

**THE CORPORATION OF THE TOWNSHIP OF CRAMAHE  
BY-LAW NUMBER 02-14**

**BEING A BY-LAW TO PROHIBIT AND REGULATE NOISE WITHIN THE TOWNSHIP OF CRAMAHE**

**WHEREAS** the Council of a local municipality is empowered under the Environmental Protection Act, R.S.O. 1990, c E-19, as amended, to pass by-laws, subject to the approval of the Minister of the Environment, for regulating or prohibiting the emission of sounds or vibrations; and

**WHEREAS** it is the policy of the Council to reduce and control unusual or unnecessary sounds or vibrations which may degrade the quality and tranquility of the lives of the inhabitants of the Township of Cramahe or cause nuisance;

**NOW THEREFORE** the Council of the Corporation of the Township of Cramahe enacts as follows:

**1. Definitions**

In this by-law,

a) **Agriculture** means an area designated under the Zoning By-law, which permits agricultural operations

b) **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

c) **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 or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders or other material handling equipment

d) **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

e) **Council** means the Council of the Corporation of the Township of Cramahe

f) **Highway** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for, or used by, the general public for the passage of vehicles

g) **Minister** means the Minister of the Environment

h) **Ministry** means the Ministry of the Environment

i) **Motor Vehicle** includes an automobile, motorcycle, motor assisted bicycle unless otherwise indicated in the Highway Traffic Act, and any other vehicle propelled or driven otherwise than by muscular power but **does not** include motor vehicles running on rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the Highway Traffic Act

j) **Motorized Conveyance** means 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 or if propelled or driven only by muscular, gravitational or wind power

k) **Municipality** means the Corporation of the Township of Cramahe

l) **Noise** means unwanted sound

m) **Noise Control Officer** means a person(s) designated by Council as a noise control officer, and any police officer acting on behalf of the Municipality

n) **Off Road Vehicle** means a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel on not more than three wheels or on more than three wheels and bind of a prescribed class of vehicle. This shall include, but is not limited to, dirt bikes, ATV's and motorized snow vehicles.

o) **Residential area** means any area designated in the Municipality zoning by-law as residential, being in RR, ER, SR, R1, R2, R3, and R4.

## 2. General Prohibitions

No person shall emit or cause or permit the emission of sound resulting from an act listed herein, and which sound is clearly audible at a point of reception anywhere in the Municipality.

- a) Persistent barking, calling, whining or other persistent noise made by any domestic pet
- b) The racing of any motorized conveyance other than in a racing event regulated by law
- c) The operation of any combustion engine or pneumatic device without an effective exhaust or intake muffling device in good working order and in constant operation.
- d) The operation of a vehicle or a vehicle with a trailer resulting in banging, clanking squealing or other like sounds due to improperly secured load or equipment or inadequate maintenance.
- 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 unless:
  - i) the original equipment manufacturer specifically recommends a longer idling period for normal and efficient operation of the motor vehicle in which case such recommended period shall not be exceeded; or
  - ii) operation of such engine or motor is essential to a basic function of the vehicle or equipment, including but not limited to, operation of ready-mixed concrete trucks, life platforms, refuse compactors, farm tractors and self propelled implements of husbandry; or
  - 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, and the vehicle is stationary for purposes of delivery or loading; or
  - iv) prevailing low temperatures make longer idling periods necessary immediately after starting the motor or engine; or
  - 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 for personal use, and not for profit.
- f) The operation of a motor vehicle horn or other warning device except when required or authorized by law with good safety practices.
- g) The operation of any item of any construction equipment in a residential zone without effective muffling devices in good working order and in constant operation.
- h) The operation of a vehicle in such a way that the tires squeal.
- i) The discharge of firearms.
- j) The operation of an off road vehicle on any highway owned and/or maintained by the Municipality

## 3. Prohibitions by Time and Place

No person shall emit or cause or permit the emission of sound resulting from any act listed in table 3-1, if clearly audible at a point of reception located in Residential Area of the Municipality within a prohibited time shown.

TABLE 3-1  
PROHIBITIONS BY TIME AND PLACE

	Act	Times Prohibited
3.1	All selling or advertising by shouting or outcry or amplified sound.	At all times
3.2	Detonation of fireworks except as permitted in Section 4(f) of this by-law, or explosive device not used for construction.	At all times.
3.3	The operation of a combustion engine which is, is used in or is intended to be used in, a toy, or model or replica of any device, which has no function other than amusement and which is not a conveyance.	At all times.

