

THE CORPORATION OF THE TOWNSHIP OF CHATSWORTH

Bylaw number 2001-23

A By-law to prohibit and regulate unusual noises or noises likely to disturb the inhabitants of the Township of Chatsworth

THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF CHATSWORTH ENACTS AS FOLLOWS:

SHORT TITLE

1. This Bylaw may be cited as the “NOISE CONTROL BYLAW”.

INTERPRETATION

2. For the purposes of this Bylaw the following terms shall have the corresponding meanings:

“Township” means the Corporation of the Township of Chatsworth;

“Construction equipment” includes a bulldozer, excavator, trencher, jack hammer, crane, loader, scraper, paver, compactor, roller, grader, concrete mixer and the like;

“Council” means the Council of the Corporation of the Township of Chatsworth;

“Holiday” means any holiday set out as a holiday in the Retail Business Holidays Act, R.S.O. 1990, Chapter R. 30, or any successor thereof;

“Noise” means sound that is of such a volume or nature that is likely to disturb the inhabitants of the Township;

“Other area” means all of the Township as set out in Schedule “B” of this Bylaw which is not shaded;

“Person” includes a corporation, organization, association, partnership, and the like; and

“Residential area” means all of the area of the Township set out on Schedule “B” of this Bylaw which is denoted by shaded.

GENERAL EXEMPTIONS

3. (1) This Bylaw does not apply:
 - (a) during an emergency involving the health, safety or welfare of the public;
 - (b) Where the Township, its servants, employees, contractors or agents are carrying out Township operations or operating, or installing municipally owned infrastructure, facilities or the like, except for the detonation of explosives;
 - (c) to noise created by the activity of snow removal;
 - (d) to road or bicycle races, parades, circuses, entertainment activities in public parks or neighbourhood social activities when such events are approved by the Council and such activity or event is in compliance with the conditions set by Council in approving such activity or event;
 - (e) to sport or recreational events in public parks where a permit has been issued by the Township authorizing such event and the event complies with all of the conditions of such permit;

- (f) to the use of implements of husbandry in the operation of agricultural endeavours;
or
- (g) to the operation of excavation equipment when used in a cemetery in conjunction with internment services.

EXEMPTIONS BY COUNCIL

- 4. (1) Despite the provisions of the Bylaw, any person may apply to Council for an exemption to any provision of the Bylaw with respect to any noise to allow such person to emit, cause or permit such noise for the period of time set out in such application, and Council may grant such exemption, grant an alternative exemption, and may set out conditions to be met as Council sees fit for any exemption granted.
- (2) Where an exemption is granted by Council, breach of any of the terms or conditions of the exemptions shall render the exemption null and void.
- (3) Every person applying for an exemption shall at least 10 business days prior to the Council meeting at which the request for exemption is to be addressed by Council, provide to the Bylaw Enforcement Officer of the Township:
 - (a) a complete and accurate application form as provided by the Township setting out the particulars respecting the exemption requested; and
 - (b) payment of the exemption processing fee in the amount set by Council and in effect at the time of the exemption request.

GENERAL PROHIBITIONS

- 5. (1) No person shall, at any time, emit, cause or permit to be emitted or caused any noise created by:
 - (a) the persistent barking, calling or whining of any domestic pet or any animal, except an animal used for and located on the property of an agricultural, livestock based use as set out in the Township's zoning Bylaws;
 - (b) the squealing of motor vehicle tires;
 - (c) the use of a horn, whistle, alarm, bell, gong or the like, except for an auditory safety or warning device or chimes used in association with a religious establishment;
 - (d) the detonation of explosives;
 - (e) the operation of an air conditioner, pool pump or filter, heat pump or the like that is not in proper working order;
 - (f) the idling of a motor vehicle in excess of 10 minutes, except:
 - (i) when such idling is recommended by the manufacturer of such vehicle and proof of such recommendation is provided by the vehicle operator upon the request of a police officer;
 - (ii) when such idling is necessary to the basic function of the equipment on a vehicle such as a concrete mixer on a concrete truck, lift platform, a refuse compactor or a heat exchange system; or

- (iii) when the weather conditions require the vehicle to idle in order to keep in operation a heating or refrigeration system necessary for the welfare or preservation of the cargo of such vehicle;
- (g) the operation of a combustion engine without an effective exhaust muffling device in proper working order; or
- (h) the operation of a vehicle radio, stereo or the like.

