuse Compacting Equipment"** means a vehicle fitted in order to compact and transport refuse;
- x) **"Solid Waste Bulk Lift Equipment"** means a vehicle designed to load, unload and transport containers for handling refuse;
- y) **"Sound Amplifying System"** means any system of loudspeakers, amplifiers, microphones or reproducers or any combination of such equipment, including electronic devices or electro-mechanical transducers, used in the reproduction or amplification of music, speech or other sounds;
- z) **"Sound Engineer"** means a person with appropriate test equipment and training in the measurement of sound levels in dB(A) known as decibels obtained when using a sound level meter with the A-weighting;
- aa) **"Sound Reproduction Device"** means a device intended primarily for the production or reproduction of sound, including, but not limited to, any musical instrument, radio receiver, television receiver, tape recorder, cellular device, phonograph or sound amplifying system;
- bb) **"Special Event"** includes a demonstration, parade, sports event, festival, carnival, donation station, street dance, residential block party, sidewalk sale, outdoor mass and other like events;
- cc) **"Vehicle"** includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, motorcycle, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle, ATV or the cars of electric or steam railways running only upon rails.

## Noise Exemptions

2. No Person shall make, cause or permit noise at any time which is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of reasonable persons being residents of the Township of Southgate, provided that noise from the following are exempted from this prohibition:
  - (a) The ringing of bells in connection with any church, chapel, meeting house, or religious service;
  - (b) Emergency vehicles;
  - (c) All Municipal Equipment and equipment operated by agents of the municipality, including those used for snow clearing operations;
  - (d) All agricultural equipment engaged in farming;
  - (e) All animals on Agricultural Operations or rural farm land, including working animals for the purposes of protection and herding, but excluding pets;
  - (f) The use of any apparatus for the amplification of voice or music in an open space or public park in connection with a public celebration or any other reasonable legal gathering authorized by permission from the Township;
  - (g) the use of Sound Reproduction Devices in a reasonable manner for parades or special events carried on under the authority of a permit pursuant or in accordance with the law;
  - (h) The discharge of Fire Works on public property without a Fireworks Permit approved in writing by the Southgate Fire Chief is subject to a fine.
  - (i) Any military band or other band or any parade for which the person responsible for or in charge of has obtained a noise exemption permission from the Township;
  - (j) the use of Sound Reproduction Devices in a reasonable manner for any social, recreational, community or athletic activity approved on a highway pursuant to the provisions of the Township's Parking By-law, as amended, or any successor thereto; or
  - (k) the use of musical instruments by street musicians on the highway or other public place, provided that the use is not liable to disturb the peace, enjoyment and comfort or convenience of individuals or the public;
  - (l) the ringing of fire bells or fire alarms or the making of any other noise for the purpose of giving notice of fire or any other danger or any unlawful act, other than a Car Alarm, for a continuous period of time of twenty (20) minutes or less; or
  - (m) the sounding of a Car Alarm for a continuous period of time of five (5) minutes or less.

### **Other General Noise Exemptions**

3. The provisions of this by-law shall not apply to the Township or any local board thereof, the Province of Ontario, the Government of Canada or any of their agents when the emission of sound is in connection with work undertaken for the immediate health, safety or welfare of the inhabitants of the Township.
4. The provisions of this by-law shall not apply to preclude musicians or performers providing outdoor entertainment involving sound reproduction devices during Canada Day celebrations.
5. The provisions of this by-law shall not apply to Agricultural Operations and Agricultural Processing activities.
6. The provisions of this by-law shall not apply to snow clearing or snow removal or Community Emergency Response activities.

### **Specific Exemptions**

#### **Specific Exemptions – Municipal Construction Projects**

7. A Municipal Construction Projects subject to the following conditions:
  - a. the exemption is for a Municipal Construction Project, including water main breaks;
  - b. a requirement that during the exemption period, the noise caused by the particular project for which the exemption is allowed does not exceed 85 dB(A) when measured at the Point of Reception; and
  - c. public notification of the particulars of the exemption is provided to affected parties by the Manager of Public Works

#### **Specific Exemptions – Construction Equipment**

8. Construction Equipment is subject to the following conditions:
  - (a) the use of Construction Equipment shall not create noise likely to cause a nuisance or disturb the inhabitants or exceed 85 dB(A) when measured at the Point of Reception; and
  - (b) the use of the Construction Equipment shall not continue for more than hours (12) hours on any one day.

