

# *THE CITY OF VAUGHAN*

# *BY-LAW*

## BY-LAW NUMBER 96-2006

### **A By-law to regulate noise.**

WHEREAS the Municipal Act, R.S.O. 2001, Section 129. (1) Paragraphs 1, 2 and 3 authorize municipalities to pass by-laws to prohibit and regulate noise;

AND WHEREAS a recognized body of scientific and technological knowledge exists by which sound and vibration may be substantially reduced;

AND WHEREAS it is in the public interest to reduce the noise level in the City of Vaughan, so as to preserve, protect, and promote public health, safety, welfare, and the peace and quiet of the inhabitants of the City;

AND WHEREAS it is the policy of the Council of The Corporation of City of Vaughan to regulate such sound or vibration, or nuisance;

NOW THEREFORE the Council of The Corporation of City of Vaughan enacts as follows:

#### 1. TITLE

This By-law shall be referred to as "The Noise Control By-Law".

#### 2. TECHNICAL TERMS

In this By-Law all words and definitions that are of technical nature and are related to sound and vibration shall have the meanings specified for them in Schedule 3 - Publication NPC-101.

#### 3. DEFINITIONS

In this By-Law,

"APPLICABLE PUBLICATION" means any Publication referred to in the Provisions of this By-Law including a Schedule hereto;

"APPLICANT" includes any person or persons seeking in writing from the Department Head of Enforcement Services, an exemption of either a temporary or permanent nature from the provisions and requirements of this By-law;

"CERTIFICATE" means a certificate of Competency in Environmental Acoustics, Technology of a specified class issued by an accredited program of an Ontario Community College or other approved consulting agency;

"CITY" means the municipal corporation of the City of Vaughan or the geographic area of the City of Vaughan as the context requires;

"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, off highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders, or other material handling equipment;

"CONSTRUCTION SITE" means the area or portion of land used for construction or any other area used for any purpose related to the construction or for any related purpose;

"CONVEYANCE" includes a vehicle and any other device used to transport a person or persons or goods from place to place but does not include any vehicle or device operated only within the premises of a person;

"COUNCIL" means the council of City of Vaughan;

"dBA" means the sound level in decibels obtained when using a sound level meter with the A-weighting;

"DEPARTMENT HEAD OF ENFORCEMENT SERVICES" means the person occupying the position of the Department Head of Enforcement Services of the City of Vaughan or authorized representative.

"EFFECTIVE MUFFLER" means a muffler in good working order and in constant operation to prevent excessive or unusual noise or excessive smoke but it does not a cut-out muffler, straight exhaust gutted muffler, Hollywood mffler, by-pass or similar device.

"ENFORCEMENT OFFICER" means a person appointed by the Council of he City of Vaughan as a Municipal Law Enforcement Officer to enforce the provisions of this By-law or a sworn member of York Regional Police, Ontario Provincial Police, Royal Canadian Mounted Police, or any other person so authorized;

"HIGHWAY" includes a common and public highway, as defined under the Highway Traffic Act R.S.O. 1990 and includes any bridge, trestle, viaduct, or other structure forming part of the highway designed and intended for or used by, the general public for the passage of vehicles.

"MINISTRY" means the Ministry of the Environment;

"MOTOR VEHICLE" means any motorized conveyance and includes any automobile, motorcycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicle running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine;

"MOTORIZED CONVEYANCE" means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power;

"MUNICIPALITY" means the land within the geographic limit of City of Vaughan;

"NOISE" means unwanted sound;

"PERMIT" means and includes any permit or written authorization of a temporary or permanent nature, issued by the Department Head of Enforcement Services of City of Vaughan, which provides an exemption(s) to the terms and conditions of this By-law;

"POINT OF RECEPTION" means any point on a premises or a location of an equivalent distance where sound or vibration originating from other than those locations are received;

"NPC PUBLICATION" means a specified publication of the Noise Pollution Control Section of the Pollution Control Branch of the Ministry of the Environment named in Schedule 4 of this By-Law;

"QUIET ZONE" means all lands located within a distance of 250 meters of all exterior walls of a hospital, nursing home, or seniors retirement facility;

"REFUSE COMPACTING EQUIPMENT" means a vehicle fitted in order to compact and transport refuse;

"RESIDENTIAL AREA" means an area of the municipality designated as residential area in City of Vaughan Zoning By-Laws;

"RESIDENTIAL RENOVATIONS" means construction that does not require any building permits and such renovations are constructed without the operation of any heavy equipment;