PROHIBITIONS BY TIME AND PLACE

- 6. No person shall emit, cause or permit to be emitted or caused any noise created by an activity listed in Schedule "A" of the Bylaw during the time and in the area such noise is prohibited as set out in such Schedule.

OFFENSE

- 7. Every person who is convicted of an offense under the provision of this Bylaw is guilty of an offense.

PENALTY

- 8. Every person who is convicted of an offense under any provision of the Bylaw shall be liable to a penalty as set out in Section 61 of the Provincial Offences Act, R.S.O. 1990, Chapter P. 33, or any successor thereof.

SCHEDULES FORM PART OF BYLAW

- 9. Schedules "A" and "B" attached hereto shall form part of this Bylaw.

PRIOR BYLAWS REPEALED

- 10. Bylaw number 2000-26 is hereby repealed as of the date and time of this Bylaw coming into effect.

Read a first and second time this 1st day of April, 2001.

MAYOR *Howard Grey* CLERK *W. Penning*

Read a third time and finally passed this 16 day of May, 2001

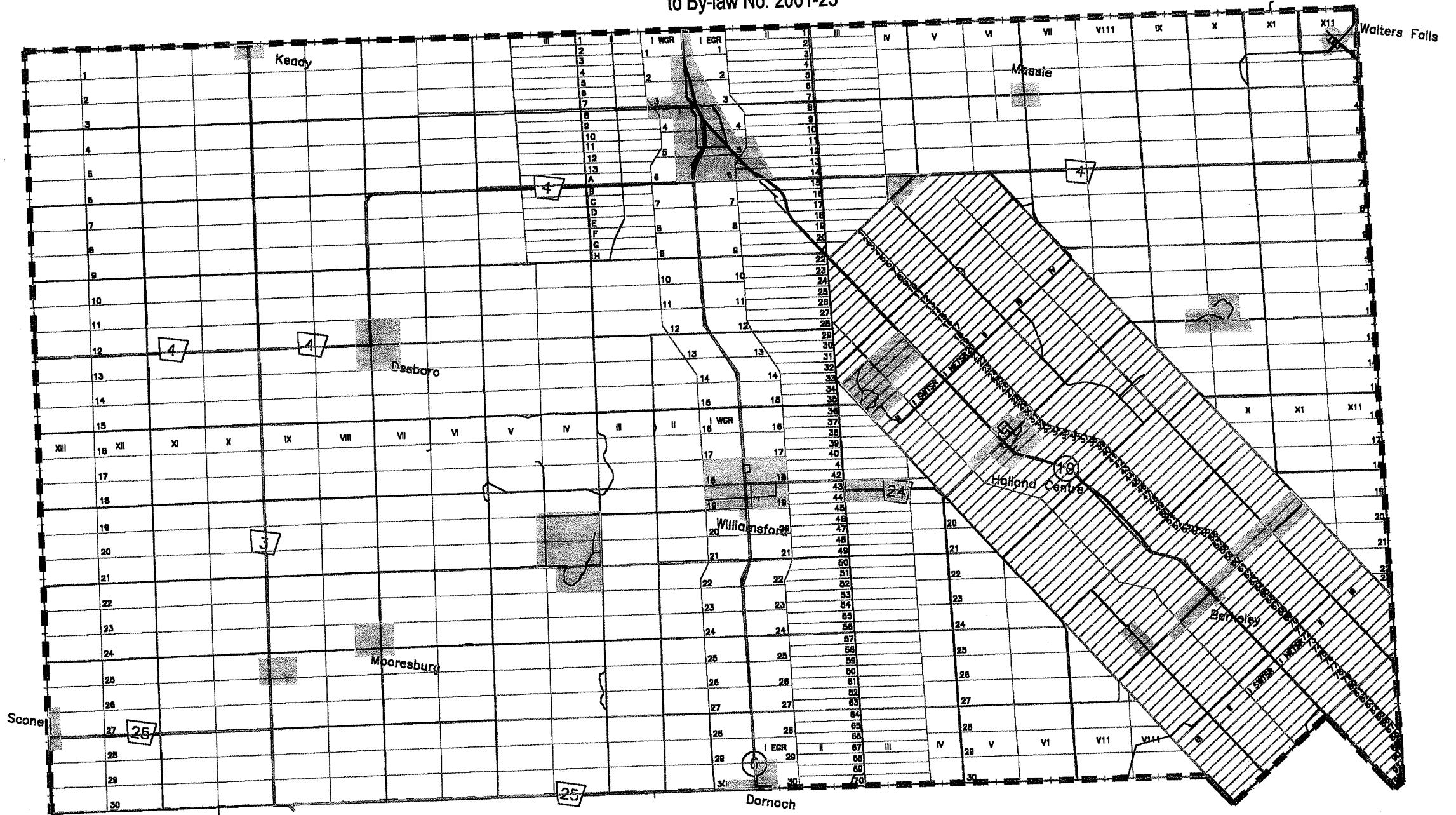
MAYOR *Howard Grey* CLERK *W. Penning*

SCHEDULE "A"

to Bylaw Number 2001-23
the Noise Control by-Law

NOISE CREATED FROM THE FOLLOWING ACTIVITIES IS PROHIBITED	PROHIBITED TIME OF DAY	PROHIBITED AREA
The operation of a radio, television, stereo or other electronic device including any amplification device, or any musical or other sound producing instrument.	At all times ----- 11:00 p.m. to 9:00 a.m.	Residential ----- other
Yelling, shouting or the like	11:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays, Sundays, and holidays)	residential and other
The operation of a car wash	9:00 p.m. to 6:00 a.m. (to 6:00 a.m. on Saturdays, Sundays and holidays)	residential and other
