

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

OFFICE CONSOLIDATION OF BY-LAW 2005-25

Consolidated on June 18, 2010

Passed by Council on February 1, 2005

Amendments:

- | | | |
|--------------------|--------------------|---|
| 1) By-law 2005-33 | February 1, 2005 | Schedule "B" |
| 2) By-law 2005-143 | June 28, 2005 | Schedule "B" |
| 3) By-law 2006-116 | May 23, 2006 | Schedule "B" |
| 4) By-law 2008-153 | September 16, 2008 | Schedule "C" |
| 5) By-law 2009-057 | April 28, 2009 | Schedule "C" |
| 6) By-law 2009-123 | June 9, 2009 | Definitions (d) (e) (v) & (w)
Schedule "B" sections 1, 2 & 14. |
| 7) By-law 2010-107 | June 15, 2010 | Schedule C (20) |

Note: This consolidation is prepared for convenience only. For accurate reference the original by-laws should be reviewed.

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2005 - 25

A BY-LAW TO REGULATE NOISE IN THE CITY OF KAWARTHA LAKES

Recitals

1. The *Municipal Act, 2001* c.25 Section 129 authorizes the council of every local municipality to regulate and prohibit with respect to noise.
2. Council considers it appropriate to regulate and prohibit noise in Kawartha Lakes.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2005-25.

Article 1.00: Definitions and Interpretation

- 1.01 **Definitions:** Wherever a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in this Section 1.01. Where any word appears in ordinary case, its regularly applied meaning in the English language is intended.
- a. "**Agricultural Property**" means a property that is zoned for agricultural use in the zoning by-law that applies to the property;
 - b. "**By-law**" means this by-law, as it may be amended from time to time. The Recitals to, and the Schedules attached to this By-law are considered integral parts of it.
 - c. "**City**" means The Corporation of the City of Kawartha Lakes.
 - d. "**Commercial Construction**" includes but is not limited to erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavation, blasting and detonation of explosive devices other than fireworks, 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 associated or related work on all properties with the exception of properties used solely for residential or seasonal residential use; (2009-123, effective June 9, 2009)
 - e. "**Commercial 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, ditchers, compactors and rollers, pumps, concrete mixers, graders or other material handling equipment on all properties with the exception of properties used solely for residential or seasonal residential use;

- f. **“Council”** means the elected municipal council for the City.
- g. **“Dwelling Unit”** means is a building or part of a building consisting of at least a washroom, a room with cooking facilities, and a sleeping area meeting all appropriate municipal and other requirements to be a self-contained living quarters that provides or is capable of providing a residence for one or more persons.
- h. **“Emergency”** means a situation or an impending situation, often dangerous, caused by the forces of nature, an accident, an intentional act or otherwise, which arises suddenly and calls for prompt action;
- i. **“Emergency vehicle”** includes but is not limited to, a land ambulance, an air ambulance, a fire department vehicle, and a motor vehicle being used to respond to an emergency;
- j. **“Farming and Food Production Protection Act, 1998”** means the provincial legislation cited as S.O. 1998, c. 1, as amended from time to time, including successor legislation.
- k. **“Kawartha Lakes”** means the geographic area under the jurisdiction of the City.
- l. **“Motor vehicle”** includes but is not limited to, an automobile, bus, truck, motorcycle, motor assisted bicycle and any other vehicle propelled or driven other than by muscular power, but does not include a motorized snow vehicle, traction engine, farm tractor, other farm vehicle or road-building machine;
- m. **“Municipal Act, 2001”** means the provincial legislation cited as S.O. 2001, c. 25, as amended from time to time, including successor legislation.
- n. **“Municipal Law Enforcement Officer”** means a person duly appointed within the City’s administration to enforce the by-laws of the City.
- o. **“Municipal Service Vehicle”** means a vehicle operated by or on behalf of the City while the vehicle is being used for the construction, repair or maintenance of a highway, including the clearing and removal of snow, the construction, repair or maintenance of a utility, the collection or transportation of waste, or other municipal purposes.
- p. **“Noise”** means sound that is unusual or excessive, or that is unwanted by or disturbing to persons.
- q. **“Officer”** means a sworn member of the Kawartha Lakes Police Service, The Ontario Provincial Police, a Municipal Law Enforcement Officer, a Municipal Enforcement Officer or any other Provincial Offences Officer appointed by Council to enforce the provisions of this or any other Bylaw.
- r. **“Person”** includes a corporation as well as an individual.
- s. **“Premises”** means a piece of land and any buildings and structures on it, and includes a place of business, road, and any other location or place.
- t. **“Residence”** means a room, suite of rooms, or dwelling, including a mobile trailer, operated as a housekeeping unit that is used or intended to be used as a separate domicile by one or more persons, and that normally contains cooking, eating, living, sleeping and sanitary facilities.
- u. **“Residential areas”** means all lands within the geographic boundaries of the City.
- v. **“Residential Construction”** includes but is not limited to erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavation, the laying of pipe and conduit whether above or below ground level, concreting, and the structural installation of construction components and materials in any form, and includes any associated or related work on property used solely for residential or seasonal residential use;
(2009-123, effective June 9, 2009)
- w. **“Residential Construction Equipment”** means any equipment or device designed and intended for use in residential construction or material handling, limited to handheld power and manual tools.
(2009-123, effective June 9, 2009)
- x. **“Road”** includes, but is not limited to, a public highway, private road, lane, pathway and sidewalk.
- y. **“Utility”** includes, but is not limited to, a system that is used to provide a utility service to the public, including water, sewage, electricity, gas, communications networks and cable services.
- z. **“Utility service vehicle”** means a vehicle operated by or on behalf of any company or agency that supplies or manages a utility with the City while the vehicle is being used for the construction, repair or maintenance of that utility.