"SOUND AMPLIFYING SYSTEM" means any system of loudspeakers, amplifiers, microphones or reproducers or any combination of such equipment, including electronic devices or electro-mechanical transducers, used in the reproduction or amplification of music, speech or other sounds;

"SOUND REPRODUCTION DEVICE" means a device intended primarily for the production or reproduction of sound, including, but not limited to, any musical instrument, radio receiver, television receiver, tape recorder, phonograph or sound amplifying system;

"SOURCE" or "SOURCE OF SOUND OR VIBRATION" means an activity, matter, thing, or tangible personal property or real property, from which sound or vibration is emitted;

"SOUND" is an oscillation in pressure, stress, particle displacement or particle velocity, in a medium with internal forces (e.g. elastic, viscous), or the superposition of such propagated oscillations, which may cause an auditory sensation;

"SPECIAL EVENT" includes but not limited to demonstrations, parades, sports events, festivals, carnivals, street dances, residential block parties, and any other functioned deemed to be a "Special Event" by the Department Head of Enforcement Services of City of Vaughan;

"STATIONARY SOURCE" means a source of sound, which does not normally move from place to place and includes the premises of a person as one stationary source unless the dominant source on the premises is construction equipment or a conveyance;

"VEHICLE" includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, motorcycle, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or the cars of electric or steam railways running only upon rails.

#### 4. PROHIBITIONS

No person shall emit or cause to permit the emission of sound resulting:

- (1) From a stationary source such that the level of resultant sound at a point of reception located in a residential area, or quiet zone which exceeds the applicable sound level limit prescribed in Schedule 3, Publication NPC-205 - Stationary Sources;
- (2) From an act listed in Schedule 1 - General Prohibitions, and which sound is clearly audible at a point of reception;
- (3) From any act listed in Schedule 2 - Prohibitions by Time and Place, if clearly audible at a point of reception.

#### 5. PRE-EMPTION

Where section 1 (1) or (2) applies to a source of sound, the less restrictive provision shall prevail.

#### 6. UNUSUAL NOISE, NOISE LIKELY TO DISTURB

No person in a residential area shall make any unusual noise or noise likely to disturb the inhabitants of the City.

#### 7. BELLS, HORNS, SHOUTING

No person shall ring any bell, sound any horn, or shout in a manner likely to disturb the inhabitants of the City provided that nothing herein contained shall prevent,

- a. the ringing of bells, or electronic reproduction of the sound of bells, in connection with any church, chapel, meeting house or religious service;
- b. the ringing of fire bells or fire alarms or the making of any other noise for the purpose of giving notice of fire or any other danger or any unlawful act for a continuous period of time of twenty (20) minutes or less.

#### 8. AIR CONDITIONERS, HEAT PUMPS, AND SIMILAR DEVICES

No person shall use or operate or cause to be used or operated any residential air conditioner, heat pump, or similar device, the noise from which has a level greater than 61 dBA when measured at the point of reception.

#### 9. PUMP OR FILTRATION SYSTEMS

No person shall use or operate or cause to be used or operated any pump, filtration system or similar device for an outdoor swimming pool, hot tub, spa fountain or water feature, the noise from which has a level greater than 55 dBA when measured at the point of reception or in compliance with NPC-205, Stationary Sources.

## 10. CONSTRUCTION

- (1) No person shall, between 1900 hours of one day and 0700 hours of the next day operate or cause to be operated, any construction vehicle or construction equipment in connection with the construction of any building or structure, highway, motor car, steam boiler or other engine or machine;
- (2) Despite subsection (1), no person shall operate or cause to be operated any construction vehicle or construction equipment before 0700 hours and no later than 1900 hours on any Saturday and not at all on Sunday or statutory holidays.

## 11. LOADING AND UNLOADING

No person shall load or unload any transport truck, commercial vehicle, or any other vehicle used to transport goods between 2300 hours of one day and 0700 hours of the next day so as to make or cause noises that disturb, or tend to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood in a residential area.

## 12. MUFFLERS

No person shall discharge into the open air, on any property other than a highway, the exhaust of any motor vehicle except through a muffler or other device, which effectively prevents loud or explosive noises.

## 13. MOTOR SPORTS

- (1) No person shall operate or permit the operation of racing competitions between motor vehicles on a property other than a highway within the City, whether or not an admission fee is charged, unless,
  - a. the competitions are held at a permanent facility;
  - b. all motor vehicles are properly equipped with effective mufflers, and
  - c. such competitions are not carried out between 2300 hours of one day and 1000 hours of the next day.
- (2) Subsection (1) shall not apply to permanent go-kart operations on a property other than a highway.

