

I certify this to be a true copy.


Signature

D. Clerk
Title
May 11 2023
Date

THE CORPORATION OF THE
TOWNSHIP OF BLANDFORD-BLENHEIM
BY-LAW NUMBER 2357-2023

BEING A By-law to repeal By-law 2182-2020, and to provide for the regulation of Noise or Vibration within the Township of Blandford-Blenheim.

WHEREAS section 129 of the Municipal Act 2001, amended, permits local municipalities to prohibit and regulate noise and vibration and to require that a permit be obtained for the making of noise or vibration;

AND WHEREAS Section 8, 9, and 11 of the Municipal Act. 2001 permits a municipality to pass By-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6, and 8 of Subsection 11 (2), authorize By-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons;

AND WHEREAS the people of the Township of Blandford-Blenheim have the right to an environment free from unusual, unpleasant, unnecessary or excessive noise or vibration;

AND WHEREAS it is deemed expedient and necessary for Council to exercise the power conferred upon it by the *Municipal Act* and prohibit and regulate noise in the Township of Blandford-Blenheim;

AND WHEREAS Section 291 of the Municipal Act, 2001, S.O. 2001, C.25, provides that a municipality may impose fees or charges on any class of persons for services or activities provided or done by or on behalf of it, and which by-law may provide for interest charges and other penalties, including the payment of collection costs, for fees and charges that are due and unpaid;

NOW THEREFORE, the Council of the Corporation of Township of Blandford-Blenheim enacts as follows:

SECTION 1: INTERPRETATION

For the purpose of this By-Law the following terms shall have the corresponding meaning:

- a) **Council** means the Council of the Township of Blandford-Blenheim;
- b) **Construction equipment** shall include a bulldozer, excavator, trencher, jackhammer, crane, loader, scraper, paver, compactor, roller, grader, concrete mixer and all like equipment;

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- c) **Emergency** means a situation or an impending situation, often dangerous, caused by the forces of nature, an accident, an intentional act or otherwise, which rises suddenly and calls for prompt action;
- d) **Emergency Vehicle** includes a land ambulance, an air ambulance, a fire department vehicle, a police vehicle and a motor vehicle being used to respond to an emergency;
- e) **Firearm** shall mean a barreled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such barreled weapon and anything that can be adapted for use as a firearm; excluding spring and air powered firearms, long or cross bows;
- f) **Industrial Area** means an area designated as industrial in the zoning By-Law of the Township of Blandford-Blenheim, as may be amended from time to time;
- g) **Misuse** shall mean causing unnecessary noise, which includes stationary revving of engines, honking of horns, squealing of tires, excessive idling, and/or operating without an effective exhaust or intake muffling device in good working order and in constant operation that prevents excessive noises that are loud or explosive.
- h) **Noise** means sound that is unusual or excessive and likely to disturb the quiet enjoyment of the inhabitants of the municipality;
- i) **Residential Area** means an area designated as residential in the zoning By-Law of the Township of Blandford-Blenheim, as may be amended from time to time;
- j) **Township** means the Corporation of the Township of Blandford-Blenheim.

SECTION 2: GENERAL PROVISIONS

- a) No person shall make, cause or permit to be made, any noise or vibration, at any time, which is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants of the Township.

SECTION 3: PROHIBITIONS BY TIME AND PLACE

- a) No person shall make, cause or permit to be made those noises or vibrations specifically listed in **Schedule 2** within the prohibited time shown for residential areas if those noises or vibrations are likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants of the Township.

SECTION 4: SPECIFIC PROHIBITIONS

- a) No person shall make, cause or permit to be made, any of the noises or vibrations, at any time, as outlined in **Schedule 1**.

SECTION 5: EXEMPTIONS

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- a) Notwithstanding any other provisions of this By-Law, it shall be lawful in an Emergency to make, cause or permit to be made, any noise or vibration in connection with Emergency measures.
- b) Notwithstanding any other provisions of this By-Law, this By-Law shall not apply to a person who makes, causes or permits to be made, any noise or vibration in connection with;
 - (i) An authorized Emergency Vehicle;
 - (ii) Machines, vehicles or equipment by or on behalf of the Township;
 - (iii) Bells, tones, whistles utilized as traffic control devices including those at traffic signal locations and railway crossings;
 - (iv) Regimental salutes;
 - (v) Snow removal equipment, while in the operation of snow removal;
 - (vi) The bells for any church, chapel, meeting house or religious service;
 - (vii) Parades or events permitted or sanctioned by the Township;
 - (viii) Agriculture operations and agriculture processing operations;
 - (ix) Concrete finishing operations on construction projects when such is duly certified as essential to the project; or,
 - (x) Work undertaken for the immediate health, safety or wellbeing of the inhabitants of the Township;
 - (xi) Normal activities of industry in any "M" Zone, as defined within the Township of Blandford-Blenheim Zoning By-Laws.