- aa. **“Vehicle”** includes, but is not limited to, a motor vehicle, trailer, traction engine, farm tractor, road-building machine and other vehicle propelled or driven other than by muscular power; and
- bb. **“Zoning By-law”** means a by-law passed under section 34 of the *Planning Act, 1990, c.P.13*.

1.01 **Interpretation Rules:**

- (a) Wherever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.
- (b) References to items in the plural include the singular, as applicable.
- (c) The word “include” is not to be read as limiting the phrases or descriptions that precede it.

1.02 **Statutes:** Specific references to laws in this By-law are printed in italic font and are meant to refer to the current laws applicable within the Province of Ontario as at the time this By-law was enacted. For Provincial laws, the reference is to the relevant chapter of the R.S.O. 1990 edition, as amended from time to time or current S.O. edition.

1.03 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law will be considered to be severed from the balance of the By-law, which will continue to operate in full force and effect.

Article 2.00: Application

- 2.01 The general prohibitions on activities described in Schedule “A” apply to all lands within the City at all times.
- 2.02 The prohibitions on activities by time and place described in Schedule “B” apply to all lands within the City during the days and between the hours specified in Schedule “B”.

Article 3.00: Administration

- 3.01 The Clerk’s Office shall be responsible for the administration of this by-law.
- 3.02 All Municipal Law Enforcement Officers with authority to enforce the by-laws of the City are responsible for enforcing the provisions of this by-law.
- 3.03 Any person may submit an application to the Clerk’s Office requesting an exemption from any of the prohibitions described in Schedules “A” and “B”.
- 3.04 If Council approves the application, the exemption will be in effect for the dates specified, and Council may impose any conditions that it considers appropriate.
- 3.05 An exemption shall be invalid if these conditions are contravened.

Article 4.00: Regulations

- 4.01 No person shall, at any time, make, cause or permit the making of noise within the City that is the result of any of the activities described in Schedule “A” and that is audible to:
 - a) a person in a premises or a vehicle other than the premises or vehicle from which the noise is originating; or
 - b) a person in a residence other than the residence from which the noise is originating.
- 4.02 No person shall, during the days and between the hours specified in Schedule “B”, make, cause or permit the making of noise that is the result of any of the activities described in Schedule “B” and that is audible to:

- a) a person in a premises or a vehicle other than the premises or vehicle from which the noise is originating; and
- b) a person in a residence other than the residence from which the noise is originating.

Article 5.00: Exemptions

5.01 The prohibitions described in Schedules "A" and "B" do not apply if the noise is the result of measures undertaken in an emergency for the:

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

unless the noise is clearly of a longer duration or of a more disturbing nature than is reasonably necessary to deal with the emergency.

5.02 The prohibitions described in Schedules "A" and "B" do not apply if the noise is the result of an activity that has been granted an exemption under Schedule "C".

5.03 The prohibitions described in Schedules "A" and "B" do not apply if the noise is the result of an activity that has been granted an exemption under section 3.04.

