

TOWNSHIP OF SOUTH FRONTENAC
BY-LAW 2015-41, As Amended
Consolidated By-law

A BY-LAW TO PROHIBIT AND REGULATE NOISE WITHIN THE TOWNSHIP OF SOUTH FRONTENAC

WHEREAS Council deems it necessary to prohibit or regulate, within the municipality or within any defined area or areas thereof, the ringing of bells, the blowing of horns, shouting and unusual noises, or noises likely to disturb the inhabitants:

NOW THEREFORE THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC, BY ITS COUNCIL, HEREBY ENACTS AS FOLLOWS:

DEFINITIONS:

1. For the purpose of this by-law,
 - a) “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 herewith:
 - b) “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, trucks, ditches, compactors and rollers, pumps, concrete mixers, graders or other material handling equipment;
 - c) “clearly audible” shall mean a noise level that a reasonable person would, in all of the circumstances, consider to be excessive or unnecessary, or intrusive, or disturbing or unacceptable;
 - d) “council” means the Council of the Corporation of the Township of South Frontenac
 - e) “consumer firework” means an outdoor, low hazard, recreational firework that is classed as a subdivision 1 of Division 2 of Class 7 Fireworks under the Act and includes fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles and volcanoes, but does not include Christmas crackers and caps for toy guns containing not in excess of twenty-five one-hundredths of a grain of explosive used per cap:
 - f) “discharge” means to fire, ignite, explode or set off or cause to be fire, ignited, exploded or set off and the words “discharged” and “discharging” have a similar meaning;

- g) “display firework” means an outdoor, high hazard, recreational firework that is classed as a subdivision 2 of Division 2 of Class 7 Fireworks under the Act, and includes rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, bombardos, waterfalls, fountains, batteries, illumination, set pieces and pigeons but does not include firecrackers;
- h) “firecracker” means a pyrotechnic device that explodes when ignited and does not make any subsequent display or visible effect after the explosion, and includes those devices commonly known as Chinese firecrackers
- i) “fireworks” means display fireworks, consumer fireworks and firecrackers
- j) “livestock” includes, but is not limited to chickens, turkeys or other fowl, swine, goats, sheep or cattle;
- k) “motor vehicle” shall mean a vehicle or any other device employed to transport a person or persons or goods from place to place propelled, driven or drawn by any means other than by muscular, gravitational or wind power, including but not limited to motor vehicle, motorcycle, motorized snow vehicle, motor assisted bicycle, trailer, farm tractor, road building machine;
- l) “municipality” means the Corporation of the Township of South Frontenac;
- m) “noise” means unwanted sound
- n) “other areas” means any area other than a residential area as defined in the municipality’s zoning by-law;
- o) “point of reception” means any point on a premises where noise from other than those premises is received;
- p) “residential area” means any area of the Municipality that is zoned residential in the Zoning By-law of the Municipality.

RESPONSIBILITY OF PROPERTY OWNER

2. Every owner of property and every officer or director of a corporation that owns property within the Township of South Frontenac has a duty to take all reasonable care to prevent occupants and users of their property from breaching the provisions of this By-law;
 - (a) Every person who has a duty under this section and who fails to carry out that duty is guilty of an offence.
 - (b) A director or officer of a corporation is liable to a conviction under this section whether or not the corporation has been prosecuted or convicted.

(As Amended by By-law 2023-29 passed April 11, 2023)

GENERAL PROHIBITIONS

3. No person shall emit, cause or permit the emission of noise resulting from an act listed herein, and which noise is clearly audible at a point of reception;
 - a) Racing a motor vehicle other than in a racing event regulated by by-law;
 - b) The operation of a motor vehicle in such a way that the tires squeal;
 - c) The operation of a combustion engine, pneumatic device or construction equipment without an effective exhaust or intake muffling device in good working order and in constant operation;
 - d) The operation of a motor vehicle resulting in banging, clanking, squealing or other like sounds;
 - e) The operation of an engine or 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 in a Residential Area unless:
 - (i) The original equipment manufacturer specifically recommends a stronger idling period for normal and efficient operation of the motor vehicle in which case such recommended period shall not be exceeded;
 - (ii) The operation of such engine or motor is essential to a basic function of the vehicle or equipment, including but not limited to operation of a ready-mix concrete truck, lift platforms, or refuse compactors and heat exchange systems normal operation;
 - (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;
 - (iv) Prevailing low temperatures make longer idling periods necessary immediately after starting the motor or engine;
 - (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;
 - f) 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 in such a manner as to disturb the peace and comfort of a person or persons at the point of reception;
 - g) The sounding of any bell, steam or air whistle, horn, siren or signal device on or off a vehicle;
 - h) The selling or advertising by shouting, or loud speaking;
 - i) The keeping of any animal or bird

LIMITATIONS BY TIME AND PLACE

4. No person shall emit, cause or permit the emission of noise resulting from any act listed in Schedule 1 – Prohibitions by Time and Place if clearly audible at a point of reception located in an area of the Municipality specified in Schedule 1 within a prohibited time show for such an area.