## 14. GO-KART ACTIVITIES

No person shall operate or permit the operation of go-kart activities on a property other than a highway within the City, whether or not an admission fee is charged, unless,

- (1) the activities are held at a permanent go-kart facility;
- (2) all go-karts are equipped with effective mufflers, and
- (3) such activities are not carried out between 2300 hours of one day and 0700 hours of the next day.

## 15. UNNECESSARY MOTOR VEHICLE NOISE

No person shall cause or permit unnecessary motor vehicle noise such as the sounding of the horn, or revving of engine, or the squealing of tires of any motor vehicle on any property other than a highway.

## 16. SOUND REPRODUCTION OR AMPLIFICATION DEVICES

- (1) No person in a residential area shall operate or use or cause to be operated or use any sound reproduction device during any time of day so as to disturb the peace and comfort of,
  - a. any person in any dwelling house, or other type of residence.
- (2) Assessment of noise complaints may be undertaken at the point of reception of the noise for the purposes of confirming a violation. Assessment may be conducted by noise monitoring as required pursuant to NPC-205, Stationary Sources.
- (3) No person shall operate or use or cause to be operated or used any sound reproduction device on any highway or other public place.
- (4) No person shall operate or use or cause to be operated or used any sound reproduction device originating from or in connection with the operation of any commercial establishment at any time. The noise from which sound reproduction device when measured in any dwelling house, apartment house, or any other type of residence in a residential area has an equivalent sound level (Leq) the noise criteria established in NPC-205, Stationary Source.
- (5) Subsections (1) and (2) do not apply to prevent,
  - a. the use of sound reproduction devices in the City's parks provided that the user has a permit from or the written permission of the City to do so and the user otherwise complies with the provisions of this By-law, including the noise level maximum herein provided,
  - b. the amplification of the sound of the ringing of bells or the playing of chimes in connection with,
    - i. any church, chapel, meeting house or religious service, or
    - ii. the City Hall between 0900 hours and 2100 hours of the same day,
  - c. the use of musical instruments by street musicians on the highway or other public place, provided that the use is not liable to disturb the peace, enjoyment and comfort or convenience of individuals or the public.

## 17. EXEMPTIONS

- (1) The provisions of this By-law shall not apply to the City of Vaughan or Regional Municipality of York, 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 City.
- (2) The provisions of this By-law shall not apply to preclude musicians or performers providing outdoor entertainment involving sound reproduction devices during special events sanctioned by the City.
- (3) The provisions of this By-law shall not apply to agricultural operations and agricultural processing activities.

(4) The provisions of this By-law shall not apply to snow removal activities conducted by the City, Region of York, or the Province of Ontario.

(5) Nothing in this By-law shall prevent the clearing of snow from designated fire routes.

#### 18. SOUND REPRODUCTION DEVICES USED IN A SPECIAL EVENT AND OUTDOOR EXHIBITIONS

(1) The Department Head of Enforcement Services is delegated the authority to grant an exemption for an event subject to the following conditions:

- a. The event relates to live or recorded music or involves the use of a sound amplifying system or sound reproduction device operated in a reasonable manner in the context of the special event;
- b. The event shall not create noise to exceed 55 dBA when measured at the point of reception;
- c. Any activity that is lawfully carried out pursuant to a Special Event Permit issued by the City is subject to any conditions imposed on the Special Event Permit. Where there is a conflict between a condition imposed on the Special Event Permit and this By-law, the requirements of this By-law shall prevail;
- d. The breach of any conditions imposed by this Section shall nullify the Special Event Permit and enforcement procedures could be considered;
- e. An Enforcement Officer may monitor the activity at the special event, the cost of which will be born by the Special Event Permit holder at a rate of remuneration established under the City of Vaughan Fee By-law.

#### 19. EXEMPTION - CONSTRUCTION EQUIPMENT

(1) The Department Head of Enforcement Services is delegated the authority to grant an exemption to subsection 7(1) for construction equipment utilized during prohibited hours subject to the following conditions:

- a. the use of construction equipment shall not exceed the established noise levels of NPC-115, Construction Equipment;
- b. the duration of the exemption requested shall not exceed eleven (11) calendar days in length.

