

THE CORPORATION OF THE CITY OF PICKERING

BY-LAW NO.6834/08

A by-law to prohibit and regulate noise

WHEREAS section 129 of the *Municipal Act, 2001* provides that a local municipality may prohibit and regulate noise.

NOW THEREFORE BE IT RESOLVED THAT the Council of The Corporation of the City of Pickering enacts as follows:

PART I - INTERPRETATION

Definitions

1. In this by-law,

“City” means The Corporation of the City of Pickering or the geographical area of the City, as the context requires;

“City Clerk” means the Clerk of the City or a designate;

“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;

“construction equipment” means any equipment, tool or device designed or capable of use in construction or material handling, including pile drivers, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers and graders;

“highway” has the same meaning as in subsection 1(1) of the *Highway Traffic Act* and includes unopened and unassumed road allowances;

“motor vehicle” has the same meaning as in subsection 1(1) of the *Highway Traffic Act* and includes a motorized snow vehicle;

“parks area” means any land owned or operated by the City or the Toronto Region Conservation Authority for park or recreational purposes;

“person” includes a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;

“point of reception” means any geographic location at which noise can be heard other than the premises from which the noise originates;

“special event” includes a demonstration, parade, sports event, festival, carnival and other similar events; and

“statutory holiday” means any day designated as a holiday in the *Retail Business Holidays Act*.

References

2. In this by-law, reference to any Act or by-law is reference to that Act or by-law as it is amended or re-enacted from time to time.
3. Unless otherwise specified, references in this by-law to sections and Schedules are to sections and Schedules in this by-law.

Word Usage

4. This by-law shall be read with all changes in gender or number as the context may require.
5. A grammatical variation of a word or expression defined has a corresponding meaning.

Schedules

6. The following Schedules are attached to and form part of this by-law:

Schedule 1 – PROHIBITED ACTIVITIES

Schedule 2 – ACTIVITIES PROHIBITED BY TIME

Schedule 3 – EXEMPTED ACTIVITIES

Severability

7. Each section of this by-law is an independent section, and the holding of any section or part of any section of this by-law to be void or ineffective for any reason shall not be deemed to affect the validity of any other section or parts of sections of this by-law.

PART II – REGULATIONS

General Prohibitions

8. No person shall cause or permit the emission of any noise resulting from any of the activities listed in Schedule 1 if the noise is audible at a point of reception.

Restrictions by Time and Place

9. No person shall cause or permit the emission of any noise resulting from any of the activities listed in Schedule 2 during the prohibited period of time listed opposite such activities if the noise is audible at a point of reception.

General Exemptions

10. This by-law shall not apply to a person who causes or permits the emission of noise in connection with any of the activities listed in Schedule 3.

Exemption Requests

11. (1) Any person may request an exemption to permit the operation of construction equipment during the period of time prohibited by Schedule 2. All such requests shall be submitted in writing to the City Clerk and shall,
 - (a) identify and describe in detail the construction activity that the applicant wishes to have exempted;
 - (b) set out the time(s) and location(s) for which the exemption is being sought;
 - (c) state the name, address, telephone numbers and facsimile numbers of the applicant;
 - (d) set out the reasons why an exemption should be granted; and
 - (e) be signed by the applicant who shall certify the accuracy and truth of the contents of the application.
- (2) The City Clerk may grant or refuse to grant any exemption request, and may impose any conditions as he or she determines to be appropriate.

- (3) Where an exemption is granted, breach of any condition of the exemption shall render the exemption null and void.

PART III – ENFORCEMENT

Inspections

12. A municipal law enforcement officer appointed by the City to enforce municipal by-laws may, at any reasonable time, enter upon any property for the purpose of carrying out an inspection to determine whether or not the provisions of this by-law have been complied with.
13. No person shall prevent, hinder or interfere or attempt to prevent, hinder or interfere with an inspection undertaken by an officer.

Offences and Penalties

14. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine pursuant to the provisions of the *Provincial Offences Act*.
15. No person shall make a false or intentionally misleading recital of fact, statement or representation in any exemption request.

PART IV – GENERAL

Repeal

16. By-law No. 3821 is repealed.

Short Title

17. This by-law may be cited as the “Noise Control By-law”.

Effective Date

18. This by-law comes into effect on the date of its passing.

BY-LAW read a first, second and third time and finally passed this 19th day of February, 2008.

