

# THE CORPORATION OF THE MUNICIPALITY OF BROCKTON

## BY-LAW 2014-024

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**WHEREAS** Section 129 (a) of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, provides that a local municipality may prohibit and regulate with respect to noise;

**AND WHEREAS** pursuant to the said Municipal Act, Section 8 (1) and 9 provide that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipalities ability to respond to municipal issues and has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** the Council of The Corporation of the Municipality of Brockton deems it necessary to establish one noise by-law to be applied to the entire Municipality of Brockton;

**NOW THEREFORE** the Council of The Corporation of the Municipality of Brockton **ENACTS** as follows:

### 1. INTERPRETATION:

Definitions In this By-law:

1.1 **Commercial Area:** means any area designated as commercial use in the existing Zoning By-laws of the Corporation of The Municipality of Brockton and subsequent amendments thereto.

1.2 **Construction** includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earthmoving, 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;

1.3 **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;

1.4 **Conveyance** includes a vehicle or 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;

1.5 **Council** means The Council of the Corporation of the Municipality of Brockton;

1.6 **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;

1.7 **Industrial Area** means any area designated as industrial use in the existing Zoning By-laws of the Corporation of The Municipality of Brockton and subsequent amendments thereto.

1.8 **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, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the Highway Traffic Act;

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

1.10 **Municipality** means the land within the geographic limits of The Corporation of the Municipality of Brockton;

1.11 **Noise** means sound that is of such a volume or nature that is likely to disturb the inhabitants of the Municipality;

1.12 **Point of Reception** means any point where sound or vibration originating from a location other than that point is received;

1.13 **Quiet Zone** means the area within 300 meters of South Bruce Grey Health Centre - Brockton Site

1.14 **Residential Area** means any area designated for residential use or complete structure used as residential in the existing Zoning By-laws of The Corporation of the Municipality of Brockton and subsequent amendments thereto;

1.15 **Public Park** means any municipal park in the Municipality of Brockton; excluding the Municipal Buildings within the park.

1.16 **Rural Area** means any area designated as rural or agricultural in the existing Zoning By-laws of The Corporation of the Municipality of Brockton, and subsequent amendments thereto.

## **2. PROHIBITIONS:**

No person shall emit or cause to permit the emission of **noise** resulting from an act at any time night or day listed in Schedule A- General Prohibitions and which sound is clearly audible at the point of reception.

## **3. PROHIBITIONS BY TIME AND PLACE:**

No person shall emit or cause or permit the emission of noise resulting from any act listed in Schedule B if clearly audible at a point of reception located in an area of the municipality within a prohibited time shown for such an area

## **4. EXEMPTION:**

### **4.1 Public Safety**

Notwithstanding any other provision of this bylaw, it shall be lawful to emit or cause to permit the emission of sound or vibration on connection with emergency measures undertaken:

4.1.1 for the immediate health, safety or welfare of the inhabitants; or

4.1.2 for the sounds or any bell, horn siren or other signaling device associated with any emergency or law enforcement vehicle; or

4.1.3 where the Municipality, its servants, employees, contractors or agents are carrying out Municipality operations or operating, maintaining, or installing municipally-owned infrastructure, facilities or the like, except for the detonation of explosives; or,

4.1.4 for the noise created by the operation of snow plowing or snow removal equipment or for the clearing of street or sidewalks; or,

4.1.5 for the preservation or restoration of property;

4.1.6 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 purposes.

## **5. EXEMPTION OF TRADITIONAL, FESTIVE CULTURAL, RELIGIOUS OR OTHER ACTIVITIES**

5.1 any annual fairs, parades, events or Community Festivals duly authorized by Council held on municipal property.

5.2 any sporting or recreational events held in parks where the Municipality has authorized such event.

5.3 Any band or parade, provided that the authorization for such band or parade has been first been obtained from the Municipality of Brockton

5.4 for the ringing or sounding of church bells or chimes.

5.5 the lawful use and detonation of fireworks on the holidays referred to as Victoria Day, Canada Day. Labour Day as per existing bylaws within The Municipality of Brockton, or any higher legislation thereto;

5.6 where the emission of noise arises from necessary work being performed in the pursuit of normal farm practices

## **6. GUN RANGE**

6.1 No person shall permit the emission of noise by operation of a firearm from those lands owned by the South Bruce Game and Fish Protective Association described as Part of Park Lot 0, Plan 162, Orange Street and operated as a gun range, at any time other than between the hours of 9:30 a.m. to 9:30 p.m Monday to Saturday. and 1:00 p.m. to 5:00 p.m. Sundays

## **7. GRANT OF EXEMPTION BY COUNCIL:**

### **7.1 Application to Council:**

Despite the provisions of 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, not in excess of six months during which it is effective and may contain such terms and conditions as Council sees fit.