Article 6.00: Schedules

6.01 The following schedules are attached to and form part of this by-law:

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| Schedule A - | General Noise Prohibitions |
| Schedule B - | Noise Prohibitions by Time and Place |
| Schedule C - | Exemptions from the Noise Prohibitions |

Article 7.00: Offence and Penalty Provisions
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7.01 Any person who contravenes the provisions of this by-law is guilty of an offence and, upon conviction, is subject to a fine as provided in the *Provincial Offences Act, 1990, c.P.33*, as amended from time to time, and to any other applicable penalties.

7.02 If this by-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

Article 8.00: Repeal of Prior Historic By-Laws; Effective Date
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8.01 **Repeal:** The following by-laws are repealed:

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| (a) By-law No. 1-97 of The Corporation of the | Village of Bobcaygeon; |
| (b) By-law No. 17-80 of The Corporation of the | Town of Lindsay; |
| (c) By-law No. 84-18 of The Corporation of the | Township of Somerville; |
| (d) By-law No. 2000-25 of The Corporation of the | Township of Emily; |
| (e) By-law No. 1991-7 of The Corporation of the | Village of Omemee; |
| (f) By-law No. 92-16 of The Corporation of the | Township of Manvers; |
| (g) By-law No. 85-7 of The Corporation of the | Village of Sturgeon Point; |
| (h) By-law No. 90-51 of The Corporation of the | Township of Ops; |
| (i) By-law No. 1155 of The Corporation of the | Township of Ops; |
| (j) By-law No. 85-3 of The Corporation of the | Township of Eldon; |
| (k) By-law No. 79-9 of The Corporation of the | Village of Fenelon Falls; |
| (l) By-law No. 24-90 of The Corporation of the | Township of Fenelon; and |
| (m) By-law No. 7-94 of The Corporation of the | United Townships of
Laxton, Digby & Longford. |

8.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 1st day of February, 2005.

Mayor

Clerk

Schedule "A" to By-law 2005-25

General Noise Prohibitions

1. Operation of a motor vehicle or motorized snow vehicle in a race.
2. Operation of a motor vehicle in such a way that the tires squeal.
3. Operation of a combustion engine or pneumatic device without an effective exhaust muffling device that is in good working order and in constant operation.
4. Operation of any item of construction equipment without an effective exhaust muffling device that is in good working order and in constant operation.
5. Operation of a vehicle in a manner that results in banging, clanking, squealing or similar sounds because of inadequate maintenance or an improperly secured load.
6. Operation of the horn of a vehicle or other warning device except where required or authorized, or in accordance with good safety practice.
7. Operation of any outdoor auditory signaling device, including but not limited to outdoor paging systems, the ringing of bells or gongs, the use of sirens, whistles or chimes, 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 practice.
8. Persistent barking, calling or whining or other similar persistent noise-making by animals and birds kept as household pets.
9. Selling or advertising by shouting, yelling or amplified sound.
10. Unauthorized setting off of fireworks.
11. Operation of an engine or motor in, or on, any vehicle or item of attached auxiliary equipment for a continuous period of more than five minutes, or such other time limit specified in the by-law controlling the idling of vehicles and boats, while such vehicle is stationary in a residential area, unless:
 - a) The vehicle is in an enclosed structure constructed so as to effectively prevent the emission of excessive noise;
 - b) Continuous operation of the engine or motor is essential to a basic function of the vehicle or equipment, including but not limited to the operation of ready-mixed concrete trucks, lift platforms, refuse compactors and heat exchange systems during normal operation;
 - c) Weather conditions justify the use of heating or refrigeration systems powered by the motor or engine for the safety and welfare of the operator, passengers or animals, or the preservation of perishable cargo.

Schedule "B" to By-law 2005-25
(Amended by 2005-143, effective June 28/05)

