

**The Corporation of the Municipality of the  
Township of Brooke-Alvinston**

**By-law Number 37 of 2006**

**Being a By-law to Prohibit Noises calculated to disturb  
The Inhabitants of the Township of Brooke-Alvinston  
Pursuant to provisions of the Municipal Act, 2001**

**WHEREAS, Section 129 of the Municipal Act 2001, states that a Municipality may Prohibit and Regulate matters with respect to noise and vibration**

**AND WHEREAS, the Council wishes to list the By-law as an Offence under Part 1 of the Provincial Offences Act;**

**NOW THEREFORE, the Municipal Council of the Corporation of the Municipality of the Township of Brooke-Alvinston enacts as follows:**

**Definitions  
Section 1**

**“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.

**“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 and rollers, pumps, concrete mixers, graders or other material handling equipment.

**“Conveyance”** includes a vehicle and any other device employed to transport a person or persons or goods from place to place but does not include any such device or vehicle if operated only within the premises of a person.

**“Council”** means the Council of The Corporation of the Township of Brooke-Alvinston

**“Highway”** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, via duct or trestle designed and intended for, or used by, the general public for the passage of vehicles.

**“Minister”** means the Minister of the Environment.

**“Ministry”** means the Ministry of Environment.

**“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, other motor vehicles running only upon rails, or a motorized snow vehicle, ATV, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the Highway Traffic Act.

**“Motorized conveyance”** means a conveyance propelled or driven otherwise than by a muscular, gravitational or wind power.

**“Municipality”** means the land within the geographic limit of the Township of Brooke-Alvinston

**“Noise”** means unwanted sound.

**“Point of reception”** means any point on the premises of a person where sound or vibration originating from other than those premises is received.

**“Police”** means any member of the Ontario Provincial Police

**“By-Law Officer”** means any person appointed by the municipality to act as a by-law enforcement officer.

## **Section 2 General Prohibitions**

### **Emissions – clearly audible – set out**

No person shall emit or cause or permit the emission of sounds resulting from an act in so far as they are calculated to disturb the inhabitants of the Township of Brooke-Alvinston more specifically described as:

#### **2.1 Racing – motorized conveyance – exception**

No person shall emit or cause or permit the emission of sound as a result of Racing of any Motorized Conveyance other than in a racing event regulated by law.

#### **2.2 Tires – squealing**

No person shall emit or cause or permit the emission of sound as a result of the operation of a motor vehicle in such a way that the tires squeal.

#### **2.3 Engine – pneumatic device – exhaust – ineffective**

No person shall emit or cause or permit the emission of sound as a result of the operation of any combustion engine or pneumatic device without an effective exhaust or intake muffling device in good working order and that is in constant operation.

#### **2.4 Horn – use – other than warning**

No person shall emit or cause or permit the emission of sound as a result of the operation of a motor vehicle horn or other warning device except where required or authorized by law or in accordance with good safety practices.

#### **2.5 Construction equipment – operation**

No person shall emit or cause or permit the emission of sound as a result the operation of the operation any item of construction equipment in an area without effective muffling devices in good working order and that is in constant operation.

## **Section 3 PROHIBITIONS – BY TIME – PLACE**

**No person shall within the limits of the “Urban” areas of the Township of Brooke-Alvinston more specifically, Inwood and Alvinston, make or permit to be made the following noises and vibrations in so far as they are calculated to disturb the inhabitants of those communities.**

#### **3.1 Engine – combustion – toy – for amusement**

No person shall emit or cause or permit the emission of sound that is clearly audible at a point of reception from the operation of a combustion engine which, is or, is used in, or is intended for use in a toy, or a model or replica of any device which model or replica has no function other than amusement and which is not a conveyance.

### **3.2 Loudspeakers – amplification sound equipment**

No person shall emit or cause or permit the emission of sound that is clearly audible at a point of reception from 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.

### **3.3 Signaling device – use other than for safety**

No person shall emit or cause or permit the emission of sound that is clearly audible at a point of reception from the operation of any auditory signaling device, including but not limited to the ringing of bells or gongs and the blowing of horns, the use of drums, or sirens or whistles, or the production, reproduction or amplification of any similar sounds by electronic means except where required or authorized by law or in accordance with good safety practices.

### **3.4 Barking – calling – other – animal – pet**

No person shall emit or cause or permit the emission of sound that is clearly audible at a point of reception from the persistent barking, calling or whining or other similar persistent noise making by any domestic pet or any other animal kept or used for any purpose other than agriculture.

### **3.5 Yelling – shouting – whistling – other**

No person shall emit or cause or permit the emission of sound that is clearly audible at a point of reception from the persistent yelling, shouting, hooting, whistling or singing.

### **3.6 Selling – advertising – by shouting**

No person shall emit or cause or permit the emission of sound that is clearly audible at a point of reception from selling or advertising by shouting or outcry or amplified sound.

### **3.7 Construction equipment – use**

No person shall emit or cause or permit the emission of sound that is clearly audible at a point of reception from the operation of any equipment in connection with construction between 9:00pm to 7:00am, unless in the commission of work connected with an emergency.

### **3.8 Tools – domestic use – exception – snow removal**

No person shall emit or cause or permit the emission of sound that is clearly audible at a point of reception from the operation or use of any tool for domestic purpose other than snow removal between 9:00pm to 7:00am.

3.8.1 Notwithstanding provisions of 3.8, the commercial elevators located in Alvinston and Inwood are exempted during the intake and shipping of farm produce.