The venting or release of steam, the operation of a generator or air filtration system, noise from grinding, milling, the operation of machinery, or the like.	11:00 p.m. to 7:00 a.m. (to 7:00 a.m. on Saturdays, Sundays and holidays) ----- 11:00 p.m. to 7:00 a.m. (to 11:00 a.m. on Saturdays, Sundays and holidays)	residential ----- other
The operation of waste collection machinery or refuse compacting equipment	11:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays, Sundays and holidays) ----- 11:00 p.m. to 6:00 a.m. (to 6:00 a.m. on Saturdays, Sundays and holidays)	residential ----- other
Loading, unloading, packing, delivering or otherwise handling any container, product or material unless necessary for the maintenance or essential services or for the moving of private household effects	11:00 p.m. to 6:00 a.m. (to 6:00 a.m. on Saturdays, Sundays and holidays) ----- 11:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays, Sundays and holidays)	residential ----- other
The operation of any tool including a hammer, saw, nail gun, lawnmower, staple gun, hedge trimmer, drill, or the like	11:00 p.m. to 6:00 a.m. (to 6:00 a.m. on Saturdays, Sundays and holidays)	residential and other
The operation of a combustion engine for a toy or a replica of a larger device such as a remote controlled toy aeroplane	9:00 p.m. to 9:00 a.m.	residential and other
The operation of a dirt bike, all-terrain cycle, snowmobile, go-cart, dune buggy or like conveyance	11:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays) and at all times on Sundays and holidays	residential and other
The operation of construction equipment	11:00 p.m. to 5:00 a.m. (to 5:00 a.m. on Saturdays) and at all times on Sundays and holidays	residential and other

SCHEDULE "B"
to By-law No. 2001-23



- Residential Areas
- Other

Submitted for
the Establishment of set fines
under Part 1 of the
Provincial Offenses Act

Submitted by
The Corporation of the Township of Chatsworth
Bylaw number 2001-23
Noise Control Bylaw