### **7.2 Decision:**

In deciding whether to grant the exemption, Council shall give the applicant and any person opposed to the application an opportunity to be heard and may consider such other matters as it sees fit.

### **7.3 Breach:**

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

7.4 No person shall breach any terms or conditions of any exemption granted by Council.

## **8. SEVERABILITY:**

If a 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 construed 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.

## **9. PENALTY:**

Every person who contravenes any provision of this by-law is guilty of an offence and subject to penalty as provided for under the Provincial Offences Act. R.S.O. 1990, c.P.33

## **10. BY-LAWS REPEALED:**

Municipality of Brockton By-law No. 2005-22 and 2014-010 are hereby repealed.

**11. GENERAL:**

11.1 That Schedules 'A' & 'B' are attached hereto and form part of this by-law.

11.2 That this by-law shall come into full force and effect upon its final passage.

11.3 That this by-law may be cited as the "Noise Control By-law"

READ, ENACTED, SIGNED AND SEALED THIS 10<sup>TH</sup> DAY OF MARCH, 2014

Original Signed By

Mayor – David Inglis

Clerk – Debra Roth

**SCHEDULE A  
GENERAL PROHIBITIONS**

1. Racing of any motorized conveyance other than in a racing event regulated by law.
2. The operation of a motor vehicle in such a way that the tires squeal.
3. 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.
4. The operation of a vehicle or a vehicle with a trailer resulting in banging, clanking, squealing or other like sounds due to improperly secured load or equipment, or inadequate maintenance.
5. The operation of an engine or motor in, or on, any motor vehicle or item of attached auxiliary equipment for a continuous period exceeding three minutes, while such vehicle is stationary in a Residential Area or Quiet Zone unless it meets the exemptions outlined in the Municipality of Brockton Anti-Idling By Law 2008-51 as amended.
6. 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.
7. The operation of any item of construction equipment in a Residential Area or Quiet Zone without effective muffling devices in good working order and in constant operation.
8. Persistent barking, whining or other similar persistent noise making by any domestic pet for a prolonged or excessive period of time.
9. The discharge of firearms.

**SCHEDULE B  
By Law 2014-024  
PROHIBITIONS**

<b>NOISE CREATED FROM THE FOLLOWING ACTIVITIES IS PROHIBITED</b>	<b>PROHIBITED AREA</b>	<b>PROHIBITED TIME OF DAY</b>
The operation of any electronic devices intended for the production, reproduction or amplification of sound.	Quiet Zone All other Areas	At all times 11:00 pm to 7:00 am. Monday to Sunday
The operation of any auditory signaling device, including but not limited to the ringing of bells or gongs and the blowing of horns 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.	Quiet Zone Residential Area & Public Park Commercial	At All Times 11:00 pm to 9:00 am Sunday 11:00 pm to 7:00 am Monday to Saturday 2:00 am. to 7:00 am Sunday to Saturday
All selling or advertising by shouting, outcry or amplified sound.	Quiet Zone All Other Areas	At All Times 11:00 pm to 7:00 am Monday to Sunday
The operation of any construction equipment or in connection with construction.	All Areas	All day Sunday 9:00pm to 7:00am Monday to Saturday
The operation of combustion engine which is used in, or is intended for use in a toy or model or replica of a larger device, which model or replica has no function other than amusement and which is not a conveyance.	Quiet Zone Residential Commercial	At All Times 9:00pm to 9:00am Sunday to Saturday 11:00 pm to 9:00am Saturday to Sunday
The operation of any motorized conveyance other than on a highway or authorized snowmobile trail.	Quiet Zone All other Zones	At All Times 11:00pm to 9:00am Sunday 11:00pm to 7:00am Monday to Saturday
Persistent barking, whining or other similar persistent noise making by a domestic pet	All Zones	7:00 pm 7:00 am. Monday to Sunday
The operation of any powered or non-powered tool, equipment or appliance for domestic purposes other than snow removal	All Zones	9:00pm to 9:00 am Sunday 9:00pm to 7:00 am Monday to Saturday
The operation of a solid waste bulk lift or refuse compacting equipment, delivery of products.	All Zones	11:00 pm to 7:00 am Monday to Sunday
Yelling, shouting, hooting, singing or hollering.	Quiet Zone All Other Zones	At All Times 11:00pm to 7:00 am Monday to Saturday
Loud playing of musical instruments.	Quiet Zone Residential Area & Public Park Commercial Area	At All Times 11:00pm to 9:00 am Sunday 11:00pm to 7:00 am Monday to Saturday 2:00 am. to 7:00 am Sunday to Saturday

**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. 2014-024, of the Municipality of Brockton, attached hereto are the set fines for those offences. This Order is to take effect May 13, 2014.

