



# MUNICIPALITY OF **West Elgin**

## The Corporation Of The Municipality Of West Elgin

### By-Law No. 2023-13

#### Being A By-Law to Prohibit and Regulate Noise and Vibration

**Whereas** Section 129 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, states that a Municipality may prohibit and regulate matters with respect to noise and vibrations; and

**Whereas** it is deemed expedient and necessary to provide an environment free from unusual, unnecessary or excessive noises or vibrations which may disturb the inhabitants of the Municipality of West Elgin;

**Whereas** the Council of the Corporation of the Municipality of West Elgin wishes to list the By-law as an Offence under Part 1 of the *Provincial Offences Act*;

**Now therefore** the Council of the Municipality of West Elgin enacts as follows:

#### **SECTION 1 - DEFINITIONS**

**“Agricultural Operation”** means an agricultural, aquacultural, horticultural or silvicultural operation that is carried on in the expectation of gain or monetary reward;

**“Agricultural processing”** includes sawing, cleaning, treating, grading, and packaging to the extent that these activities relate to products primarily from and are conducted as part of an agricultural operation;

**“Bass Noise”** means any low frequency sound which may be audible or otherwise felt as a vibration;

**“By-law Officer”** means a person appointed by the Council of the Municipality of West Elgin as a Municipal Law Enforcement Officer to enforce the provisions of this by-law;

**“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.

**“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 and rollers, pumps, concrete mixers, graders or other material handling equipment.

**“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.

**“Council”** means the Council of the Municipality of West Elgin.

**“Dwelling Unit”** means a dwelling unit within the meaning of the Zoning By-Law.

**“Engine Brake”** means a device commonly used in a truck, power unit, semi-trailer unit to slow or brake the vehicle by means of closing exhaust valves on the engine of the vehicle, or any similar device.

**“Highway”** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, via duct or trestle designed and intended for, or used by, the general public for the passage of vehicles.

**“Minister”** means the Minister of the Environment, Conservation and Parks, or any subsequently named Minister of the such mandate.

**“Ministry”** means the Ministry of the Environment, Conservation and Parks, or any subsequently named Ministry with such mandate.

**“Motor vehicle”** includes an automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power; or a motorized snow vehicle, ATV, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the *Highway Traffic Act*.

**“Motorized conveyance”** means a conveyance propelled or driven otherwise than by a muscular, gravitational or wind power.

**“Municipality”** means the Corporation of the Municipality of West Elgin or the geographic area of the Municipality of West Elgin as the context requires.

**“Noise”** means any bass noise, unusual noise or noise likely to disturb the inhabitants of the Municipality.

**“Outdoor Public Event”** means an outdoor concert, sporting event, festival attraction or similar event, whether held on private or public property which the public-at-large is invited or admitted.

**“Permitted Premises”** means permitted premises within the meaning *Alcohol and Gaming Regulations Act, 1997*.

**“Person”** includes any company, corporation, owner, partnership, firm, association, society or party.

**“Point of Reception”** means any point on the premises of a person where sound or vibration originating from other than those premises is received.

**“Police”** means any member of the Ontario Provincial Police.

**“Municipal Law Enforcement Officer”** means any person appointed by the municipality to act as a Municipal Enforcement Officer / Provincial Offences Officer and or By-law Officer.

## **SECTION 2 – GENERAL PROHIBITIONS – UNUSUAL NOISE, NOISE LIKELY TO DISTURB**

No person shall cause or permit any bass noise, unusual noise or noise likely to disturb the inhabitants of the Municipality.

## **SECTION 3 – UNNECESSARY MOTOR VEHICLE NOISE**

### **3.1 Racing – motorized conveyance – exception**

No person shall emit or cause or permit the emission of sound as a result of Racing of any Motorized Conveyance other than in a racing event regulated by law.

### **3.2 Tires – squealing**

No person shall emit or cause or permit the emission of sound as a result of the operation of a motor vehicle in such a way that the tires squeal.

### **3.3 Engine – pneumatic device – exhaust – ineffective**

No person shall emit or cause or permit the emission of sound as a result of the operation of any combustion engine or pneumatic device without an effective exhaust or intake muffling device in good working order and that is in constant operation.

### **3.4 Horn – use – other than warning**

No person shall emit or cause or permit the emission of sound as a result of the operation of a motor vehicle horn or other than warning device except where required or authorized by law or in accordance with good safety practices.

### **3.5 Construction equipment – operation**

No person shall emit or cause or permit the emission of sound as a result of the operation any item of construction equipment in an area without effective muffling devices in good working order and that is in constant operation.

## **SECTION 4 - PROHIBITIONS – BY TIME – PLACE**

No person shall within the limits of the Municipality of West Elgin make or permit to be made the following noises and vibrations in so far as they disturb the inhabitants of those communities at any time.

### **4.1 Engine – combustion – toy – for amusement**

No person shall emit or cause or permit the emission of sound that is clearly audible at a point of reception from the operation of a combustion engine which, is or, is used in, or is intended for use in a toy, or a model or replica of any device which model or replica has no function other than amusement and which is not a conveyance.

### **4.2 Loudspeakers – amplification sound equipment**

No person shall emit or cause or permit the emission of sound that is clearly audible at a point of reception from 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 unless a Special Events Permit has been approved by the Municipality of West Elgin.

### **4.3 Signaling device – use other than for safety**

No person shall emit or cause or permit the emission of sound that is clearly audible at a point of reception from the operation of any auditory signaling device, including but not limited to the ringing of bells or gongs and the blowing of horns, the use of drums, 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.

### **4.4 Barking – calling – other – animal – pet**

No person shall cause or permit the emission of sound that is clearly audible at a point of reception from the persistent barking, calling or whining or other similar persistent noise making by any domestic pet or any other animal kept or used for any purpose other than agriculture.