3.4	The operation of any solid waste bulk lift or refuse compacting equipment.	20:00hrs. of one day to 07:00hrs. of the next (09:00 Sunday)
3.5	The operation of any construction equipment in connection with construction.	20:00hrs. of one day to 07:00hrs. of the next. (09:00 Sunday)
3.6	The 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.	20:00hrs of one day to 07:00hrs. of the next (09:00 Sunday)
3.7	The operation of any auditory signaling device, including by not limited to the ringing of bells or gongs and the blowing of horns or sirens or whistles, or the production, or production or amplification of any similar sounds by electronic means except where required or authorized by law or in accordance with good safety principles.	20:00hrs. of one day to 07:00hrs. of the next (09:00 Sunday)
3.8	The operation of any powered or non-powered vehicle tool for domestic purposes other than snow removal.	20:00hrs. of one day to 07:00hrs. of the next (09:00 Sunday)
3.9	The operation of any motorized conveyance other than on a highway or other public place intended for its operation.	22:00hrs. of one day to 07:00hrs of the next day. (09:00 Sunday)
3.10	Yelling, shouting, hooting, whistling or singing.	21:00hrs. of one day to 07:00hrs. of the next. (09:00 Sunday)
3.11	The operation of any electronic device or group of connected devices incorporating on or more loudspeakers or other electromechanical transducers, and intended for the production, reproduction or amplification of sound.	21:00hrs. of one day to 07:00hrs. of the next (09:00 Sunday)

Time Conversions (for reference only)  
20:00 hrs = 8:00 pm 21:00 hrs = 9:00 pm 22:00 hrs = 10:00 pm

#### 4. Exemptions

Notwithstanding any other provision of this by-law, this by-law does not apply to a person who emits or causes or permits the emission of a sound or vibration in connection with any of the following activities:

- a) Noise arising from any equipment, apparatus, or device used in agriculture for food crop seeding, chemical spraying or harvesting.
- b) Noise arising from or caused by a gathering held in a public park or recreational area administered by the Municipality in connection with any Municipal, Provincial, Federal election or celebration, any Statutory Canadian Holiday celebrations, and any Applefest celebrations approved by council.
- c) Noise arising from or caused by a parade approved by Council.
- d) Noise arising from or created by the siren of an emergency vehicle.
- e) Noise arising from or created by emergency measures undertaken:
  - i) for the immediate health, safety or welfare of the inhabitants or any of them; or,
  - ii) for the preservation or restoration of property; unless such sound or vibration is clearly of a longer nature more disturbing than is reasonably necessary for the accomplishment of such emergency purpose.
- f) Noise from the detonation of fireworks on the statutory holidays Victoria Day and Canada Day.

5. Grant of Exemptions by Council

a) **Application to Council**

Notwithstanding anything contained in this by-law, any person may make an application to Council to be granted an exemption from any of the provisions of this by-law with respect to any source of sound or vibration for which he might be prosecuted and Council, by resolution, may refuse to grant any exemption or may grant the exemption applied for or any exemption of lesser effect and any exemption granted shall specify the time period, not in excess of six months, during which it is effective and may contain such; terms and conditions as Council sees fit.

b) **Decision**

In deciding whether to grant the exemption, Council shall give the applicant and any person opposed to the application, a opportunity to be heard and may consider such other matters as it sees fit.

c) **Breach**

Breach by the applicant of any of the terms or conditions of any exemption granted by Council shall render the exemption null and void.

6. Severability

If a court of competent jurisdiction declares any section, or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

7. Penalty

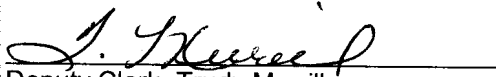
- a) Every person who contravenes any provision of this by-law is guilty of an offence, and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990 P. 33.  
b) For the purposes of this by-law, each day on which the offence occurs or continues shall be deemed to be a separate offence.

Township of Cramahe by-law 89-37 and Village of Colborne by-law 22-78 are hereby repealed in their entirety upon this by-law coming into force and effect.

This by-law shall come into force and effect on the date it is approved by the Minister of the Environment.

Enacted and passed this 5<sup>th</sup> day of February, 2001.

  
Reeve, James L. Williams

  
Deputy Clerk, Trudy Merrill

This by-law is approved pursuant to the provisions of the Environmental Protection Act, R.S.O. 1990 c E-19, as amended, at Toronto, this \_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Minister of the Environment

**Part 1, of the Provincial Offences Act  
Set Fine Schedule**

By-Law number 02-14, a By-Law to Prohibit and Regulate  
Noise within the Township of Cramahe

