



The Corporation of the Town of Orangeville

By-law Number 2024-023

A by-law to prohibit and regulate noise within the Town of Orangeville

WHEREAS Section 126 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended hereinafter referred to as the "*Municipal Act*" provides authority for a municipality to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances; and

WHEREAS Section 129 of the *Municipal Act* provides authority for a municipality to prohibit and regulate noise and vibration;

WHEREAS Section 431 of the *Municipal Act* authorizes that where any by-law of a municipality under the *Municipal Act* is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted and requiring the person convicted to correct the contravention; and

WHEREAS section 436 of the *Municipal Act* authorizes a municipality to pass a by-law providing that the municipality may enter on land to conduct inspections; and

WHEREAS sections 444 and 445 of the *Municipal Act* authorizes a municipality to make orders to discontinue, or to correct, the contravention of a by-law;

NOW THEREFORE the Council of the Corporation of the Town of Orangeville hereby enacts as follows:

1. DEFINITIONS

1.1 In this By-law:

"Construction" includes the erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, blasting, rock crushing, the laying of pipe and conduit, highway building, concreting, equipment installation and alteration and structural installation of construction components and materials in any form or for any purpose, and includes works in connection therewith;

“Construction Equipment” includes any equipment, device or **vehicle** designed or intended for use in **construction**, or material handling, including but not limited to air compressors, power saws, belt sanders, powered drills, jack hammers, 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, combustion engine, pneumatic device, or other material handling equipment and any other similar equipment;

“Council” means the Council of the **Town**;

“Domestic Tool” includes any tool, equipment or device designed or intended for use for **construction** but not limited to air compressors, electric power tools, manual hammers and similar tools but does not include **Lawn Maintenance Equipment**;

“Lawn Maintenance Equipment” includes any equipment, which uses a combustion or electric motor for the purposes of yard maintenance or repair and includes chain saws, lawn mowers, leaf blowers, grass trimmers, hedge trimmers, whipper-snippers, power washers, power assisted sweepers, vacuums or any other similar equipment;

“Motor Vehicle” includes an automobile, a motorcycle, a motor assisted bicycle, and any other **vehicle** propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine;

“Noise” means a sound or vibration that at the **point of reception** by its volume or nature is likely to disturb the inhabitants;

“Off-road vehicle” has the same meaning as in the *Off-Road Vehicles Act*, R.S.O. 1990 c.0.4 and includes an all-terrain vehicle, an off-road motorcycle, an extreme terrain vehicle as defined in *R.R.O. 1990, Reg. 863 of the Off-Road Vehicles Act*, R.S.O. 1990 c.0.4;

“Officer” means a police officer, municipal law enforcement officer, or any other **person** appointed by by-law to enforce the provisions of this By-law;

“Person” includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative;

“Point of Reception” means any point on the premise of a **person** where **noise** originating from other than that premise is received;

"**Special Event**" means a sports, athletic, cultural, musical, artistic, school, religious institution, parade, procession, street party or other community event that operates independently from **Town** programming and is held outdoors;

"**Town**" means the Corporation of the Town of Orangeville its land within the geographic limits of the Town or Orangeville as the context requires;

"**Vehicle**" includes a **motor vehicle**, trailer, traction engine, farm tractor, road-building machine, **off-road vehicle**, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a streetcar.

2. TITLE

2.1 The Short Title of this By-law is the "Noise By-law".

3. GENERAL PROHIBITION

3.1 No **person** shall emit or cause or permit to be emitted or caused **noise**.

3.2 No **person** shall emit or cause or permit to be emitted or caused **noise** resulting from any activity listed in Schedule A of this By-law.

3.3 No **person** shall emit or cause or permit to be emitted or caused **noise** from a **vehicle**.

4. PROHIBITIONS BY TIME

4.1 No **person** shall emit or cause or permit to be emitted or caused **noise** resulting from any activity set out in Column 1 on the days and times set out in Columns 2 and 3 in Schedule B of this By-law.