(2) An application for exemption from the provisions of the noise by-law for construction equipment shall be made in writing to the Department Head of Enforcement Services at least sixty (60) days prior to the commencement of the use of the construction equipment for which the exemption is sought and shall include the following:

- a. the name and address of the applicant;
- b. the name and address of the business represented by the applicant, if applicable;
- c. the source of the sound or vibration in respect of which the exemption is sought;

- d. the provision of this By-law from which the exemption is sought;
- e. the date and time of commencement of the construction, for which the exemption is sought;
- f. the time of conclusion for each day for the use of the construction equipment for which the exemption is sought;
- g. the duration of the use of the construction equipment, for which the exemption is sought;
- h. the location of the construction for which the exemption is sought;
- i. rationale for granting an exemption;
- j. the name of the contact person or persons who will be supervising the use of the construction equipment, and
- k. payment of the application fee as described in the City of Vaughan Fee By-law.

(3) The Department Head of Enforcement Services may require the applicant to provide documentation confirming that notification of the use of construction equipment has been given to the affected parties including but not limited to community associations, business improvement areas and adjacent residents and businesses.

(4) Where the Department Head of Enforcement Services requires monitoring of sound levels resulting from the construction, the monitoring shall be conducted at the applicant's expense as outlined in the City of Vaughan Fee By-law.

## 20. EXEMPTION - TEMPORARY MOTOR RACING COMPETITIONS

(1) The Department Head of Enforcement Services is delegated the authority to grant an exemption for motor racing competitions at temporary venues subject to the following conditions:

- a. the competition does not exceed three (3) days in length;
- b. the event shall not create noise to exceed 65 dBA at any point of reception.

(2) An application for exemption from the provisions of the Noise By-law for motor racing competitions at temporary venues shall be made in writing to the Department Head of Enforcement Services at least sixty (60) days prior to the commencement of the temporary motor competition for which the exemption is sought and shall include the following:

- a. the name and address of the applicant;
- b. the name and address of the business represented by the applicant, if applicable;
- c. the provision of this By-law from which the exemption is sought;
- d. the date and time of commencement of the competition for which the exemption is sought;
- e. the time of conclusion for each day of the competition;



- f. the duration of the competition for which the exemption is sought;
  - g. the location of the competition for which the exemption is sought;
  - h. rationale for granting an exemption;
  - i. the name of the contact person or persons who will be supervising the competition, and
  - j. payment of the application fee as described in the City of Vaughan Fee By-law.
- (3) The Department Head of Enforcement Services may require the applicant to provide documentation confirming that notification of the motor racing competition at a temporary venue has been given to the affected parties including but not limited to community associations, business improvement areas and adjacent residents and businesses.
- (4) Where the Department Head of Enforcement Services requires monitoring of sound levels resulting from the event or activity, the monitoring shall be conducted at the applicant's expense as outlined in the City's Fee By-law.

## 21. ENFORCEMENT

This By-law shall be enforced by any Enforcement Officer or person duly authorized by the City.

## 22. OFFENCE AND PENALTIES

- (1) Every person who contravenes any of the provisions of this By-law is guilty of an offence.
- (2) Every person who is convicted of an offence under this By-law is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, Chap. P.33
- (3) When a person has been convicted of an offence under this by-law,
- a. the Ontario Court (Provincial Division) of the City of Vaughan, or
  - b. any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence.

## 23. INTERPRETATION

- (1) It is declared that if any section, subsection or part or parts thereof be declared by any Court of Law to be bad, illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.
- (2) In this by-law, a word interpreted in the singular number has a corresponding meaning when used in the plural.
- (3) Schedules "1", "2", "A" and "B" and any Publications NPC annexed hereto are hereby

declared to form part of this By-law.

24. REPEAL

- a. By-law 158-73, By-law 270-81 and amending By-laws 253-85 and 244-99 are hereby repealed.

25. EFFECTIVE DATE

This By-law shall come into effect on the 10<sup>th</sup> day of April, 2006.

READ a FIRST, SECOND and THIRD time and finally passed this 10<sup>th</sup> day of April, 2006.