SECTION 6: EXEMPTION GRANTED BY PERMIT BY COUNCIL

- a) Notwithstanding any other provision of this By-Law, any person may make an application to Council to be granted an exemption permit from any of the provisions of this By-Law and Council may, by resolution, refuse or grant any exemption. Council may also grant an exemption permit to a greater or lesser extent.
- b) Any exemption granted by Council shall specify the time period during which it is effective and may contain such terms and conditions as Council see fit.
- c) An application for any exemption permit from the provisions of this By-Law shall be made in writing to the Clerk of the Township, or his/her designate, at least 60 days prior to the event for which the exemption is sought and shall include the following:
 - (i) The name and address of the applicant;
 - (ii) The name and address of the organization represented by the applicant, if applicable;
 - (iii) The source of the noise or vibration in respect of which the exemption permit is sought;
 - (iv) The provisions of this By-Law from which the exemption permit is sought;
 - (v) The date and time of commencement of the event for which the exemption permit is sought;

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- (vi) The time of conclusion for each day of the event for which the exemption permit is sought;
 - (vii) The location of the event for which the exemption permit is sought;
 - (viii) The rationale for granting an exemption permit;
 - (ix) The name of the contact person or persons who will be supervising the event;
 - (x) Payment of the permit processing fee in the amount set by Council and in effect at the time of application; and,
 - (xi) Proof of publication within the preceding ten (10) days, in a newspaper of general circulation within the Township, of a notice of intention to apply for an exemption permit under this By-Law, containing the information required by clauses (i) through (x) hereof, and further stating the date upon which it is intended that application will be made to Council.
- d) Any breach of the terms and conditions of the exemption permit granted by Council shall render the exemption permit null and void.

SECTION 7: ENFORCEMENT

- a) The following persons are appointed to enforce this By-Law are, and not limited to, the Ontario Provincial Police, Township By-Law Enforcement Officer, and/or persons appointed by the Municipality.

SECTION 8: OFFENCE AND PENALTIES

- a) Every person who contravenes any provisions of this By-Law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, C.P.33.

SECTION 9: PAYMENT OF FEES

- a) Every person responsible for the payment of any and all fees, costs and fines under this By-Law shall make payment in full upon demand by the Corporation.
- b) The payment of any fees and charges as required under this By-Law does not constitute partial or full payment of any fines imposed by a court of competent jurisdiction for any offence committed under this or any other By-Laws.

SECTION 10: SEVERABILITY

- a) 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 is hereby declared that the remainder of this By-Law shall be valid and remain in full force and effect.

SECTION 11: REPEAL

**The Corporation of the Township of Blandford-Blenheim
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- a) By-Law Number 1314-2000 is hereby repealed.
- b) By-Law Number 1681-2011 is hereby repealed.
- c) By-Law Number 2182-2020 is hereby repealed.

SECTION 12: SHORT TITLE

- a) This By-Law shall be referred to as the "Noise Control" By-Law.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED ON THIS 3rd
DAY OF MAY, 2023.**



MAYOR: Mark Peterson



CAO/CLERK: Rodger Mordue

By-law 2357-2023

NOISE OR VIBRATION BY-LAW

SCHEDULE 1

SPECIFIED PROHIBITIONS

1. The operation of a motor vehicle in such a way that the tires squeal.
2. The operation of any combustion engine, pneumatic device or construction equipment without an effective exhaust or intake-muffling device in good working order and in constant operation.
3. The operation of an engine in, or on, any motor vehicle or item of attached auxiliary equipment for a continuous period exceeding five minutes, anywhere within the geographic area of the Township of Blandford-Blenheim, where the point is in a Residential Area or Industrial Area 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. The operation of such engine or motor is essential to a basic function of the vehicle or equipment including but not limited to, the operation of a ready-mix concrete truck, lift platforms or refuse compactor; or
 - c. Weather conditions justify the use of heating or refrigeration systems powered by the motor of an engine for the safety and the welfare of the operator, passengers or animals, or the preservation of perishable cargo and the vehicle is stationary for the purpose of delivery or loading; 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.
4. The operation of a motor vehicle horn or other warning device except where required or authorized by By-Law or in accordance with good safety practices.
5. The operation of a stereo or other electronic device designed to amplify sound in, or on, a motor vehicle in such a way that the sound can easily be heard outside of the motor vehicle.
6. The permitting of persistent barking, calling or whining of any domestic pet.
7. The detonation of explosives, including the discharge of any gun or other firearm, air gun or spring gun, or any similar device, except:
 - a. By a peace officer in the performance of his or her duty;
 - b. For the purposes of normal farm practices;
 - c. By a licensed hunter as part of a lawful hunt but only when in accordance with regulations made under the Fish and Wildlife Conservation Act, 1997, as amended;
 - d. The discharge of firearms as part of a properly licensed gun club or

shooting range, but only on the following days, and between the following hours: Mondays to Fridays between the hours of 0900 hrs (9:00 am) and 2100 hrs (9:00 pm) and Saturdays between the hours of 1000 hrs (10:00 am) and 1800 hrs (6:00 pm); and,

- e. The discharge of a firearm, shot gun or similar device as part of the practice of trap shooting shall only be permitted for three hours per week and in accordance with Section 7. (d) above.
8. The operation of a radio television, stereo or other electronic device including any amplification device, or any musical or other sound producing instrument, when prohibited.
 9. Yelling, shouting, hooting, whistling, singing or the like.