#### **Specific Exemptions – Sound Reproduction Devices used for a Special Community Sanctioned Event**

9. Sound Reproduction Devices used for a Special Event has an exemption for an event that is subject to the following conditions:
  - (a) the event relates to live or recorded music or involves the use of a Sound Amplifying System or Sound Reproduction Device operated in a reasonable manner in the context of the special event;
  - (b) the event shall not create noise likely to cause a nuisance or disturb the inhabitants or exceed 65 dB(A) when measured at the Point of Reception;
  - (c) the event shall not exceed two (2) calendar days in length;

- (d) an event shall not continue beyond 2300 hours on a Friday and Saturday nights, and on those Sundays where the Monday is a Statutory Holiday, or if required after 2300 hours acquire a site and day specific approved noise exemption for an event outside of the times;
  - (e) an event shall not continue beyond 2100 hours on Sunday through Thursday;
  - (f) that the event organizer provide documentation to the By-law Enforcement Officer confirming that notification by newspaper advertisement of the event has been given to communicate the affected parties, including but not limited to community associations, business improvement areas and adjacent residents and businesses.
10. Where the By-law Enforcement Officer requires monitoring of sound levels resulting from the event or activity, the monitoring shall be conducted at the applicant's expense.
11. Section 9 subsection (b) does not apply in respect of an event held by or on behalf of a registered not-for-profit organization or a registered charity, where the event is solely for cultural or religious goals, social welfare, civic improvement, recreation, amateur sport, education, or any other similar community enhancement initiative for any purpose except profit, and where the event is open to the public and no admission is charged.

#### **Specific Exemptions – Fireworks discharging on Private Property**

12. Fireworks may be discharged on private property with the following conditions:
- (a) No Person shall discharge fireworks after 2300 hours and before 0900 on any day; and
  - (b) No Person shall release fireworks that will impact neighbouring properties in a negative manner resulting from the noise, discharge of or shower resulting from fireworks.

#### **Specific Exemptions – Temporary Motor Racing Competitions**

13. The By-law Enforcement Officer is delegated the authority to grant an exemption for motor racing competitions at temporary venues subject to the following conditions:
- (a) the competition does not exceed one (1) days in length;
  - (b) the Motor Vehicles shall be equipped with Effective Mufflers.
14. An application for exemption from the provisions of the Noise By-law for motor racing competition at temporary venues shall be made in writing to the By-law Enforcement Officer at least sixty (60) days prior to the commencement of the competition.
15. The By-law Enforcement Officer may require the applicant to provide documentation confirming that written notification by mailed letter of the motor racing competition at a temporary venue has been given to the affected parties within 1,000 meter, including but not limited to community associations, business improvement areas and adjacent residents and businesses.

16. Where the By-law Enforcement Officer requires monitoring of sound levels resulting from the event or activity, the monitoring shall be conducted at the applicant's expense.

**Prohibited Noise:**

17. No Person shall emit, cause or permit the emission of sound resulting from an act listed below and which sound is clearly audible on the premises of a person where noise originating from other than those premises is received:

- (a) No Person shall operate or use or cause to be operated or used any Sound Reproduction Device between 2300 hours of one day and 0700 hours of the next day so as to disturb the peace and comfort of:
  - i. any Person in any dwelling house, apartment house, hotel or other type of residence; or
  - ii. any owner or operator of a business in his or her place of business.
- (b) Despite subsection (a), no Person shall operate or use or cause to be operated or used any Sound Reproduction Device so as to disturb the peace and comfort of:
  - i. any Person in any dwelling house, apartment house, accommodation facility or other type of residence before 0900 hours on any Saturday; or
  - ii. any Person in any dwelling house, apartment house, hotel or other type of residence before 1200 hours on any Sunday or statutory or public holiday; or
  - iii. any owner or operator of a business in his or her place of business before 0900 hours on any Saturday; or
  - iv. any owner or operator of a business in his or her place of business before 1200 hours on any Sunday or statutory or public holiday.
- (c) No Person shall operate or use or cause to be operated or used any Sound Reproduction Device in any dwelling house, apartment house, hotel or other residence between 0700 hours and 2300 hours of the same day, the noise from which Sound Reproduction Device:
  - i. is clearly audible in another dwelling within the said residence in the opinion of the By-law Enforcement Officer; or
  - ii. as measured to be greater than 45 dB(A) when measured in another dwelling within the said residence by a Sound Engineer at the expense of the owner of the neighbouring dwelling.
- (d) On any Sunday or statutory or public holiday, the provisions of subsection (c) shall not come into effect until after 1200 hours.
- (e) No Person shall operate or use or cause to be operated or used any Sound Reproduction Device on any highway or other public place.

- (f) No Person shall operate or use or cause to be operated or used any Sound Reproduction Device originating from or in connection with the operation of any commercial establishment between 0700 hours and 2300 hours of the same day, where the noise from which Sound Reproduction Device can be heard in any business, dwelling house, apartment house, hotel or any other type of residence:
- i. is clearly audible in another building or dwelling within the said building or dwelling in the opinion of the By-law Enforcement Officer; or
  - ii. as measured to be greater than 45 dB(A) when measured in another neighbouring building or dwelling and within the said building by a Sound Engineer at the expense of the owner of the neighbouring building or dwelling.
- (g) No Person shall operate or cause to be operated or use any Sound Reproduction Device between 0700 hours and 2300 hours of the same day, the noise from which Sound Reproduction Device outside of the business, dwelling house, apartment house, hotel or other residence, at or inside the property line of a neighbouring business owner or personal property whose peace and comfort has been disturbed which is found to be:
- i. excessive in the opinion of the Bylaw Enforcement Officer; or
  - ii. excessive with an Equivalent Sound Level (Leq) greater than 55 dB(A) when measured by a Sound Engineer at the expense of the owner of the disturbed Person.
- (h) The provisions of subsections (f) or (g) shall not apply where circumstances are such that an infraction is covered by subsections (a), (b), (c) or (d) and those subsections shall prevail.
- (i) Assessment of noise complaints may be undertaken at the point of reception of the noise for the purposes of confirming a violation.

#### **Noise Exemptions with Conditions**

##### **Noise Exemptions with Conditions - Air Conditioners, Heat Pumps, Compressors, Condensers, Chillers, Cooling Towers, Environmental Compliance Approvals and Similar Devices**

18. No Person shall use or operate or cause to be used or operated any air conditioner, heat pump, compressor, condenser, chiller, cooling tower or similar device, the noise from which has a level greater than 50 dB(A) when measured at the Point of Reception.

##### **Noise Exemptions with Conditions - Exhaust Fan, Exhaust System, Intake Fan Generators, Commercial Dryer or Similar Device**

19. No Person shall use or operate or cause to be used or operated any exhaust fan, exhaust system, intake fan, generators, dryer in a commercial car wash or similar device which includes combustion exhaust of a high efficiency furnace, the noise from which has a level greater than 50 dB(A) when measured at the Point of Reception.

20. Section 18 does not apply to a person using or operating a portable generator in a residential area in an emergency situation.

**Noise Exemptions with Conditions – Pump or Filtration Systems**

21. No Person shall use or operate or cause to be used or operated any pump, filtration system or similar device for an outdoor swimming pool, hot tub, spa fountain or water feature, the noise from which has a level greater than 50 dB(A) when measured at the Point of Reception.