Dated at London this 13<sup>th</sup> day of May 2014.



Stephen J. Fuerth  
Regional Senior Justice  
West Region

## PART 1 PROVINCIAL OFFENCES ACT

## THE CORPORATION OF THE MUNICIPALITY OF BROCKTON

## BY-LAW 2014-024

Being a by-law to regulate noise.

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision or Defining Offence	COLUMN 3 Set Fine
1	Noise from racing motorized conveyance	Section 2, Schedule A p.1	\$100.00
2	Noise from squealing motor vehicle tires	Section 2, Schedule A p.2	\$100.00
3	Noise from operating combustion engine without effective muffling device	Section 2, Schedule A p.3	\$100.00
4	Noise from operate pneumatic device without effective muffling device	Section 2, Schedule A p.3	\$100.00
5	Noise from operating vehicle with improper secured load, equipment or inadequate maintenance	Section 2, Schedule A p.4	\$100.00
6	Noise from operate vehicle with attached trailer with improper secured load, equipment or inadequate maintenance	Section 2, Schedule A p.4	\$100.00
7	Noise from operate stationary engine or motor of motor vehicle or auxiliary equipment continuously in excess of 3 minutes in residential zone or quiet zone	Section 2, Schedule A p.5	\$100.00
8	Noise from operate motor vehicle horn or other warning device not in good safety practices	Section 2, Schedule A p.6	\$100.00
9	Noise from operate construction equipment in residential area or quiet area without effective muffling device	Section 2, Schedule A p.7	\$100.00
10	Allow persistent noise by domestic pet	Section 2, Schedule A p.8	\$100.00
11	Noise from discharge of firearms	Section 2, Schedule A p.9	\$100.00
12	Noise from operate electronic device in quiet zone during prohibited time	Section 3, Schedule B	\$100.00



ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision or Defining Offence	COLUMN 3 Set Fine
13	Noise from operate electronic device during prohibited time	Section 3, Schedule B	\$100.00
14	Noise from operate auditory signalling device in quiet zone during prohibited time	Section 3, Schedule B	\$100.00
15	Noise from operate auditory signalling device in residential or public park during prohibited time	Section 3, Schedule B	\$100.00
16	Noise from operate auditory signalling device in commercial area during prohibited time	Section 3, Schedule B	\$100.00
17	Noise from create noise by selling advertising in quiet area during prohibited time	Section 3, Schedule B	\$100.00
18	Noise from create noise by selling advertising during prohibited time	Section 3, Schedule B	\$100.00
19	Noise from operate construction equipment during prohibited time	Section 3, Schedule B	\$100.00
20	Noise from operate combustion engine associated with toy or model in quiet zone during prohibited time	Section 3, Schedule B	\$100.00
21	Noise from operate combustion engine associated with toy or model in residential zone during prohibited time	Section 3, Schedule B	\$100.00
22	Noise from operate combustion engine associated with toy or model in commercial zone during prohibited time	Section 3, Schedule B	\$100.00
23	Noise from operate motorized conveyance other than highway or authorized trail in quiet zone during prohibited time	Section 3, Schedule B	\$100.00
24	Noise from operate motorized conveyance other than highway or authorized trail during prohibited time	Section 3, Schedule B	\$100.00
25	Allow persistent noise by domestic pet during prohibited time	Section 3, Schedule B	\$100.00
26	Noise from operate tools during prohibited time	Section 3, Schedule B	\$100.00
27	Noise from operate waste, refuse or delivery equipment during prohibited time	Section 3, Schedule B	\$100.00
28	Noise from yelling in quiet zone during prohibited time	Section 3, Schedule B	\$100.00

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision or Defining Offence	COLUMN 3 Set Fine
29	Noise from yelling during prohibited time	Section 3, Schedule B	\$100.00
30	Noise from play musical instrument in quiet zone during prohibited time	Section 3, Schedule B	\$100.00
31	Noise from play musical instrument in residential area or public park during prohibited time	Section 3, Schedule B	\$100.00
32	Noise from play musical instrument in commercial area during prohibited time	Section 3, Schedule B	\$100.00
33	Noise from discharge of firearm at Gun Range other than allowed time	Section 6.1	\$100.00
34	Breach condition or exemption granted by council	Section 7.4	\$100.00

The penalty provisions for the offences listed above is Section 9 of By-Law 2014-024, certified copies of which have been filed.