### **3.9 Refuse – compacting equipment – other**

No person shall emit or cause or permit the emission of sound that is clearly audible at a point of reception from the operation of solid waste bulk lift or refuse compacting equipment between 9:00pm to 7:00am.

### **3.10 Vehicles**

No person shall emit or cause or permit the emission of sound that is clearly audible at a point of reception caused by any licensed or unlicensed motorized vehicle, including trucks, motor cars, snow mobiles, motor bikes, and ATV's, in starting up or driving said motorized vehicle, truck, motor car, snow mobile, motor bike, and ATV's.

## **SECTION 4 Penalty Section**

4.1 Every Person who contravenes any provision of this by-law is guilty of an offence and on conviction may be subject to a fine as provided for in the Provincial Offences Act.

**SECTION 5  
Enforcement**

5.1 For the purposes of this by-law, this by-law is enforced by the Ontario Provincial Police, By-law officer, Provincial Offenses Officer, or any person appointed by the Municipality to enforce said by-law.

**SECTION 6  
Investigation**

6.1 For the purpose of this by-law an appointed person such as the Ontario Provincial Police, By-law Officer, Provincial Offenses Officer may enter onto private property to determine the source of a Sound or Noise.

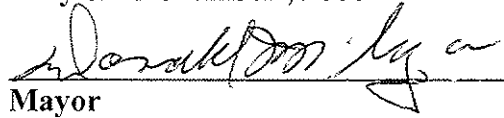
**SECTION 7  
Repeal of By-laws**

By-law 10 of 1980 as amended is hereby repealed.  
By-law 19 of 2006 is hereby repealed

**SECTION 8  
Force and Effect**

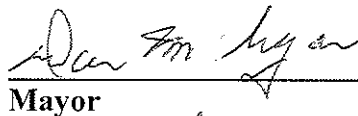
This by-law will come into force and take effect upon final passing.

By-law read a first and 2<sup>nd</sup> time this 23<sup>rd</sup> day of November, 2006

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk

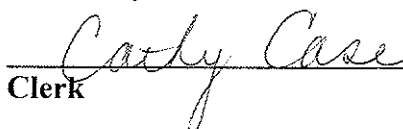
By-law read a third time and finally passed this 11<sup>th</sup> day of January, 2007

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk

**CLERK'S CERTIFICATE**

Certified a true copy of By-law No. 37 of 2006 passed by the Council of the Township of Brooke-Alvinston the 11<sup>th</sup> day of January 2007.

  
\_\_\_\_\_  
Clerk

**TOWNSHIP OF BROOKE-ALVINSTON**  
**SCHEDULE "A" to**  
**BY-LAW No. 37 of 2006**  
**TITLE: Noise By-law**  
**PART 1 – Provincial Offences Act**

SET FINE SCHEDULE  
 ITEM:

Page 1

|     | COLUMN 1 – Short Form Wording   | COLUMN 2 – Offence Creating Provision | COLUMN 3 – Set Fine |
|-----|---|---------------------------------------|---------------------|
| 1.  | Emit Sound from Racing – motorized conveyance                           | Sec. 2.1                              | \$250.00            |
| 2.  | Emit Sound from Squealing Tires   | Sec. 2.2                              | \$250.00            |
| 3.  | Emit Sound from Ineffective Exhaust                                     | Sec. 2.3                              | \$250.00            |
| 4.  | Emit Sound from Use of Horn other than warning                          | Sec. 2.4                              | \$250.00            |
| 5.  | Emit Sound from Ineffective Muffling device – construction equipment    | Sec. 2.5                              | \$250.00            |
| 6.  | Emit Sound from Engine Combustion on toy device not used for conveyance | Sec. 3.1                              | \$250.00            |
| 7.  | Emit Sound from Loudspeakers - amplifiers                               | Sec. 3.2                              | \$250.00            |
| 8.  | Emit Sound from Signaling Device other than when required               | Sec. 3.3                              | \$250.00            |
| 9.  | Emit Sound from Barking, Calling or Whining of domestic pet             | Sec. 3.4                              | \$250.00            |
| 10. | Emit Sound from Yelling, Shouting, Whistling or other noise             | Sec. 3.5                              | \$250.00            |
| 11. | Emit Sound from Selling – advertising by shouting                       | Sec. 3.6                              | \$250.00            |
| 12. | Emit Sound from Use of Construction equipment after hours               | Sec. 3.7                              | \$250.00            |

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|-----|--|-----------|--|
|     |  |           | Page 2 of Schedule "A to By-law 37 of 2006 |
| 13. | Emit Sound from Use of Domestic equipment after hours                | Sec. 3.8  | \$250.00                                   |
| 14. | Emit Sound from Use of waste or refuse equipment after hours         | Sec. 3.9  | \$250.00                                   |
| 15. | Emit Sound from Noise from licensed or unlicensed motorized vehicles | Sec. 3.10 | \$250.00                                   |

NOTE: The penalty section for offences cited above is Section 4.1 of By-law 37 of 2006, a certified copy of which has been filed.


ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 37 of 2006, of the Township of Brooke-Alvinston, attached hereto are the set fines for those offences. This Order is to take effect February 23, 2007.

Dated at London this 23<sup>rd</sup> day of February, 2007.



Alexander M. Graham  
Regional Senior Justice  
West Region

**TOWNSHIP OF BROOKE-ALVINSTON**  
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 BY-LAW No. 37 of 2006  
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