CONTENTS

1. Short form wordings
2. Short form wordings including suggested set fines
3. Certified copy of Bylaw 2001-23

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
WEST REGION

COURT HOUSE
15TH FLOOR, UNIT "G"
80 DUNDAS STREET
LONDON, ONTARIO
N6A 6B3



CABINET DU JUGE PRINCIPAL REGIONAL
COUR DE JUSTICE DE L'ONTARIO
REGION DE L'OUEST

TELEPHONE/TÉLÉPHONE (519) 660 2292
FAX/TÉLÉCOPIEUR (519) 660 3138

November 27, 2001

Mr. Arnold Rosenberg
Township of Chatsworth
RR #1
Chatsworth ON NOH 1G0

Dear Mr. Rosenberg:


**Re: Set Fines - Provincial Offences Act - Part
By-law Number 2000-23, Township of Chatsworth**

Enclosed herewith is a copy of an Order, and a copy of a schedule of set fines for the above referenced By-Law, the By-law indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

I have forwarded the original of the Order and the schedule of the set fines to the Ontario Court of Justice in Owen Sound, together with a certified copy of the By-law.

Yours truly,


Alexander M. Graham
Regional Senior Justice
West Region

Enclosures
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**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. 2001-23, of The Township of Chatsworth, attached hereto is the set fine including costs, for those offences. This Order is to take effect November 27, 2001.

Dated at London this 27th day of November, 2001.



Alexander M. Graham
Regional Senior Justice
West Region

The Corporation of the Township of Chatsworth Bylaw no. 2001-23. Noise Control Bylaw
Part 1 Set Fine Schedule

Item	Column 1	Column 2	Column 3
	Description of offense	Provision creating Offense	Set fine including cost
1.	Emit noise by persistent barking, calling, whining of any domestic pet or any animal	s. 5 (1)	\$100.00
2.	Emit noise by use of horn, whistle, alarm, bell, gong	s. 5 (1)	\$100.00
3.	Emit noise by detonation of explosives	s. 5 (1)	\$100.00
4.	Emit noise by operation of air conditioner, pool pump, heat pump, or the like	s. 5 (1)	\$100.00
5.	Emit noise by excessive idling of a vehicle motor	s. 5 (1)	\$100.00
6.	Emit noise by the operation of a combustion engine without effective muffling device in proper working order	s. 5 (1)	\$100.00
7.	Emit noise by the operation of a vehicle radio, stereo or the like	s. 5 (1)	\$100.00
8.	Emit noise by the operation of a radio, television, stereo or other electronic device including any amplification device or any musical or other sound producing instrument	s. 6	\$100.00
9.	Emit noise by yelling, shouting or the like	s. 6	\$100.00
10.	Emit noise by the operation of a car wash	s. 6	\$100.00
11.	Emit noise by the venting or release of steam, the operation of a generator or air filtration system, noise from grinding, milling, the operation of machinery, or the like	s. 6	\$100.00
12.	Emit noise by the operation of waste collection machinery or refuse compacting equipment	s. 6	\$100.00

Item	Column 1 Description of offense	Column 2 Provision creating Offense	Column 3 Set fine including Cost
13.	Emit noise by loading, unloading packing, unpacking, delivering or otherwise handling any container, product or material unless necessary for the maintenance for essential services or for the moving of private household effects	s. 6	\$100.00
14.	Emit noise by the operation of any tool including a hammer, saw, nail gun, lawnmower, staple gun, hedge trimmer, drill, or the like	s. 6	\$100.00
15.	Emit noise by the operation of a combustion engine for a toy or replica of a larger device such as a remote controlled toy aeroplane	s. 6	\$100.00
16.	Emit noise by the operation of a dirt bike, all-terrain cycle, snowmobile, go-cart, dunc buggy or like conveyance	s. 6	\$100.00
17.	Emit noise by the operation of construction equipment	s. 6	\$100.00

The penalty provision for the offenses indicated above is section 8 of Bylaw 2001-23, a certified copy of which is attached.