

BY-LAW NUMBER 2534-90

**BEING A BY-LAW OF THE CORPORATION OF
THE TOWN OF COCHRANE TO CONTROL NOISE**

WHEREAS authority is granted under the Environmental Protection Act, R.S.O. 1980, Chapter 141, Section 138 to pass by-laws regulating or prohibiting the emission of sounds or vibrations;

AND WHEREAS it is deemed expedient by the Municipal Council of the Corporation of the Town of Cochrane to enact a by-law to prohibit or regulate certain noises and to ensure that the residents of the Town of Cochrane live in an environment free from unusual, unnecessary or excessive sound or vibration which may degrade the quality or tranquillity of their life or cause nuisance;

AND WHEREAS a recognized body of scientific and technological knowledge exists by which sound and vibration may be substantially reduced;

AND WHEREAS the residents of the Town of Cochrane have a right to and should be ensured an environment free from unusual, unnecessary, or excessive sound or vibration which may degrade the quality and tranquillity of their life or cause nuisance;

AND WHEREAS it is a policy of the Municipal Council of the Corporation of the Town of Cochrane to reduce and control such sound or vibration;

NOW THEREFORE the Municipal Council of the Corporation of the Town of Cochrane **ENACTS AS FOLLOWS:**

DEFINITION

1. In this by-law

a) Construction

"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;

b) Construction Equipment

"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;

c) Conveyance

"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;

d) Council

"council" means the Municipal Council of the Corporation of the Town of Cochrane;

e) Highway

"highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for, or used for, the general public for the passage of vehicles;

f) Ministry

"Ministry" means the Ministry of the Environment;

g) Minister

"Minister" means the Minister of the Environment;

h) Motor Vehicle

"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;

i) Motorized Conveyance

"motorized conveyance" means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power;

j) Noise

"noise" means unwanted sound;

k) Point of Reception

"point of reception" means any point on the premises of a person where sound or vibration originating from other than those premises is received;

GENERAL PROHIBITIONS

2. No person shall emit or cause or permit the emission of sound resulting from an act listed herein, and which sound is clearly audible at a point of reception:

- a) racing of any motorized conveyance other than in a racing event regulated by law.
- b) the operation of a motor vehicle in such a way that the tires squeal.
- c) 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.
- d) the operation of a motor vehicle horn or other warning devices except where required or authorized by law, or in accordance with good safety practices.
- e) the operation of any item of construction equipment without effective muffling devices in good working order and in constant operation.
- f) the operation of any auditory signalling 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 sounds by electronic means except where required or authorized by law or in accordance with good safety practices.
- g) 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.
- h) all selling or advertising by shouting or outcry or amplified sound.
- i) the detonation of fire-works or explosive devices not used in construction.
- j) the discharge of firearms.
- k) the operation or use of any powered or non-powered tool for domestic purposes other than snow removal, between the hours of 7:00 p.m. of one day and 7:00 a.m. the next day (9:00 a.m. on Sundays).
- l) the operation of any equipment in connection with construction between the hours of 7:00 p.m. of one day and 7:00 a.m. the next day, and all day on Sunday or any statutory holiday.

- m) 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.
- n) the operation of an engine or a motor in, or on, any motor vehicle or item of attached auxiliary equipment for a continuous period exceeding five minutes, while such vehicle is stationary unless:
 - (i) the original equipment manufacturer specifically recommends a longer idling period for normal and efficient operation of the motor vehicle in which case such recommended period shall not be exceeded; or,
 - (ii) operation of such engine or motor is essential to a basic function of the vehicle or equipment, including but not limited to, operation of ready-mixed concrete trucks, lift platforms and refuse compactors; or
 - (iii) weather conditions justify the use of heating or refrigerating systems powered by the motor or engine for the safety and welfare of the operator, passengers or animals, or the preservation of perishable cargo, and the vehicle is stationary for purposes of delivery or loading; or,
 - (iv) prevailing low temperatures make longer idling periods necessary immediately after starting the motor or engine; or,
 - (v) the idling is for the purpose of cleaning and flushing the radiator and associated circulation system for seasonal change of antifreeze, cleaning of the fuel system, carburetor or the like, when such work is performed other than for profit.

EXEMPTIONS - PUBLIC SAFETY

3. Notwithstanding any other provision of this by-law, it shall be lawful to emit or cause or permit the emission of sound or vibration in connection with emergency measures undertaken:

- a) for the immediate health, safety or welfare of the inhabitants of any of them; or
- b) for the preservation or restoration of property;

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 purpose.

EXEMPTION BY APPLICATION

4. Application to Council - Notwithstanding anything contained in 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 items and conditions as Council sees fit.
5. Any such application made to Council under Section 4 above shall be in writing and contain:
- a) the name and address of the applicant;
 - b) a description of the source of sound or vibration in respect of which the exemption is sought;
 - c) if applicable, a statement of the particular provision or provisions of the by-law from which the exemption is sought;
 - d) the period of time for which the exemption is sought (not in excess of six (6) months);
 - e) the reason why the exemption should be granted;
 - f) proof of publication within the preceding twenty (20) days, in the newspaper of general circulation within the Municipality, of a notice of intention to apply for an exemption to this bylaw, containing in a concise manner the information required under this by-law, and further stating the date upon which it is intended that application will be made to Council.
6. Decision - In deciding whether to grant the exemption, the Municipal 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. Breach - Any breach by the applicant of any of the terms or conditions of any exemption granted by Municipal Council shall render the exemption null and void.

EXEMPTION OF TRADITIONAL, FESTIVE OR RELIGIOUS ACTIVITIES

8. Notwithstanding any provision of this by-law, this by-law does not apply to a person who emits or causes or permits the emission of sound or vibration in connection with any of the following events, exempted because of their traditional, festive, religious or other nature:

- a) road or bicycle races authorized by the Corporation of the Town of Cochrane;
- b) parades authorized by the Corporation of the Town of Cochrane;
- c) firework displays authorized by the Corporation of the Town of Cochrane;
- d) midways, circuses, fairs or carnivals authorized by the Corporation of the Town of Cochrane;
- e) sporting, recreational and entertainment events or musical or other performances in public parks or buildings;
- f) special neighbourhood social activities on streets or other public lands authorized by the Corporation of the Town of Cochrane;

PENALTY

9. Every person who contravenes any of the provisions of this By-law is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than Two Thousand (\$2,000.00) Dollars, exclusive of costs, recoverable under the Provincial Offences Act, R.S.O. 1980, Chapter 400 and amendments thereto.

SEVERABILITY

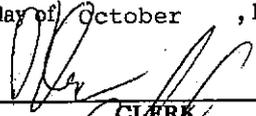
10. If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and remain in force.

GENERAL

11. This by-law shall repeal any existing by-laws respecting the regulation and prohibition of noise in the Town of Cochrane.

12. This by-law shall come into force and effect on the date that it is approved by the Minister of the Environment.

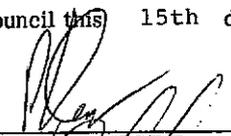
READ a first and second time this 15th day of October, 1990.



CLERK


MAYOR

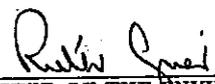
READ a third time and finally passed in open Council this 15th day of October, 1990.



CLERK


MAYOR

This By-law is approved pursuant to the provisions of The Environmental Protection Act, as amended, at Toronto, this 30th day of DECEMBER, 1990.



MINISTER OF THE ENVIRONMENT