**Noise Exemptions with Conditions – Power Equipment**

22. No Person shall operate or cause to be operated any power equipment such as chainsaws, power lawnmowers, leaf blowers, power tools or other similar devices, between 2100 hours of one day and 0700 hours of the next day, the noise from which disturbs or tends to disturb the inhabitants of the neighbourhood, or persons in the vicinity.
23. Despite Section 21, no Person shall operate or cause to be operated any power equipment before 0900 hours on any Saturday, Sunday, statutory or public holiday.
24. Sections 21 and 22 do not apply to a person operating power equipment used for the purpose of maintaining a golf course.

**Noise Exemptions with Conditions - Heavy-Duty Equipment**

25. No Person shall use or operate or cause to be used or operated high vacuum (H-Vac) devices, street sweeping equipment or other similar devices between 2300 hours of one day and 0700 hours of the next day, the noise from which disturbs or tends to disturb the inhabitants of the neighbourhood, or persons in the vicinity.
26. Despite Section 24, no Person shall use or operate high vacuum (H- Vac) devices, street sweeping equipment or other similar devices before 0900 on any Sunday or statutory or public holiday.

**Noise Exemptions with Conditions – Refuse Collection**

27. No Person shall cause or permit the operation of:
- (a) Refuse Compacting Equipment; or
  - (b) Solid Waste Bulk Lift Equipment, between 2100 hours of one day and 0700 hours of the next day so as to make or cause noises that disturb, or tend to disturb, the inhabitants of the neighbourhood, or persons in the vicinity.
28. Despite Section 26, no person shall cause or permit the loading or unloading of Containerized Waste before 0900 hours or after 1800 hours on any Sunday or statutory or public holiday.
- (a) The provisions of Sections 26 and 27 shall not apply to Municipal Waste Collection.

### **Noise Exemptions with Conditions - Deliveries**

29. No Person shall cause or permit the delivery of any goods, wares, merchandise or commodities from any vehicle to the owner, lessee, tenant or occupier of any premises between the hours of 2300 hours of one day and 0700 hours of the next day and which delivery disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.
30. These conditions do not apply to Agriculture Operations, Agriculture Processing or Industrial zoned areas.

### **Noise Exemptions with Conditions – Loading and Unloading**

31. No Person shall cause or permit the loading or unloading of any transport truck, moving van or motor vehicle between 2300 hours of one day and 0700 hours of the next day so as to make or cause noises that disturb, or tend to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.
32. These conditions do not apply to Agriculture Operations, Agriculture Processing or Industrial zoned areas.

### **Noise Exemptions with Conditions – General Construction**

33. No Person shall, between 2000 hours of one day and 0700 hours of the next day, operate or cause to be operated any Construction Vehicle or Construction Equipment in connection with the Construction of any building or structure, Highway, motor car, steam boiler or other engine or machine.
34. Despite Section 32, no person shall operate or cause to be operated any Construction Vehicle or Construction Equipment before 0900 hours or after 1800 hours on any Sunday or statutory or public holiday.

### **Noise Exemptions with Conditions – Infill Housing Construction**

35. Section 32 and 33 does not apply to Construction in connection with Infill Housing, and the following subsections shall apply.
36. No Person shall, between 2000 hours of one day and 0700 hours of the next day, operate or cause to be operated any construction vehicle or Construction Equipment in connection with Infill Housing.
37. No Person shall, between 1800 hours of one day and 0900 hours of the next day on any Saturday, Sunday or statutory or public holiday, operate or cause to be operated any Construction Vehicle or Construction Equipment in connection with Infill Housing.

### **Noise Exemptions with Conditions – Unnecessary Motor Vehicle Noise**

38. No Person shall cause or permit unnecessary Motor Vehicle noise such as the sounding of the horn, revving of engine and the squealing of tires of any motor vehicle on any property other than a Highway.

### **Noise Exemptions with Conditions – Mufflers**

39. No Person shall discharge into the open air, on any property other than a highway, the exhaust of any Motor Vehicle except through an Effective Muffler or other device which effectively prevents loud or explosive noises.