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Michael Di Biase, Mayor

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J. D. Leach, City Clerk

## Schedule 1

### GENERAL PROHIBITIONS

1. Racing of any motorized conveyance other than in a racing event regulated by law.
2. The operation of a motor vehicle in such a way that the tires squeal.
3. The operation of any combustion engine shall not discharge into the open air, on any property other than a highway, the exhaust of any motor vehicle except through a proper muffler or legal device which effectively prevents loud or explosive noises.
4. 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;
5. 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 in a Residential Area or, unless,
  - (a) The vehicle is in an enclosed structure constructed so as to effectively prevent excessive noise emission; or,
  - (b) 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;
  - (c) 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, lift platforms or refuse compactors and heat exchange systems; or,
  - (d) 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 preservation of perishable cargo; or,
  - (e) Prevailing low temperatures make longer idling periods necessary, immediately after starting the motor or engine; or,
  - (f) The idling is for the purpose of cleaning and flushing the radiator and associated circulation system for seasonal change or antifreeze, cleaning of the fuel system, carburetor or the like, when such work is performed other than for profit.
6. The operation of a motor vehicle horn or other warning device except where required or authorized by law in accordance with good safety practices.
7. The operation of any item of construction equipment shall not discharge into the open air, on any property other than a highway the exhaust except through a proper muffler or legal device, which effectively prevents loud or explosive noises.

Schedule 2

TIME AND PLACE PROHIBITED PERIODS

1. The operation of any auditory signaling device, including but not limited to the ringing of bells or gongs and the blowing of horns or sirens or whistles, or the production, reproduction or amplification of any similar sounds by-law or in accordance with good safety practices.

Quiet Zone

Residential Area

At Any Time

B

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.

Quiet Zone

Residential Area

At Any Time

A

3. Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, produce, materials, or refuse whatsoever, unless necessary for the maintenance of essential services.

Quiet Zone

Residential Area

B

B & D

4. The operation of any construction equipment in connection with construction.

Quiet Zone

Residential Area

E & D

F & D

5. The detonation of fireworks or explosive devices

Quiet Zone

Residential Area

At Any Time

A

6. The operation of a combustion engine which,

(i) is, or

(ii) is used in, or

(iii) is intended for use in,

A toy or a model or replica of a larger device, which model or replica has no function other than amusement and which is not a conveyance.

Quiet Zone

Residential Area

At Any Time

B

7. The operation of any powered rail car including but not limited to refrigeration cars, locomotives or self-propelled passenger cars, while stationary on property not owned or controlled by a railway governed by The Canada Railway Act.

Quiet Zone

Residential Area

At Any Time

A

8. The operation of any motorized conveyance other than on a highway or other place intended for its operation.

Quiet Zone

Residential Area

At Any Time

B

9. 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.

Quiet Zone

Residential Area

At Any Time

A

10. Persistent barking, calling or whining or other similar persistent noise making by any domestic pet.

Quiet Zone

Residential Area

At Any Time

At Any Time

11. The operation of any powered or non-powered tool for domestic purposes other than snow removal.

Quiet Zone

Residential Area

C

G

12. The operation of solid waste bulk lifts or refuse compacting equipment.

Quiet Zone

Residential Area

C

B

13. The operation of commercial car wash with air-drying equipment.

Quiet Zone

Residential Area

C

H

- |   |                   |                         |
|---|-------------------|-------------------------|
| 14. The operation of a power assisted hang glider or Para foil. | <u>Quiet Zone</u> | <u>Residential Area</u> |
|   | At Any Time       | At Any Time             |
|   |                   |                         |
| 15. The operation of any item of snow making equipment.         | <u>Quiet Zone</u> | <u>Residential Area</u> |
|   | At Any Time       | At Any Time             |
|   |                   |                         |
| 16. The operation of a sound emitting pest control device       | <u>Quiet Zone</u> | <u>Residential Area</u> |
|   | At Any Time       | At Any Time             |
|   |                   |                         |
| 17. The discharge of firearms                                   | <u>Quiet Zone</u> | <u>Residential Area</u> |
|   | At Any Time       | At Any Time             |

Note: For the purpose of this Schedule, "motorized conveyance" includes, but is not limited to;

- (a) Snowmobiles;
- (b) Mopeds;
- (c) Go-carts;
- (d) Track bikes;
- (e) Trail bikes

Restricted Times:

- a) 23:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. Sundays)
- b) 19:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. Sundays)
- c) 17:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. Sundays)
- d) All day Sundays and Statutory Holidays
- e) 17:00 hrs. of one day to 07:00 hrs. next day
- f) 19:00 hrs. of one day to 07:00 hrs. next day
- g) 21:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. Sundays)
- h) 22:00 hrs of one day to 07:00 hrs. next day (09:00 hrs. Sundays)

#### Index of Publications NPC

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Publication NPC-103	Procedures
Publication NPC-104	Sound Level Adjustments
<b>Publication NPC-205</b>	<b>Stationary Source</b>

**Publication NPC-206**

Publication NPC-115

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Publication NPC-118

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**Road Traffic**

Construction Equipment

Domestic Outdoor Power Tools

Motorized Conveyances

Blasting