5. GENERAL EXCEPTIONS

5.1 This By-law shall not apply to a **person** who emits or causes or permits to be emitted or caused **noise** resulting from activities listed in Schedule C of this By-law.

6. ORDERS

6.1 If an **Officer** has reasonable grounds to believe that a contravention of this By-law has not been complied with, the **Officer** may make an Order requiring the **person** who contravened this By-law or who caused or permitted the contravention to occur to:

- (a) discontinue the contravening activity; and/or
- (b) do work or take action to correct the contravention.

- 6.2 An Order under section 6.1 shall set out:
- (a) reasonable particulars of the contravention adequate to identify the contravention;
 - (b) the location of the premise on which the contravention occurred; and
 - (c) either:
 - (i) in the case of an Order under section 6.1 (a), the date by which there must be compliance with the Order; or
 - (ii) in the case of an Order under section 6.1 (b), the action to be done and the date by which the action must be done.
- 6.3 An Order made under this By-law may be served personally, ordinary mail to the last known address or by email transmission to:
- (a) the **person** the **Officer** believes contravened this By-law; and
 - (b) such other **persons** affected by the Order as the **Officer** making the Order determines.
- 6.4 An Order may be posted on site.
- 6.5 An Order sent by ordinary mail, shall be deemed to have been served on the seventh (7th) day after the date of mailing, or if sent by registered mail, shall be deemed to have been served on the fifth (5th) day after the date of mailing, or on the date of personal service, or on the date of email transmission.
- 6.6 An **Officer** who is unable to effect service of an Order pursuant to this By-law shall place a placard containing the Order in a conspicuous place on the premise and the placing of the placard shall be deemed to be sufficient service. The placing of the placard of the Order shall be deemed to be served on the date of placing the placard.

7. ENFORCEMENT AND PENALTY PROVISIONS

- 7.1 The enforcement of this By-law shall be conducted by an **Officer**.
- 7.2 An **Officer** may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the By-law or an Order issued pursuant to this By-law is complied with.
- 7.3 Every **person** who contravenes any provision of this By-law, including failing to comply with an Order made under this By-law, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act, R.S.O. 1990, c. P.33*, as amended, and the Municipal Act, as amended.

- 7.4 Any **person** who is charged with an offence under this By-law or an Order issued pursuant to this By-law or every director or officer of a corporation, who knowingly concurs in the contravention by the laying of an information under Part III of the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended, is guilty of an offence and if found guilty of the offence is liable pursuant to the Municipal Act, as amended, to the following:
- (a) on a first offence, to a fine not more than \$50,000.00; and
 - (b) on a second offence and each subsequent offence, to a fine of not more than \$100,000.00; and
 - (c) in the case of a continuing offence, for each day or part of a day that the offence continues, the maximum fine shall be \$10,000.00 per day for every day in contravention and the total of all daily fines for the offence is not limited to \$100,000.00.
- 7.5 Every **person** who is issued a Part 1 offence notice or summons upon conviction is guilty of an offence under this By-law shall be subject to a fine, to a maximum as provided for in the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.
- 7.6 No **person** shall hinder or obstruct, or attempt to hinder or obstruct, any **Officer** exercising a power or performing a duty under this By-law.
- 7.7 Upon conviction any penalty imposed under this By-law may be collected under the authority of the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.
- 7.8 If a **person** is convicted of an offence under this By-law, the court in which the conviction has been entered and any court of competent jurisdiction may, in addition to any other remedy and to any penalty imposed, make an order prohibiting the continuation or repetition of the offence by the **person** convicted.
- 8. RESERVED**
- 9. SEVERABILITY**
- 9.1 If a court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of **Council** that the remainder of this By-law shall continue in force unless the court makes an order to the contrary.
- 10. INTERPRETATION**
- 10.1 References in this By-law to any statute or statutory provision include references to that statute or statutory provision as it may from time to time be amended, extended or re-enacted.