### **Noise Exemptions with Conditions – Motor Sports**

40. No Person shall operate or permit the operation of racing competitions between Motor Vehicles on a property other than a Highway within the Township, whether or not an admission fee is charged, unless:
- (a) the competitions are held at an appropriately zoned permanent facility;
  - (b) all motor vehicles are properly equipped with Effective Mufflers; and
  - (c) such competitions are not carried out between 2300 hours of one day and 1200 hours of the next day.

### **Noise Exemptions with Conditions – Recreation Motor Vehicles**

41. No Person shall operate or permit the operation of Recreation Motor Vehicles on private property that causes unnecessary disturbance to neighbouring property owners enjoyment of their property.
42. No Person shall between 1800 hours of one day and 1000 hours of the next day, operate on private property a Recreation Motor Vehicle.
43. No Person shall between 1800 hours of one day and 1200 hours of the next day on any Saturday, Sunday or statutory or public holiday, operate on private property a Recreation Motor Vehicle.
44. No Person shall operate or permit the operation of Recreation Motor Vehicles on a property for more than 1 hour in aggregate in anyone 24 hour period.
45. No Person shall operate or permit the operation of Recreation Motor Vehicles where the noise from which has a level greater than 65 dB(A) when measured at the Point of Reception.

### **Application for Permit**

46. The prohibitions created by Sections 16 shall not apply to a noise if an exemption permission is obtained from the municipality with respect to the noise. An application letter request for a noise exemption permission consideration must be made to the Township of Southgate. The noise exemption permission, if granted will be a Council approved resolution and provided to the requester in writing. The Council of the Township may grant or refuse a noise exemption permission, may discontinue an exemption permission, and may renew or refuse to renew an exemption permission at any time.
47. The application letter request shall be made in writing to the attention of the Township of Southgate Clerk and copied to the By-law Enforcement Officer for consideration and Council recommendation, and shall contain:
- (a) the name and address of the applicant;
  - (b) the name and address of the business represented by the applicant, if applicable;

- (c) address for the location of the event or activity for which the exemption is sought;
- (d) a description of the source of sound for which exemption is sought;
- (e) a statement of the particular provision or provisions of the by-law from which exemption is sought;
- (f) the date, time and period of time, for which the exemption is sought;
- (g) the reasons why the exemption should be granted;
- (h) a statement of the steps, if any, planned or presently being taken to bring about compliance with this by-law; the name of the contact Person or persons who will be supervising the competition;
- (i) payment of the application fee as described on Schedule "A"; and
- (j) any other information, including plans, property zoning, aerial photo of the event/ activity area, required by Council.

48. Every application letter request received for a noise exemption permission consideration by the Township of Southgate will be required to pay an application fee as set out in the Township Southgate Fees and Charges By-law, as amended from time to time. The application fee must accompany the letter request and is set to reflect cost recovery of staff and Council time. Council may consider waiving the application fee, if the applicant can demonstrate a community benefit of the exemption.

49. Council may, by resolution, refuse to grant the permit or may grant the permit applied for or any matter of lesser effect, and any permit granted shall specify the time period during which it is effective and may contain such terms and conditions as Council sees fit. In addition, the Council may require that a professional engineer monitor the sound levels resulting from the event or activity at the applicant's expense and that a report of the finding prepared by the engineer be filed with the Township within ten (10) days of the event or activity.

50. A breach by the applicant of any of the terms or conditions of a permit granted by Council shall render the permit null and void.

### **Enforcement**

51. The provisions of this by-law shall be enforced by an Ontario Provincial Police Officer, the Municipal By-law Enforcement Officer or any person appointed by the Council of the Township of Southgate as a Provincial Offences Officer.

52. The Township of Southgate By-law Enforcement Officer, if required to respond to a complaint(s) during an event/activity and experiences on site noise to be excessive and unacceptable at the property lines of the subject property may immediately fine, revoke, suspend or place conditions on the granted noise exemption permission by Order.

