

THE CORPORATION OF THE TOWNSHIP OF SEGUIN

BY-LAW NO. 2002-45

**CONSOLIDATED as of June 21<sup>st</sup>, 2012  
(as amended by By-law No. 2010-051)**

**Being a By-law to prohibit or regulate unusual noises or noises likely to disturb the inhabitants of the Township of Seguin and that all by-laws, or parts thereof, contrary hereto or inconsistent herewith, be and the same are hereby repealed**

**WHEREAS** Section 138, Chapter 210 of the Municipal Act, R.S.O. 1990, cM45, as amended, permits municipalities to regulate or prohibit the ringing of bells, the blowing of horns, shouting and unusual noises or noises likely to disturb the inhabitants;

**AND WHEREAS** Council for the Township of Seguin deems it necessary to pass a By-law to regulate noises within the Township of Seguin.

**NOW THEREFORE BE IT RESOLVED THAT COUNCIL FOR THE TOWNSHIP OF SEGUIN HEREBY ENACTS AS FOLLOWS:**

1. **DEFINITIONS**

- (a) **“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;
- (b) **“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, including rock crushing equipment;
- (c) **“Council”** means the Council of the Corporation of the Township of Seguin;
- (d) **“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;
- (e) **“Motorized Conveyance”** means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power;
- (f) **“Municipality”** means the land within the geographic limit of the Corporation of the Township of Seguin;
- (g) **“Noise”** means any unwanted sound;
- (h) **“Pit”** means a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside pit;
- (i) **“Point of Reception”** means any point on the premises of a person where sound, originating from other than those premises, is received;
- (j) **“Quarry”** means a place where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside quarry or open pit metal mine;
- (k) **“Wayside Pit or Wayside Quarry”** means a temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

2. No person shall ring any bell, blow or sound any horn or cause the same to be rung, blown

or sound, shout, or create, cause or permit any noise or unusual noise likely to disturb any inhabitant of the Township of Seguin, at any time, except when required by law or when specifically exempted from this By-law.

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 an area of the municipality within a prohibited time shown for such an area.

<b>TABLE 3-1 PROHIBITIONS BY TIME AND PLACE</b>		
		Prohibited Period of Time
1.	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	At all times
2.	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 and used in commercial operations such as Marinas	A
3.	The operation of any motorized conveyance or machinery used in the operation of a pit or quarry	A
4.	Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, products, materials, or refuse, whatsoever, unless necessary for the maintenance of essential services or the moving of private household effects	A
5.	The operation of any equipment in connection with construction	A

Prohibited Periods of Times:

“A” means 23:00 hours one day to 07:00 hours the next day (09:00 hours Sundays)

3.1 No person shall emit or permit or cause to be emitted any sound from the racing of motorized conveyances during the following times:

- i. Monday through Friday inclusive (except where such day is a Statutory Holiday):
  - a) between 12:00 a.m. and 9:00 a.m.; and
  - b) between 8:00 p.m. and 12:00 a.m.
- ii. Saturdays:
  - a) between 12:00 a.m. and 9:00 a.m.; and
  - b) between 6:00 p.m. and 12:00 a.m.
- iii. Sundays and Statutory Holidays:
  - a) between 12:00 a.m. and 9:00 a.m.; and
  - b) between 6:00 p.m. and 12:00 a.m.

4. **EXEMPTIONS**

(a) **Public Safety:**  
Notwithstanding any other provision of this by-law, it shall be lawful to emit or cause or permit the emission of sound or vibration in connection with 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 duration or nature more disturbing than is reasonably necessary for the accomplishment of such emergency purpose.

5. **GRANT OF EXEMPTION BY COUNCIL**

- (a) Application to Council:
  - (i) Notwithstanding anything contained in this by-law, any person may make application to Council to be granted an exemption from any of the provisions of this by-law with respect to any source of sound for which they might be prosecuted. Council, by resolution, may refuse to grant any exemption or may grant the exemption applied for, specifying the time period and such terms and conditions as Council deems appropriate.
  - (b) In deciding whether to grant the exemption, Council shall give the application and any other person opposed to the application, an opportunity to be heard and may consider such other matters as it deems appropriate.
  - (c) 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 should declare 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) Any person who is found in contravention of any section of this By-law and upon being found guilty of that contravention is liable to a fine of not more than as is permitted under the Provincial Offenses Act.

8. **THAT** By-law No. 98-90, passed on the 19<sup>th</sup> day of October, 1998 be and is hereby repealed.