David Ryan, Mayor

Debi A. Wilcox, City Clerk

SCHEDULE 1

TO BY-LAW NO. 6834/08

PROHIBITED ACTIVITIES

1. Operation of any electronic device or group of connected electronic devices incorporating one or more speakers and intended for the production, reproduction or amplification of sound (including car stereos) at such a volume that it is audible from the interior of a residence or business whose occupant has made every reasonable attempt to mitigate the reception of the noise.
2. Operation of any electronic device or group of connected electronic devices incorporating one or more speakers and intended for the production, reproduction or amplification of sound (including car stereos) in a park area at a volume that a reasonable person would, in all of the circumstances, consider to be excessive, intrusive or disturbing.
3. Persistent yelling, shouting, hooting, whistling or singing at such a volume that it is audible from the interior of a residence or business whose occupant has made every reasonable attempt to mitigate the reception of the noise.
4. Excessive and unnecessary revving of a motor vehicle engine.
5. Operation of a motor vehicle in such a manner that the tires squeal.
6. Operation of a motor vehicle horn or other warning device except where required or authorized by law or in the interest of good safety practices.
7. Operation of a motor vehicle other than on a highway or other place where its operation is permitted by law.
8. Persistent barking, calling, howling, whining or crying at frequent or lengthy intervals by any domestic pet or any other animal kept or used for any purpose other than agriculture.
9. All selling or advertising by shouting or amplified sound.

SCHEDULE 2

TO BY-LAW NO. 6834/08

ACTIVITIES PROHIBITED BY TIME

Type of Activity		Prohibited Periods of Time
1	Operation of any electronic device or group of connected electronic devices incorporating one or more speakers or other electro-mechanical transducers, and intended for the production, reproduction or amplification of sound (including car stereos).	9:00 PM to 7:00 AM
2	Persistent yelling, shouting, hooting, whistling or singing.	9:00 PM to 7:00 AM
3	Operation of construction equipment.	7:00 PM to 7:00 AM (all day on Sundays & statutory holidays)
4	Operation of any powered or non-powered tools for domestic purposes or automotive repair including augers, air compressors, and pneumatic or hydraulic tools.	9:00 PM to 7:00 AM
5	Operation of a combustion engine that is used in a toy or model or replica.	9:00 PM to 7:00 AM
6	Operation of any equipment or machinery used for yard maintenance that is run by electricity or gasoline, including lawn mowers, leaf blowers, chain saws, hedge trimmers, whipper snippers and pressure washers.	9:00 PM to 7:00 AM
7	Operation of snow blowers.	9:00 PM to 6:00 AM
8	Operation of solid waste bulk lift or refuse compacting equipment.	10:00 PM to 6:00 AM

SCHEDULE 3

TO BY-LAW NO. 6834/08

EXEMPTED ACTIVITIES

1. The use in a reasonable manner of an apparatus or mechanism for the amplification of the human voice or of music in a park area or recreational area provided that the permission of the City has been obtained.
2. Any special event provided that the necessary permissions or approvals have been obtained from the City and the Durham Regional Police Service.
3. Any emergency work undertaken for the immediate health, safety or welfare of the inhabitants of the City or for the preservation, protection or restoration of property.
4. Any emergency work being carried out by the City, The Regional Municipality of Durham, any electric utility company, any natural gas utility company, or any telephone utility company.
5. The ringing of school bells or the sounding of a public address system on a property owned by the Durham District School Board, the Durham Catholic District School Board or a recognized private school.
6. The sounding of bells or chimes on a property operated as a church or a place of worship, or on any property owned or operated by the City.
7. Any sound originating from, or caused by, the operation of farm equipment or machinery for cultivating, seeding, crop maintenance or harvesting purposes on any lands designated as an agricultural area.
8. Any fireworks display authorized by the City in accordance with Fireworks By-law No. 6783/07.
9. Necessary municipal operations carried out in the interest of public necessity and convenience, including but not limited to snow clearing, street cleaning and garbage collection, undertaken by or on behalf of the City.
10. Any snow removal which is essential for the effective operation of a business.