

The Corporation of the Municipality of Brooke-Alvinston

By-law Number 37 of 2021

**Being a By-law to Prohibit Noises calculated to disturb the Inhabitants of
the Municipality 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 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 Municipality 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 Municipality 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 Municipality 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 of 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.

2.6 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.

2.7 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

Section 3

PROHIBITIONS – BY TIME – PLACE

No person shall within the limits of the “Urban” areas of the Municipality 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 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.

3.3 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.

3.4 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.

3.5 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.

3.6 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.

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

3.7 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.

3.8 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.

3.9 Loudspeakers

Loudspeakers should only be permitted between the hours of 12 noon and 11 p.m. and no longer than two (2) consecutive days if a ball tournament or similar event is booked; if the event is 3 days, the loudspeakers only be allowed from noon to 6 p.m..

**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 8 of 2021 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, 2nd and third time and finally passed this 8th day of July, 2021



Mayor



Clerk

MUNICIPALITY OF BROOKE-ALVINSTON
SCHEDULE "A" to
BY-LAW No. 37 of 2021
TITLE: Noise By-law
PART 1 – Provincial Offences Act

SET FINE SCHEDULE

ITEM	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 Loudspeakers - amplifiers	Sec. 2.6	\$250.00
7.	Emit Sound from Barking, Calling or Whining of domestic pet	Sec. 2.7	\$250.00
8.	Emit Sound from Engine Combustion on toy device not used for conveyance	Sec. 3.1	\$250.00
9.	Emit Sound from Signaling Device other than when required	Sec. 3.3	\$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