Item	<b>Column 1</b> Short Form Wording	<b>Column 2</b> Offence Creating Provision	<b>Column 3</b> Set Fine (including costs)
1	Permit Persistent barking, whining or other persistent pet noises	Section 2(a)	\$105.00
2	Have Ineffective exhaust	Section 2(c)	\$105.00
3	Permit vehicle operation resulting in banging, clanking or squealing	Section 2(d)	\$105.00
4	Permit operation of engine while stationary	Section 2(e)	\$105.00
5	Operate motor vehicle horn	Section 2(f)	\$105.00
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8	Discharge of firearms	Section 2(i)	\$105.00
9	Sell by outcry	Section 3.1	\$105.00
10	Detonate fireworks, explosives	Section 3.2	\$105.00
11	Permit operation of a combustion engine	Section 3.3	\$105.00
12	Use of refuse compactor 8 pm – 7 am	Section 3.4	\$105.00
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14	Operation of Construction equipment in connection with construction 8 pm – 7 am	Section 3.5	\$105.00
15	Carry out venting of gas 8 pm – 7 am	Section 3.6	\$105.00
16	Use of auditory signaling device 8 pm – 7am	Section 3.7	\$105.00
17	Use of power tools 8 pm – 7am	Section 3.8	\$105.00
18	Operate a vehicle other than on highway 10 pm – 7 am	Section 3.9	\$105.00
19	Yelling 9 pm – 7 am	Section 3.10	\$105.00
20	Permit noise from Electronic Device 9 pm – 7 am	Section 3.11	\$105.00

NOTE: The penalty provision for the offences indicated above is Section 7(a) of By-Law 02-14, a certified copy of which has been filed.

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Breach by the applicant of any of the terms or conditions of any exemption granted by Council shall render the exemption null and void.

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b) For the purposes of this by-law, each day on which the offence occurs or continues shall be deemed to be a separate offence.

Township of Cramahe by-law 89-37 and Village of Colborne by-law 22-78 are hereby repealed in their entirety upon this by-law coming into force and effect.

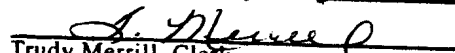
This by-law shall come into force and effect on the date it is approved by the Minister of the Environment.

Enacted and passed this 5<sup>th</sup> day of February, 2001.

  
Reeve, James L. Williams

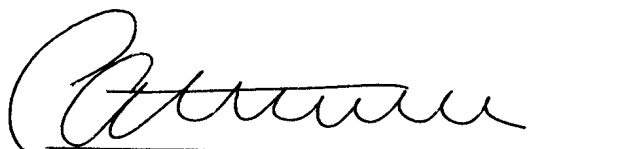
I, Clerk of the Corporation of the Township of Cramahe, hereby certify this to be a true copy of the original document

Dated this 16<sup>th</sup> day of FEB. 2002

  
Trudy Merrill Clerk

  
Deputy Clerk, Trudy Merrill

This by-law is approved pursuant to the provisions of the Environmental Protection Act, R.S.O. 1990 c E-19, as amended, at Toronto, this 25<sup>th</sup> day of JULY, 2002.

  
Minister of the Environment and Energy  
JUL 25 2002

**Part 1, of the Provincial Offences Act  
Set Fine Schedule**

**By-Law number 02-14, a By-Law to Prohibit and Regulate  
Noise within the Township of Cramahe**

<b>Item</b>	<b>Column 1</b> Short Form Wording	<b>Column 2</b> Offence Creating Provision	<b>Column 3</b> Set Fine (including costs)
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**NOTE:** The penalty provision for the offences indicated above is Section 7(a) of By-Law 02-14, a certified copy of which has been filed.

Ministry  
of the  
Environment

Office of the Minister

135 St. Clair Ave. West  
12th Floor  
Toronto ON M4V 1P5  
Tel (416) 314-6790  
Fax (416) 314-6748

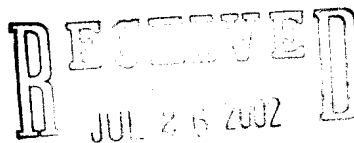
Ministère  
de  
l'Environnement

Bureau du ministre

135, avenue St. Clair ouest  
12<sup>e</sup> étage  
Toronto ON M4V 1P5  
Tél (416) 314-6790  
Téléc (416) 314-6748



JUL 25 2002



File number 77367

Trudy Merrill, Clerk  
Township of Cramahe  
P.O. Box 357  
Colborne ON  
K0K 1S0

Dear Trudy Merrill

In accordance with the provisions of the *Environmental Protection Act* (EPA), the ministry has approved the Corporation of the Township of Cramahe Noise By-law No. 02-14.

Two approved copies of By-law No. 02-14 will be returned to the Clerk of the Township of Cramahe under separate cover. **ENCLOSED HERewith**

Should you require any technical or legal interpretation in applying By-law No. 02-14, please contact Neil Parrish, Supervisor of the ministry's Air & Noise Unit, at (416) 314-7009.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Stockwell".

