

**NOT FOR LEGAL USE**

**This is a consolidation of the Town of Wasaga Beach Noise By-Law # 81-7 as amended by By-Laws numbered 89-58, 99-18 and 99-19. Prepared for reference and information only.  
If there are any discrepancies between this Consolidation and By-Laws #81-7, #89-58, #99-18 and #99-19 , the By-Laws shall prevail.**

TOWN OF WASAGA BEACH

BY-LAW NO. 81-7 (consolidated - May 15, 2002)

A BY-LAW 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 and 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 Wasaga Beach enacts as follows:

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 other material handling equipment;

(c) Conveyance

"Conveyance" includes a vehicle and any other device employed to transport a person 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 Wasaga Beach;

(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) 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, farm tractors, self-propelled implement of husbandry or road-building machine within the meaning the Highway Traffic Act;

(g) Motorizes Conveyance

"Motorized Conveyance" means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power;

(h) Municipality

"Municipality" means the land within the geographic limit of the Town of Wasaga Beach;

(i) Noise

"Noise" means unwanted sound;

(j) 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. 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 within the Municipality:

- (a) Racing of any motorized conveyance other than in a racing event regulated by law;
- (b) The operation of a motor vehicle in such a way that the tires squeal;
- (c) 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;
- (d) The operation of a motorized conveyance or a motorized conveyance with a trailer resulting in banging, clanking, squealing or other like sounds, due to improperly secured load or equipment, or inadequate maintenance;
- (e) The operation of any horn or other warning device in or on a motorized conveyance except where required or authorized by law or in accordance with good safety practices;
- (f) The operation of any item of construction equipment without effective muffling devices in good working order and in constant operation;
- (g) The detonation of fireworks or explosives devices not used in construction;
- (i) The operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers and intended for the production, reproduction or amplification of sound;
- (j) Persistent barking, calling or whining or other similar persistent noise making by any domestic pets or any other animal kept or used for any purpose other than agriculture;
- (k) Yelling, shouting, hooting, whistling or singing;
- (l) All selling or advertising by shouting or outcry or amplified sound.

2.1 Prohibitions by Time

[By-Law #99-19]

**No person shall emit or cause or permit the emission of sound resulting from an act listed in Column 1, and which sound is clearly audible at a point of reception within a prohibited period of time shown in Column 2.**

	<u>Column 1</u>	<u>Column 2</u>
(a)	Construction of any type	A & B
(b)	The operation of any item of Construction Equipment	A & C

2.2 **Prohibited Period of Time:**

[By-Law #99-19]

**For the purpose of Section 2.1, Column 2, the following periods of time shall apply:**

- A - 19:00 hours one day to 07:00 hours next day**
- B - 07:00 hours Sundays to 10:00 hours Sundays**
- C - 07:00 hours Sunday to 19:00 hours Sundays**

3. **EXEMPTIONS:**

(1) **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 or 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.

4. **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 of a duration not in excess of six months, during which it is effective, and may contain such items and conditions as Council sees fit.

(2) **Details of Application for Exemption**

The application mentioned in Subsection (1) shall be made in writing, in duplicate, and shall contain:

- (a) the name and address of the applicant;
- (b) a description of the source of sound or vibration in respect of which exemption is sought;
- (c) a statement of the particular provision or provisions of the By-Law from which the exemption is sought;
- (d) the period of time, of a duration not in excess of six months, for which the exemption is sought;
- (e) the reasons why the exemption should be granted;
- (f) a statement of the steps, if any, planned or presently taken to bring about compliance with the By-Law;
- (g) proof of publication within the preceding ten days, in a newspaper of general circulation within the municipality, of a notice of intention to apply for an exemption to this By-Law, containing the information required by Clauses (a) through (f) hereof, and further stating the date upon which it is intended that application be made to Council.

(3) Notice

The Clerk of the Town of Wasaga Beach shall forward one copy of application for exemption to Council after his receipt thereof, and shall notify the applicant and all persons within four hundred feet (120m) of the applicant's property to which the exemption is proposed as to the date on which the exemption is proposed as to the date on which Council will consider the matter.

(4) Decision

In deciding whether to grant the exemption, Council shall consider the application, any oral submissions and any written submissions, and the Council may consider such other matters as it sees fit.

(5) Breach

Breach by the applicant of any of the terms and conditions of the exemption shall render the exemption null and void.

5. EXEMPTION OF TRADITIONAL, FESTIVE OR RELIGIOUS ACTIVITIES:

Notwithstanding any other provisions 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 or other activities as follows:

- (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 recreation area under the control or management of the Town of Wasaga Beach, 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 Corporation of the Town of Wasaga Beach;
- (b) The use in a reasonable manner of authorized fireworks displays on a public park or recreation area under the control of management of the Town of Wasaga Beach in connection with any public celebration or other lawful gathering; provided that written permission of Council to hold such celebration or gathering has been first obtained under any applicable by-law of the Corporation of the Town of Wasaga Beach;
- (c) The use in a reasonable manner, with competent adult supervision, of private fireworks displays on private property on that Monday in May celebrated as "Victoria Day" and on the Fourth of July only;
- (d) 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 Corporation of the Town of Wasaga Beach.

6. SEVERABILITY:

If any 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 constructed 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.

7. PENALTY:

Every person who contravenes any of the provisions of this By-Law is guilty of an offence and shall, upon conviction, shall be liable to a fine of not more than Five Thousand (\$5000.00) Dollars, exclusive of costs, as provided for in the Provincial Offences Act, R.S.O. 1990, Chapter P33, as amended. [By-Law #99-19]

8. BY-LAW NO. 78-41:

By-Law No. 78-41, passed of the 26<sup>th</sup> day of September, 1978, be and is hereby rescinded.

Read a first and second time this 13<sup>th</sup> day of January, 1981 Ronald Raynor Walter Borthwick  
Clerk Mayor

Read a third time and finally Ronald Raynor Walter Borthwick  
passed this 10<sup>th</sup> day of February 1981. Clerk Mayor

This By-Law is approved, pursuant to the provisions of  
The Environmental Act, 1971, as amended, at Toronto,  
This 30<sup>th</sup> day of November, 1981.

"signed"  
Minister of the Environment

This By-Law [By-Law #99-19] is approved pursuant to  
the provisions of the ENVIRONMENTAL PROTECTION  
ACT, R.S.O. 1990, C. E19, as amended, at Toronto,  
this the 28<sup>th</sup> day of April 1999.

"signed"  
Minister of the Environment