



By-law No. 2001-034

A By-law to Prohibit and Regulate Unusual Noises
or Noises Likely to Disturb the Inhabitants of the
City of Owen Sound

Originally Passed and Enacted October 18, 1999

Amended By By-law:	Passed On:
2004-098	July 12, 2004
2008-096	June 16, 2008

Consolidated Version
Revised and Verified April 23, 2014

Consolidated for Convenience Only

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THE CORPORATION OF THE CITY OF OWEN SOUND

BY-LAW NO. 2001-034

A BY-LAW TO PROHIBIT AND REGULATE UNUSUAL NOISES OR NOISES LIKELY TO DISTURB THE INHABITANTS OF THE CITY OF OWEN SOUND

THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

SHORT TITLE

1. This Bylaw may be cited as the "Noise Control Bylaw".

INTERPRETATION

- 2.0 For the purposes of this Bylaw the following terms shall have the corresponding meanings:
 - 2.1 "City" means the Corporation of the City of Owen Sound;
 - 2.2 "Construction equipment" includes a bulldozer, excavator, trencher, jack hammer, crane, loader, scraper, paver, compactor, roller, grader, concrete mixer and the like;
 - 2.3 "Council" means the Council of the City;
 - 2.4 "Holiday" means any holiday set out as a holiday in the Retail Business Holidays Act, R.S.O. 1990, Chap. R. 30, or any successor thereof;
 - 2.5 "Noise" means sound that is of such a volume or nature that it is likely to disturb the inhabitants of the City;
 - 2.6 "Other area" means all of the area of the City set out on Schedule "B" of this Bylaw which is shaded;
 - 2.7 "Person" includes a corporation, organization, association, partnership and the like; and

"Residential area" means all of the area of the City set out on Schedule "B" of this Bylaw which is not shaded.

GENERAL EXEMPTIONS

- 3 This Bylaw does not apply:
 - 3.1 during an emergency involving the health, safety or welfare of the public
 - 3.2 where the City, its servants, employees, contractors or agents are carrying out City operations or operating, maintaining or installing municipally-owned infrastructure, facilities or the like, except for the detonation of explosives
 - 3.3 to noise created by the activity of snow removal
 - 3.4 to road or bicycle races, parades, circuses, entertainment activities in the public parks or neighbourhood social activities when such events are approved by Council and such activity or event is in compliance with the conditions set by Council in approving such activity or event

- 3.5 to sport or recreational events in public parks where a permit has been issued by the City authorizing such event and the event complies with all of the conditions of such permit
- 3.6 to the use of implements of husbandry in the operation of agricultural endeavours
- 3.7 to the operation of excavation equipment when used in a cemetery in conjunction with interment services.

EXEMPTIONS BY COUNCIL

- 4.1 Despite the provisions of this Bylaw, any person may apply to Council for an exemption to any provision of this 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 or refuse such exemption, and may set out conditions to be met as Council sees fit for any exemption granted.
- 4.2 Where an exemption is granted by Council, breach of any of the terms or conditions of the exemption shall render the exemption null and void.
- 4.3 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 Chief Building Official of the City
 - 4.3.1 a complete and accurate application form as provided by the City setting out the particulars respecting the exemption requested; and
 - 4.3.2 payment of the exemption processing fee in the amount set by Council and in effect at the time of such 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:
 - 5.1.1 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 agriculture, livestock based use as set out in the City's Zoning Bylaw;
 - 5.1.2 the squealing of motor vehicle tires;
 - 5.1.3 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;
 - 5.1.4 the detonation of explosives;
 - 5.1.5 the operation of an air conditioner, pool pump or filter, heat pump or the like that is not in proper working order;
 - 5.1.6 the idling of a vehicle motor in excess of 10 minutes, except:
 - 5.1.6.1 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 or by-law enforcement officer;

- 5.1.6.2 when such idling is necessary to the basic function of the equipment on a vehicle, such as a concrete mixer on a concrete mixing truck, a lift platform, a refuse compactor or a heat exchange system; or
- 5.1.6.3 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;
- 5.1.7 the operation of a combustion engine without an effective exhaust muffling device in proper working order; or
- 5.1.8 the operation of a vehicle radio, stereo or the like.