Chris Stockwell  
Minister of Environment & Energy

Attachment(s)





COURT HOUSE  
2ND FLOOR  
440 KENT STREET WEST  
LINDSAY ON K9V 6G8  
TEL. (705) 324-1410  
FAX (705) 324-1411

RECEIVED  
AUG 21 2002

August 19<sup>th</sup>, 2002

Ms. Leanne Latter  
Deputy By-Law Enforcement Officer  
Township of Cramahe  
P.O.Box 357  
Colborne, Ontario  
K0K 1S0

Dear Ms. Latter:

**Re: Set Fines – Part I**  
**Township of Cramahe**

Enclosed herewith is a copy of an Order and a copy of a schedule of set fines for By-law No. 02-14, as amended for the By-law indicated in the schedule.

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

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

Yours truly,

Justice R. P. Taillon  
Regional Senior Justice  
Central East Region

/gs

Enclosures

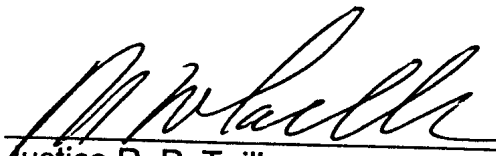
**PROVINCIAL OFFENCES ACT**

**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 attached schedule of offences under the Provincial Statutes and Regulations thereunder and the By-law No. 02-14, as amended, of the Township of Cramahe, attached hereto is the set fine for those offences. This Order is to take effect August 19<sup>th</sup>, 2002.

DATED at Lindsay

This 19<sup>th</sup> day of August, 2002.

  
Justice R. P. Taillon  
Regional Senior Justice  
Central East Region  
Ontario Court of Justice

**Part 1, of the Provincial Offences Act  
Set Fine Schedule**

**By-Law number 02-14, a By-Law to Prohibit and Regulate  
Noise within the Township of Cramahe**

Item	Column 1 Short Form Wording	Column 2 Offence Creating Provision	Column 3 Set Fine (including costs)
1	Permit Persistent barking, whining or other persistent pet noises	Section 2(a)	\$105.00
2	Have Ineffective exhaust	Section 2(c)	\$105.00
3	Permit vehicle operation resulting in banging, clanking or squealing	Section 2(d)	\$105.00
4	Permit operation of engine while stationary	Section 2(e)	\$105.00
5	Operate motor vehicle horn	Section 2(f)	\$105.00
6	Operation of construction equipment – no muffling device	Section 2(g)	\$105.00
7	Permit squealing of tires	Section 2(h)	\$105.00
8	Discharge of firearms	Section 2(i)	\$105.00
9	Sell by outcry	Section 3.1	\$105.00
10	Detonate fireworks, explosives	Section 3.2	\$105.00
11	Permit operation of a combustion engine	Section 3.3	\$105.00
12	Use of refuse compactor 8 pm – 7 am	Section 3.4	\$105.00
13	Use of solid waste bulk lift 8 pm – 7am	Section 3.4	\$105.00
14	Operation of Construction equipment in connection with construction 8 pm – 7 am	Section 3.5	\$105.00
15	Carry out venting of gas 8 pm – 7 am	Section 3.6	\$105.00
16	Use of auditory signaling device 8 pm – 7am	Section 3.7	\$105.00
17	Use of power tools 8 pm – 7am	Section 3.8	\$105.00
18	Operate a vehicle other than on highway 10 pm – 7 am	Section 3.9	\$105.00
19	Yelling 9 pm – 7 am	Section 3.10	\$105.00
20	Permit noise from Electronic Device 9 pm – 7 am	Section 3.11	\$105.00

**NOTE:** The penalty provision for the offences indicated above is Section 7(a) of By-Law 02-14, a certified copy of which has been filed.



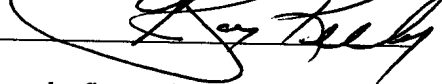
The Corporation of the  
**TOWNSHIP OF CRAMAHE**

P.O. Box 357  
Colborne, Ontario K0K 1S0  
Tel. (905) 355-2821  
Fax (905) 355-3430

***FEBRUARY 5<sup>TH</sup>, 2002***

***By-Law No. 02-14 being a By-Law to Regulate Noise***

***MOVED BY*** 

***SECONDED BY*** 

***THAT By-Law 02-14 be read a first and second time.***  
***VOTE - READ***

***DISCUSSION***

***MOVED BY*** 

***SECONDED BY*** 

***THAT By-Law 02-14 be read a third and final time.***  
***VOTE - READ***

***IS IT THE WILL AND PLEASURE THAT BY-LAW 02-14 NOW BECOMES LAW?  
CARRIED.***