Noise Prohibitions by Time and Place

Activity	Prohibited Times
1. Operation of commercial construction equipment in connection with commercial construction (2009-123, effective June 9, 2009)	9:00 p.m. to 12 midnight 12 midnight to 7:00 a.m. Sundays and Statutory Holidays
2. Erection, alteration, repair, dismantling, or any activity related to commercial construction (2009-123, effective June 9, 2009)	9:00 p.m. to 12 midnight 12 midnight to 7:00 a.m.
3. Operation of any device or group of connected devices intended for the production, reproduction, or amplification of voices or sound	11:00 p.m. to 11:00 a.m.
4. Operation of a combustion engine that (i) is, or (ii) is used in, or (iii) is intended for use in a toy or model or replica of a larger device, which is not a conveyance and which has no purpose other than amusement	9:00 p.m. to 12 midnight 12 midnight to 7:00 a.m.
5. Venting, release or pressure relief of air, steam or other gaseous material, product or compound from any autoclave, boiler, pressure vessel, pipe, valve, machine, device or system.	9:00 p.m. to 12 midnight 12 midnight to 7:00 a.m.
6. Operation of a solid waste bulk lift or refuse compacting equipment	9:00 p.m. to 12 midnight 12 midnight to 7:00 a.m. Sundays and Statutory Holidays
7. Outdoor operation of any powered or non-powered tool for domestic purposes other than snow removal	9:00 p.m. to 12 midnight 12 midnight to 7:00 a.m.
8. Loading, unloading, delivering, packing, unpacking or otherwise handling any containers, products, other materials or refuse, unless necessary for the maintenance of essential services or the moving of private household effects.	9:00 p.m. to 12 midnight 12 midnight to 7:00 a.m.
9. Lawful operation of a pit or quarry	12 midnight to 7:00 a.m. 6:00 p.m. to 12 midnight, subject to Provincial Regulations, Certificates of Approval, Licencing Agreement or existing Site plan Agreements and includes Saturday, Sunday or any Statutory Holiday as defined in the Interpretation Act (2006-116, effective May 23/06)
10. Lawful detonation of explosive devices including quarry, excavation or damming.	12 midnight to 8:00 a.m. 4:00 p.m. to 12 midnight, subject to Provincial Regulations, Certificates of Approval, Licencing Agreement or existing Site plan Agreements and includes Saturday, Sunday or any Statutory Holiday as defined in the Interpretation Act
11. Yelling, shouting, hooting, whistling, singing or the playing of musical instruments, including percussion instruments.	9:00 p.m. to 12 midnight 12 midnight to 7:00 a.m.
12. Sound emitted from gas or diesel powered pumps.	10:00 a.m. to 12 midnight 12 midnight to 7:00 a.m.
13. Persistent barking, calling or whining by any dog or other persistent noise made by any pet.	At all times.

14. Operation of residential construction equipment In connection with residential construction (2009-123, effective June 9, 2009)	Sundays and Statutory Holidays the following hours shall apply 5:00 p.m. to 12 midnight 12 midnight to 9:00 a.m.
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Schedule "C" to By-law 2005-25

Exemptions from the Noise Prohibitions

1. Operation of emergency vehicles
2. Operation of municipal service vehicles and related equipment.
3. Operation of utility service vehicles and related equipment.
4. Authorized displays of fireworks.
5. Midways that have been authorized by the City.
6. Races, parades, processions, and events for ceremonial, religious or traditional purposes that have been authorized by the City.
7. Operation of bells, chimes, carillons and clocks in churches and public buildings.
8. Cultural, recreational, educational and political events in parks and other public places that have been authorized by the City.
9. Neighbourhood events on municipal highways and other municipal property that have been authorized by the City.
10. Normal aviation activities at a licenced airport.
11. Sounds emitted in connection within the operation of a farm including farm animals, farm equipment or machinery while conducting normal farm practices as that terms is defined in the *Farming and Food Production Protection Act, 1998 S. O. 1998, c. 1* as amended from time to time, and when done within the appropriate zone.
12. Signals operated in accordance with applicable legislation (including warning signals for railway crossings and bridges).
13. Sounds associated with construction or repair work which is required urgently in order to prevent severe damage to buildings or property or to prevent danger the health of a person or property.
14. Sounds emitted as a result of snow removal equipment that is essential for the normal operation of a business or residence.
15. Bobcaygeon Agricultural Society Agricultural Fair and/or Exhibition
(2008-153, effective Sept. 16/08)
16. Carden Agricultural Society Agricultural Fair and/or Exhibition
(2008-153, effective Sept. 16/08)
17. Fenelon Agricultural Society Agricultural Fair and/or Exhibition
(2008-153, effective Sept. 16/08)
18. Lindsay Agricultural Society Agricultural Fair and/or Exhibition
(2008-153, effective Sept. 16/08)
19. Mariposa Agricultural Society Agricultural Fair and/or Exhibition
(2008-153, effective Sept. 16/08)
20. Sounds emitted in connection within the operation of a business dealing with the manufacturing of milk products.
(2009-057, effective April 28/09)
(2010-107, effective June 15/10)
21. Sounds emitted in connection with any commercial entities while supporting agricultural operations conducting normal farm practices at the time as those terms are defined in the *Farming and Food Production Protection Act, 1998 S.O. 1998, c. 1* as amended from time to time, and when done within the appropriate zone.
(2009-057, effective April 28/09)