Amended by By-law 2004-098

5.2 *Notwithstanding the general provisions of this By-law, no person shall create, cause, or permit any noise likely to disturb the inhabitants.*

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 this Bylaw during the time and in the area such noise is prohibited as set out in such Schedule.

OFFENCE

- 7. Every person who contravenes any provision of this Bylaw is guilty of an offence.

PENALTY

- 8. Any person who contravenes the provisions of this by-law is guilty of an offence and upon conviction therefore is subject to the penalty set out in the Provincial Offences Act.

SCHEDULES FORM PART OF BYLAW

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

PRIOR BYLAWS REPEALED

- 10. Bylaw Number 1989-149 is hereby repealed as of the date and time of this Bylaw coming into effect.

EFFECTIVE DATE OF BYLAW

This Bylaw shall come into effect upon final passing thereof.

FINALLY PASSED AND ENACTED this 26th day of February, 2001.

Signature on File

 Mayor

Signature on File

 Clerk

SCHEDULE "A"
to Bylaw No.2001-034
Noise Control Bylaw

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	Residential
	11:00 p.m. to 8:00 a.m.	other
Yelling, shouting or the like	11:00 p.m. to 7:00 a.m. (to 8:00 a.m. on Saturdays, Sundays and holidays)	residential and other
The operation of a car wash	9:00 p.m. to 7:00 a.m. (to 8:00 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.	9:00 p.m. to 7:00 a.m. (to 8:00 a.m. on Saturdays, Sundays and holidays)	residential
	11:00 p.m. to 7:00 a.m. (to 8:00 a.m. on Saturdays, Sunday's and holidays)	other
The operation of waste collection machinery or refuse compacting equipment	9:00 p.m. to 7:00 a.m. (to 8:00 a.m. on Saturdays, Sundays and holidays)	residential
	11:00 p.m. to 7:00 a.m. (to 8:00 a.m. on Saturdays, Sundays and holidays)	other
Loading, unloading, packing, delivering or otherwise handling any container, product or material unless necessary for the maintenance of essential services or for the moving of private household effects	9:00 p.m. to 7:00 a.m. (to 8:00 a.m. on Saturdays, Sundays and holidays)	residential
	11:00 p.m. to 7:00 a.m. (to 8:00 a.m. on Saturdays, Sundays and holidays)	other
The operation of any tool including a hammer, saw, nail gun, lawnmower, staple gun, hedge trimmer, drill, or the like	9:00 p.m. to 7:00 a.m. (to 8:00 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 8:00 a.m.	residential and other
The operation of a dirt bike, all-terrain cycle, snowmobile, go-cart, dune buggy or like conveyance	7:00 p.m. to 7:00 a.m. (to 8:00 a.m. on Saturdays) and at all times on Sundays and holidays	residential and other
The operation of construction equipment	7:00 p.m. to 7:00 a.m. (to 8:00 a.m. on Saturdays) and at all times on Sundays and holidays	residential and other
<i>Amended by By-law 2001-034 The operation of duct cleaning at restaurants</i>	<i>11:00 p.m. to 7:00 a.m. (8:00 a.m. on Saturdays) and at all times on Sundays and Holidays</i>	<i>residential and other</i>

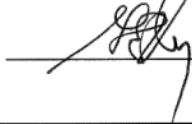
BY-LAW 2001-034

Schedule B

This is Schedule B to By-law 2001-034 passed this 26th day of February 2001.





Mayor



Clerk

LEGEND

 *Lands designated as Other for the purposes of Schedule "A" to By-law 2001-034*

 *Lands designated as Residential for the purposes of Schedule "A" to By-law 2001-034*