### **Ambient Sound Level Measurement**

53. When a standard sound equivalent level (dB(A)) test cannot be used because ambient noise exceeds the maximum noise limit established for the

activity/event, device, vehicle or equipment to be measured, a differential reading may be used to isolate the level of noise contributed by the device, vehicle or equipment in question as follows:

- (a) a noise level reading shall be taken when the device, Vehicle or equipment is not in operation;
  - (b) a noise level reading shall be taken when the device, Vehicle or equipment is in operation; and
  - (c) where the noise level reading calculated in paragraph (b) exceeds the noise level reading calculated in paragraph (a) by 5 dB(A) or more, a noise violation exists.
54. No Person shall use or operate or cause to be used or operated any device, vehicle or equipment, the noise from which has a level greater than 5 dB(A) above ambient noise levels, provided that the ambient noise levels are greater than the specified maximum level for the activity/event, device, Vehicle or equipment in question.

### **Offences and Penalties**

55. Every Person who contravenes any provision of this by-law is guilty of an offence as provided for in subsection 429(1) of the *Municipal Act, 2001*, and all such offences are designated as continuing offences as provided for in subsection 429(2)(a) of the *Municipal Act, 2001*.
56. A Person who is convicted of an offence under this by-law is liable, for each day or part of a day that the offence continues, to a minimum fine of \$125.00 as set out in the Part I Offences fines included in this By-law and to a maximum fine of \$750.00 per occurrence, and the total of all daily fines for the offence is not limited to \$100,000.00 as provided for in subsection 429(3)2 of the *Municipal Act, 2001*.
57. When a Person has been convicted of an offence under this by-law, the Superior Court of Justice or any court of competent jurisdiction thereafter may, in addition to any penalty imposed on the person convicted, issue an order:
- (a) prohibiting the continuation or repetition of the offence by the person convicted; and
  - (b) requiring the Person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

### **Interpretation**

58. It is declared that if any section, subsection or part or parts thereof be declared by any Court of Law to be bad, illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable, and all parts hereof are declared to be separate and independent and enacted as such.
59. In this by-law, a word interpreted in the singular number has a corresponding meaning when used in the plural.

### **Repeal**

60. By-law No. 25-2006, the Noise By-law, is repealed.

61. This by-law shall rescind all previous or existing noise by-laws of the former municipalities of the Village of Dundalk and the Townships of Egremont and Proton, and of the Township of Southgate.

**Short Title**

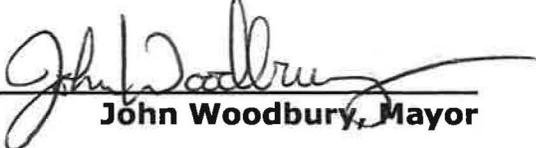
62. This by-law may be referred to as the Noise By-law.

**Effective Date**

63. This by-law shall come into effect on the 15<sup>th</sup> day of May 2019.

Read a first and second time this 15<sup>th</sup> day of May, 2019.

Read a third time & finally passed this 15<sup>th</sup> day of May, 2019.

  
\_\_\_\_\_  
**John Woodbury, Mayor**

  
\_\_\_\_\_  
**Joanne Hyde, Clerk**

[Type here]

[Type here]

[Type here]

**Corporation of the Township of Southgate  
By-law 2019-072  
To Regulate and Prohibit Noise**

**Part 1 Provincial Offences Act  
Short Form Wording**

<b>Item</b>	<b>Column 1 Short Form Wording</b>	<b>Column 2 Provision Creating or Defining Offence</b>	<b>Column 3 Set Fine</b>
1	Noise made by a pet or harboured animal, mammal or bird	2 a	\$125.00
2	Noise from sound producing device when prohibited	2 b	\$125.00
3	Unnecessary or avoidable noise created by any motorized vehicle	2 c	\$125.00
4	Noise caused by construction equipment	2 d	\$125.00
5	Shouting, yelling or any boisterous activity	2 e	\$125.00
6	Discharging of Fireworks creating noise on public property	2 h	\$125.00
7	Discharging of Fireworks creating noise or a disturbance released from a private property	12	\$125.00

**NOTE:**

**The general penalty provision for the offences listed above is Section 8 of By-law 2019-072, a certified copy of which has been filed.**