### **4.5 Selling – advertising – by shouting**

No person shall emit or cause or permit the emission of sound that is clearly audible at a point of reception from selling or advertising by shouting or outcry or amplified sound.

### **4.6 Construction equipment – use**

No person shall emit or cause or permit the emission of sound that is clearly audible at a point of reception from the operation of any equipment in connection with construction between 9:00 p.m. to 7:00 a.m., unless in the commission of work connected with an emergency.

#### **4.7 Tools – domestic use – exception – snow removal**

No person shall emit or cause or permit the emission of sound that is clearly audible at a point of reception from the operation or use of any tool for domestic purpose other than snow removal between 9:00 p.m. to 7:00 a.m.

#### **4.8 Refuse – compacting equipment – other**

No person shall emit or cause or permit the emission of sound that is clearly audible at a point of reception from the operation of solid waste bulk lift or refuse compacting equipment between 9:00 p.m. to 7:00 a.m.

#### **4.9 Vehicles**

No person shall emit or cause or permit the emission of sound that is clearly audible at a point of reception caused by any licensed or unlicensed motorized vehicle, including trucks, motor cars, snow mobiles, motor bikes, and ATV's, in starting up or driving said motorized vehicle, truck, motor car, snow mobile, motor bike, and ATV's.

#### **4.10 Yelling and shouting**

No person shall emit or cause or permit the emission of sound that is clearly audible at point of reception caused by excessive yelling and or shouting.

### **SECTION 5 - EXCEPTIONS**

#### **5.1 - General Exceptions**

- a) The provisions of this by-law shall not apply to the Municipality or any local board thereof, the Province of Ontario, the Government of Canada or any of their agents when the emission of sound is in connection with work undertaken for the immediate health, safety or welfare of the inhabitants of the Municipality.
- b) The provisions of this by-law shall not apply to preclude musicians or performers providing outdoor entertainment involving sound reproduction devices during the events staged by the Municipality, the Rodney Aldborough Agricultural Society, or Canada Day celebrations.
- c) The provisions of this by-law shall not apply to agricultural operations and agricultural processing activities.
- d) The provisions of this by-law shall not apply to snow clearing or snow removal activities.
- e) The provisions of this by-law shall not apply to commercial transportation operations based in West Elgin for reasonable activities or operations at the base location.

#### **5.2 - Emergency Exceptions**

Exceptions are to be made during emergencies such as power outages and or a declaration of an emergency by officials.

### **5.3 - Special Events**

Council for the Municipality may grant special permits for exemptions for special events approved within the municipality.

## **SECTION 6 – PENALTIES**

Every Person who contravenes any provision of this by-law is guilty of an offence and on conviction may be subject to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended.

**See Set Fine “Schedule A” attached**

## **SECTION 7 - ENFORCEMENT**

For the purposes of this by-law, this by-law is enforced by the Ontario Provincial Police, By-law Officer, Provincial Offences Officer, or any person appointed by the Municipality to enforce said by-law.

## **SECTION 8 - INVESTIGATION**

For the purpose of this by-law an appointed person such as the Ontario Provincial Police, Municipal Enforcement Officer, and Provincial Offences Officer may enter onto private property at any time to determine the source of a Sound or Noise.

## **SECTION 9 – FORCE AND EFFECT**

### **9.1 Severance**

Should any section, clause or provision of this by-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the by-law shall not be altered

### **9.2 Repeal**

By-law 2004-77 and all amendments are hereby repealed.

### **9.3 Effect**

This By-law to go into force upon the final passing.

Read a first, second, and third time and finally passed this 9th day of February, 2023.

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Duncan McPhail  
Mayor

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Jana Nethercott  
Clerk

**SCHEDULE "A" to BY-LAW No. 2023-13**  
**TITLE: Noise By-law**  
**PART 1 – Provincial Offences Act**  
**Set Fine Schedule**

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1	Emit Sound from Racing – motorized conveyance	Sec. 3.1	\$250.00
2	Emit Sound from Squealing Tires	Sec. 3.2	\$350.00
3	Emit Sound from Ineffective Exhaust	Sec. 3.3	\$250.00
4	Emit Sound from Use of Horn other than warning	Sec. 3.4	\$250.00
5	Emit Sound from Ineffective Muffling device – construction equipment	Sec. 3.5	\$250.00
6	Emit Sound from Engine Combustion on toy device not used for conveyance	Sec. 4.1	\$250.00
7	Emit Sound from Loudspeakers - amplifiers	Sec. 4.2	\$250.00
8	Emit Sound from Signaling Device other than when required	Sec. 4.3	\$250.00
9	Cause or permit Sound from Barking, Calling or Whining of domestic pet	Sec. 4.4	\$250.00
10	Emit Sound – selling/advertising, yelling, shouting, whistling or other noise	Sec. 4.5	\$350.00
11	Emit Sound from Use of Construction equipment outside permitted hours	Sec. 4.6	\$250.00



<b>ITEM</b>	<b>COLUMN 1</b>	<b>COLUMN 2</b>	<b>COLUMN 3</b>
12	Emit Sound from Use of Domestic equipment after hours	Sec. 4.7	\$250.00
13	Emit Sound from Use of waste or refuse equipment after hours	Sec. 4.8	\$250.00
14	Emit Sound from licensed or unlicensed motorized vehicles	Sec. 4.9	\$250.00
15	Emit Sound from excessive yelling and shouting	Sec. 4.10	\$250.00

**NOTE: The penalty section for offences cited above is Section 6 of By-law No. 2023-13,  
a certified copy of which has been filed.**