EXEMPTION

5. i. Notwithstanding any other provisions of this by-law to the contrary, this by-law does not apply to a person who emits or causes or permits the emission of noise in connection with:
 - a) Emergency vehicles;
 - b) The immediate health, safety or welfare of the inhabitants
 - c) Races, authorized by the Municipality;
 - d) Regimental salutes;
 - e) Parades authorized by the Municipality;
 - f) Fireworks displays authorized by the Municipality;
 - g) Community public events authorized by the Municipality;
 - h) Sporting, recreational and entertainment events in or on public parks or buildings;
 - i) Musical and other performances in public parks or buildings authorized by the Municipality;
 - j) Municipal maintenance vehicles, including but not limited to snow clearing, street cleaning and garbage collection vehicles;
 - k) The raising or herding of livestock
 - l) Blasting authorized by the Municipality;
- ii. a) “Non-Amplified Noise” or Multi-Day Exemption Request Application Process:

Any person may submit a Noise By-law Exemption Request Application up to four weeks in advance of the event to the Clerk’s Department requesting an exemption from any of the prohibitions described in the General Prohibitions Section of the By-law;
- b) “Amplified Noise” Exemption Request Application Process:

Notwithstanding Section 5. ii. a), the Clerk or Deputy Clerk may approve, deny or modify a Noise By-law Exemption Request Application submitted to the Clerk’s Department up to seven days in advance of the event requesting an exemption from Section 3. f) the operation of any 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 in such a manner as to disturb the peace and comfort of a person or persons at the point of reception; provided that the following criteria is met:

- No more than two Noise By-law Exemptions have been granted for the property during the calendar year;
- Exemption request application must pertain to a single day event to be concluded by 11:00 p.m.; and
- Exemption request application relates to a special event such as a wedding or religious event, birthday party or family function; it being understood that exemption request applications which do not meet the criteria in Section 5. ii. b.) must be submitted in accordance with the process outlined in 5. ii. a.).

(As Amended by By-law 2024-15 passed February 20, 2024)

- iii. Council approved exemptions will be in effect for the dates and times specified, and Council may impose any conditions that it considers appropriate; and
- iv. A Council approved exemption shall be invalid if these conditions are contravened.

(As Amended by By-law 2023-29 passed April 11, 2023)

PENALTIES

- 6. Every person who contravenes any of the provisions of this by-law is guilty of an offence and shall, upon conviction, be liable to a fine pursuant to the Provincial Offences Act.
 - a) Every Person who contravenes any provision of this By-Law shall, upon issuance of a Penalty Notice in accordance with the By-Law to Impose Administrative Monetary Penalties On Violations Of Municipal By-Laws 2022-70, be liable to pay to the Township an Administrative Monetary Penalty in accordance with By-Law Number 2022-70.

(As Amended by By-law 2022-82 passed September 6, 2022)

ENFORCEMENT

- 7. This by-law shall be enforced by the by-law enforcement officers of the Municipality and The Ontario Provincial Police.
 - a) No person shall obstruct or hinder or attempt to obstruct or hinder a Provincial Offences Officer, Ontario Provincial Police Officer or other authorized employee or agent of the Township in the exercise of a power or the performance of a duty under this by-law. Without limiting the generality of the foregoing, for purposes of this By-law, any person who fails to provide proof of identification satisfactory to the Provincial Offences Officer when requested to do so by the Provincial Offences Officer is deemed to obstruct an Officer under this By-Law.

(As Amended by By-law 2022-82 passed September 6, 2022)

(As Amended by By-law 2024-19 passed March 5, 2024)

8. Schedule 1 to this By-law forms part and parcel of this By-law.

VALIDITY

9. If any section, clause or provision of this by-law, is for any reason declared by a court of competent jurisdiction, found to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining section, clause or provision of the by-law remain in effect until repealed.

REPEAL

10. By-law 2001-67 is repealed.

EFFECTIVE DATE

11. This by-law shall come into effect on the date of passing thereof.

TITLE OF THE BY-LAW

12. This by-law may be cited as the "noise by-law".

READ A FIRST AND SECOND TIME THIS 4TH DAY OF AUGUST, 2015

READ A THIRD AND FINAL TIME THIS 4TH DAY OF AUGUST, 2015.

Ron Vandewal, Mayor

Wayne Orr, Chief Administrative Officer

Amendments

1. By-law 2015-41 was amended by By-law 2022-82 following receiving three readings by Council on September 6, 2022.
2. By-law 2015-41 was amended by By-law 2023-29 following receiving three readings by Council on April 11, 2023.
3. By-law 2015-41 was amended by By-law 2024-15 following receiving three readings by Council on February 20, 2024.
4. By-law 2015-41 was amended by By-law 2024-19 following receiving three readings by Council on March 5, 2024.

SCHEDULE 1

PROHIBITING BY TIME AND PLACE

PROHIBITED PERIOD OF TIME

	Residential Areas	Other Areas
1. The operation of any construction equipment in connection with construction	C & E	C & E
2. The operation of any powered or non-powered tool for domestic purpose other than snow removal	D	D
3. The operation of a solid waste bulk lift or refuse compacting equipment	C	C
4. The take-off or landing of a power assisted hang glider, parafoil or aircraft of any type	A	F
5. The operation of a pit or quarry.	B & E	B & E
6. Yelling, shouting, hooting, whistling or singing	D	D
7. The discharge of fireworks (except as permitted by the Municipality)	G	G

Prohibited Periods of Time

- A - at any time
- B - 19:00 Hrs. of one day to 07:00 Hrs. the next day
- C - 21:00 Hrs. of one day to 07:00 Hrs, the next day (09:00 Hrs Sundays)
- D - 23:00 Hrs. of one day to 07:00 Hrs. the next day (09:00 Hrs Sundays)
- E - all day Sunday
- F - between the hours of sunset and sunrise.
- G - Any time from January 1st to the Friday of the Victoria Day weekend, and from the Tuesday following the Victoria Day holiday to June 30 and from July 5 to December 31.