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NOISE OR VIBRATION BY-LAW

SCHEDULE 2

PROHIBITIONS BY TIME IN RESPONSE AREAS

PROHIBITED BY TIME	PROHIBITED PERIOD OF TIME
1) The discharge of firearms.	At all times.
2) The operation of a radio television, stereo or other electronic device including any amplification device, or any musical or other sound producing instrument in a Residential Area.	2300 hr (11:00 pm) one day until 0700 hr (07:00 am) next day or 0900 hr (09:00 am) on Sundays.
3) The operation of any motorized conveyance other than on a highway or other place intended for its operation.	2100 hr (09:00 pm) one day until 0700 (7:00 am) next day or 0900 hr (09:00 am) on Sundays.
4) Yelling, shouting, hooting, whistling or singing or the like in a Residential Area.	2300 hr (11:00 pm) one day until 0700 hr (07:00 am) next day or 0900 hr (09:00 am) on Sundays.
5) The operation of any tool including a hammer, saw, nail gun, lawnmower, staple gun, hedge trimmer, drill, or the like in a Residential Area. Exemption: Shall not include a snowblower.	2100 hr (9:00 pm) to 0700 hr (7:00 am) to 0900 hr (9:00 am) on Saturdays, Sundays and holidays.
6) The misuse of a dirt bike, all-terrain vehicle, snowmobile, go-cart, dune buggy or like conveyance in a Residential Area.	At all times.
7) The operation of construction equipment in a Residential Area.	1900 hr (7:00 pm) to 0700 hr (7:00 am) to 0900 hr (9:00 am) on Saturdays and at all times on Sundays and holidays.

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8) The operation of gravel or sand pit, stone quarry or stone crushing operation in an Industrial Area.	1900 hr (7:00 pm) to 0700 hr (7:00 am) Monday to Friday 1900 hr (7:00 pm) to 0800 hr (8:00 am) on Saturday 1300 hr (1:00 pm) on Saturday until 0700 hr (7:00 am) on Monday Any holiday.
9) The permitting of persistent barking, calling or whining of any domestic pet in a Residential Area.	At all times.

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NOISE OR VIBRATION BY-LAW: being a By-law to provide for the regulation of Noise or Vibration within the Township of Blandford-Blenheim

SCHEDULE 3

PART I PROVINCIAL OFFENCES ACT

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Short Form Wording and Set Fines

Item	Column 1 Short Form Wording	Column 2 Provisions creating or defining offence	Column 3 Set Fines
1	Causing or permitting noise by squealing tires	s. 4(a), Sch. 1(1)	\$125.00
2	Causing or permitting noise by operating a combustion engine without exhaust in good working order	s. 4 (a), Sch. 1(2)	\$125.00
3	Causing or permitting noise from the idling of a vehicle	s.4 (a), Sch. 1(3)	\$125.00
4	Causing or permitting noise from a vehicle horn or other warning device	s. 4 (a), Sch. 1(4)	\$125.00
5	Causing or permitting noise from a vehicle stereo or other electronic device	s. 4 (a), Sch. 1(5)	\$125.00
6	Permit noise from the persistent barking, calling or whining of any domestic pet.	s. 4 (a), Sch. 1(6)	\$125.00
7	Cause or permit noise from the detonation of explosives, including the discharge of any gun or other firearm, air gun or spring gun, or any similar device.	s. 4 (a), Sch. 1(7)	\$125.00
8	Cause or permit noise from the operation of a radio television, stereo or other electronic device including any amplification device, or any musical or other sound producing instrument, when prohibited.	s.4 (a), Sch. 1(8)	\$125.00
9	Cause or permit noise from the yelling, shouting, hooting, whistling, singing or the like, when prohibited.	s. 4 (a), Sch. 1(9)	\$125.00
11	Cause or permit noise from the operation of any tool including a hammer, saw, nail gun, lawnmower, staple gun, hedge trimmer, drill, or the like, when prohibited.	s. 4 (a), Sch. 2(5)	\$125.00
12	Cause or permit noise from the misuse of a dirt bike, all-terrain vehicle, snowmobile, go-cart, dune buggy or like conveyance, when prohibited.	s. 4 (a), Sch. 2(6)	\$125.00
13	Cause or permit noise from the operation of construction equipment when prohibited.	s. 4 (a), Sch. 2(7)	\$125.00
14	Cause or permit noise from the operation of gravel or sand pit, stone quarry or stone crushing operation when prohibited.	s. 4 (a), Sch. 2(8)	\$125.00

The general penalty provision for the offences listed above is section 8 of By-law 2357-2023, a certified copy of which has been filed.