**Part 1 – Provincial Offences Act**

**The Corporation of the Municipality of Brockton  
By-Law 2014-024**

Being a By-Law to Regulate Noise

<b>Item</b>	<b>Short Form Wording</b>	<b>Offence Creating Provision or Defining Offence</b>	<b>Set Fine</b>
<b>1</b>	Noise from racing motorized conveyance	Section 2, Schedule A p.1	\$100.00
<b>2</b>	Noise from squealing motor vehicle tires	Section 2, Schedule A p.2	\$100.00
<b>3</b>	Noise from operating combustion engine without effective muffling device	Section 2, Schedule A p.3	\$100.00
<b>4</b>	Noise from operate pneumatic device without effective muffling device	Section 2, Schedule A p.3	\$100.00
<b>5</b>	Noise from operating vehicle with improper secured load, equipment or inadequate maintenance	Section 2, Schedule A p.4	\$100.00
<b>6</b>	Noise from operate vehicle with attached trailer with improper secured load, equipment or inadequate maintenance	Section 2, Schedule A p.4	\$100.00
<b>7</b>	Noise from operate stationary engine or motor of motor vehicle or auxiliary equipment continuously in excess of 3 minutes in residential zone or quiet zone	Section 2, Schedule A p.5	\$100.00
<b>8</b>	Noise from operate motor vehicle horn or other warning device not in good safety practices	Section 2, Schedule A p.6	\$100.00
<b>9</b>	Noise from operate construction equipment in residential area or quiet area without effective muffling device	Section 2, Schedule A p.7	\$100.00
<b>10</b>	Allow persistent noise by domestic pet	Section 2, Schedule A p.8	\$100.00
<b>11</b>	Noise from discharge of firearms	Section 2, Schedule A p.9	\$100.00
<b>12</b>	Noise from operate electronic device in quiet zone during prohibited time	Section 3, Schedule B	\$100.00
<b>13</b>	Noise from operate electronic device during prohibited time	Section 3, Schedule B	\$100.00
<b>14</b>	Noise from operate auditory signalling device in quiet zone during prohibited time	Section 3, Schedule B	\$100.00
<b>15</b>	Noise from operate auditory signalling device in residential or public park during prohibited time	Section 3, Schedule B	\$100.00
<b>16</b>	Noise from operate auditory signalling device in commercial area during prohibited time	Section 3, Schedule B	\$100.00
<b>17</b>	Noise from create noise by selling advertising in quiet area during prohibited	Section 3, Schedule B	\$100.00

<b>Item</b>	<b>Short Form Wording</b>	<b>Offence Creating Provision or Defining Offence</b>	<b>Set Fine</b>
	time		
<b>18</b>	Noise from create noise by selling advertising during prohibited time	Section 3, Schedule B	\$100.00
<b>19</b>	Noise from operate construction equipment during prohibited time	Section 3, Schedule B	\$100.00
<b>20</b>	Noise from operate combustion engine associated with toy or model in quiet zone during prohibited time	Section 3, Schedule B	\$100.00
<b>21</b>	Noise from operate combustion engine associated with toy or model in residential zone during prohibited time	Section 3, Schedule B	\$100.00
<b>22</b>	Noise from operate combustion engine associated with toy or model in commercial zone during prohibited time	Section 3, Schedule B	\$100.00
<b>23</b>	Noise from operate motorized conveyance other than highway or authorized trail in quiet zone during prohibited time	Section 3, Schedule B	\$100.00
<b>24</b>	Noise from operate motorized conveyance other than highway or authorized trail during prohibited time	Section 3, Schedule B	\$100.00
<b>25</b>	Allow persistent noise by domestic pet during prohibited time	Section 3, Schedule B	\$100.00
<b>26</b>	Noise from operate tools during prohibited time	Section 3, Schedule B	\$100.00
<b>27</b>	Noise from operate waste, refuse or delivery equipment during prohibited time	Section 3, Schedule B	\$100.00
<b>28</b>	Noise from yelling in quiet zone during prohibited time	Section 3, Schedule B	\$100.00
<b>29</b>	Noise from yelling during prohibited time	Section 3, Schedule B	\$100.00
<b>30</b>	Noise from play musical instrument in quiet zone during prohibited time	Section 3, Schedule B	\$100.00
<b>31</b>	Noise from play musical instrument in residential area or public park during prohibited time	Section 3, Schedule B	\$100.00
<b>32</b>	Noise from play musical instrument in commercial area during prohibited time	Section 3, Schedule B	\$100.00
<b>33</b>	Noise from discharge of firearm at Gun Range other than allowed time	Section 6.1	\$100.00
<b>34</b>	Breach condition or exemption granted by council	Section 7.4	\$100.00

The penalty provision for the offences listed above is Section 9 of By-Law 2014-024, certified copies of which have been filed.