10.2 In this By-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.

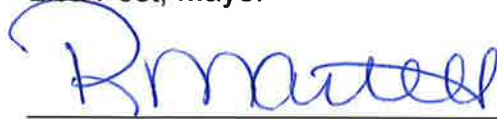
11. REPEAL

11.1 That By-law 12-96 is hereby repealed.

Read three times and finally passed this 18th day of March, 2024.



Lisa Post, Mayor



Raylene Martell, Town Clerk

SCHEDULE A to BY-LAW 2024-023

PROHIBITIONS

1. In accordance with Section 3.2 of this By-law the activities that emit or cause or permit to be emitted or caused **noise** are prohibited:
 - a) the operation of an electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electromechanical transducers, and intended for the production, reproduction or amplification of sound;
 - b) the operation of a stereo or other electronic device designed to amplify sound in or on a **vehicle** in such a way that the **noise** can easily be heard outside the **vehicle**;
 - c) persistent barking, calling, or whining or other similar persistent **noise** made by any domestic dog or any other animal kept or used for any purpose;
 - d) the operation of **construction equipment** without an exhaust or intake muffling device in good working order and in constant operation;
 - e) the operation of any **vehicle**, while on private property, in such a way that excessive exhaust and or engine **noise** can be heard;
 - f) the operation of any **vehicle** with any modified or performance exhaust, while on private property, in such a way that excessive exhaust and engine **noise** can be heard;
 - g) the operation of a **vehicle** horn or other warning device except where required by law or in accordance with good safety practices;
 - h) the operation of an air conditioner, water pump, heat pump or other mechanical device that is not in proper working order;
 - i) ringing of bells, blowing and sounding of any horn, yelling, shouting, hooting, whistling or singing;
 - j) all selling or advertising by shouting or outcry or amplified sound.

SCHEDULE B to BY-LAW 2024-023

PROHIBITIONS BY TIME

1. In accordance with Section 4.1 of this By-law the activities that emit or cause or permit to be emitted or caused **noise** set out in Column 1 are prohibited during the days and times set out in Columns 2 and 3:

Column 1 – Activity	Column 2 – Day	Column 3 – Prohibited Times
Construction and the operation of Construction Equipment	Monday to Friday Saturday and Sunday Statutory Holidays	12:00 a.m. to 7:00 a.m. and 7:00 p.m. to 11:59 p.m. 12:00 a.m. to 9:00 a.m. and 7:00 p.m. to 11:59 p.m. 12:00 a.m. to 9:00 a.m. and 5:00 p.m. to 11:59 p.m.
The operation of Domestic Tools	Monday to Friday Saturday and Sunday Statutory Holidays	12:00 a.m. to 7:00 a.m. and 9:00 p.m. to 11:59 p.m. 12:00 am to 9:00 a.m. and 9:00 p.m. to 11:59 p.m. 12:00 a.m. to 9:00 a.m. and 5:00 p.m. to 11:59 p.m.
The operation of Lawn Maintenance Equipment	Monday to Saturday Sunday and Statutory Holidays	12:00 a.m. to 7:00 a.m. and 9:00 p.m. to 11:59 p.m. 12:00 am to 9:00 a.m. and 9:00 p.m. to 11:59 p.m.

SCHEDULE C to BY-LAW 2024-023

EXCEPTIONS

1. In accordance with Section 5.1 of this By-law the activities set out below are exceptions to the **noise** regulations of this By-law:
 - a) a **special event** when a permit has been issued by the **Town** in accordance with its Parks and Events By-law;
 - b) a generator in operation during an emergency power outage;
 - c) snow removal equipment or activities while engaged in the process of removing snow;
 - d) the ringing of bells, chimes or clocks associated with religious institutions or public buildings or uses;
 - e) **Town** operations, services or activities;
 - f) a public utility, the County of Dufferin, the provincial or federal government while performing an essential service or work for the **Town**;
 - g) where a Certificate of Approval has been issued by the applicable provincial ministry and the **noise** is in compliance with the said Certificate of Approval.