

**THE CORPORATION OF THE TOWN OF GEORGINA  
IN THE  
REGIONAL MUNICIPALITY OF YORK**

**BY-LAW NUMBER 2003- 0075 (PWE-1)**

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**BEING A BY-LAW TO PROHIBIT AND REGULATE NOISE LIKELY TO  
DISTURB THE INHABITANTS OF THE TOWN OF GEORGINA**

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WHEREAS the Municipal Act, 2001 as amended, authorizes a municipality to pass by-laws to prohibit and regulate noise.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GEORGINA ENACTS AS FOLLOWS:

1. DEFINITIONS:

In this by-law,

- (a) "construction" includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, pipe or conduit laying whether above or below ground level, street and highway building, concreting, equipment installing and altering 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 or 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, compactors, rollers, pumps, concrete mixers, or any assorted material handling equipment;
- (c) "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 vehicle or device operated only within the premises of a person;
- (d) "Council" means the Council of the Corporation of the Town of Georgina;
- (e) "highway" means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, or trestle, any part of which is intended for or used by the general public for the passage of vehicles and pedestrians and includes the area between the lateral property lines;
- (f) "motor vehicle" includes an automobile, motorcycle, motor assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry, or road-building machine;

- (g) "motorized conveyance" means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power;
- (h) "noise" means noise or noises that are likely to disturb the inhabitants of the Town;
- (i) "point of reception" means any point on the premises of a person where noise likely to disturb is being received, originating from other than those premises;
- (j) "residential area" means any of those areas designated by the Town in any zoning by-law or amendments thereto and shall include, R(residential), R1(urban residential), R2(urban residential), R3(urban residential), ER(estate residential), C6 (recreational commercial), I(institutional), T(transitional) and individually zoned mobile home parks;
- (k) "Town" means the Corporation of the Town of Georgina.

2. GENERAL PROHIBITIONS:

- (a) No person shall make, create, cause, or cause or permit to be made noise likely to disturb the inhabitants.
- (b) Noise created as follows is deemed likely to disturb the inhabitants AT ALL TIMES:
  - (i) racing of any motorized conveyance other than in a racing event regulated by law;
  - (ii) squealing of the tires during the operation of a motor vehicle;
  - (iii) operation of a motor vehicle, combustion engine or pneumatic device without an effective exhaust or intake muffling device in good working order;
  - (iv) operation of a motor vehicle or combination motor vehicle and trailer resulting in banging, clanking, squealing, or other sounds or noises due to inadequate or improper load securement, equipment or maintenance;
  - (v) operation of a motor vehicle horn or other warning device except where required or authorized by law or in accordance with good safety practices;
  - (vi) operation of any item of construction equipment in a residential area without effective muffling devices in good working order;
  - (vii) discharge of firearms except during permitted hunting season and in an area designated by Council;
  - (viii) operation of unusually loud heating, air conditioning or swimming pool filtering equipment;
  - (ix) detonation of explosive devices not in connection with construction;

- (x) detonation of fireworks other than the day preceding, the day of, and the day following Victoria Day and Canada Day;
  - (xi) stationary operation of an engine or motor including that of a motor vehicle and any attached auxiliary equipment for a continuous period exceeding five (5) minutes in or near a residential area.
  - (xii) 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;
  - (xiii) persistent barking, calling, whining, yelping or other similar persistent noise made by any domestic pet or any other animal kept or used for any purpose other than agriculture;
  - (xiv) yelling, shouting, hooting, whistling or singing.
- (c) Noise created as follows is deemed likely to disturb the inhabitants FROM 11:00 P.M. ONE DAY TO 7:00 A.M. THE NEXT DAY OR 9:00 A.M. SUNDAYS:
- (i) 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;
  - (ii) operation of any commercial car wash other than with air drying equipment;
  - (iii) operation of solid waste bulk lift or refuse compacting equipment.
- (d) Noise created as follows is deemed likely to disturb the inhabitants FROM 7:00 P.M. ONE DAY TO 7:00 A.M. THE NEXT DAY OR 9:00 A.M. SUNDAYS:
- (i) 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 Canadian Railway Act;
  - (ii) operation of any motorized conveyance other than on a highway or other place intended for its operation.
- (e) Noise created as follows is deemed likely to disturb the inhabitants FROM 8:00 P.M. ONE DAY TO 7:00 A.M. THE NEXT DAY AND ALL DAY SUNDAYS AND STATUTORY HOLIDAYS:
- (i) operation of a commercial car wash with air drying equipment;
  - (ii) operation of a power assisted hang glider or parafoil;
  - (iii) selling or advertising by shouting or outcry or amplified sound;
  - (iv) 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;

- (v) operation of any equipment in connection with construction.
- (f) Noise created as follows is deemed likely to disturb the inhabitants FROM 8:00 P.M. ONE DAY TO 7:00 A.M. THE NEXT DAY:
  - (i) operation or use of any tool for domestic purposes other than snow removal.
- (g) Noise created as follows is deemed likely to disturb the inhabitants FROM 7:00 P.M. ONE DAY TO 7:00 A.M. THE NEXT DAY AND ALL DAY SUNDAYS AND STATUTORY HOLIDAYS:
  - (i) operation of a combustion engine or pneumatic device, excluding the use of farm implements engaged in the tillage or harvesting of the land.

3. BY-LAW EXEMPTIONS:

The following sounds are deemed NOT likely to disturb the inhabitants:

- (a) any sound associated with the immediate health, safety, or welfare of the inhabitants;
- (b) any sound associated with the preservation or restoration of property;
- (c) ringing or sounding of church bells or chimes;
- (d) the sound of any bell, horn, siren, or other signal device associated with any emergency or law enforcement vehicle;
- (e) any sound arising from emergency road work or road improvements undertaken by or on behalf of the Town, the Region of York or the Ministry of Transportation.

4. EXEMPTION GRANTED BY COUNCIL:

- (a) Notwithstanding the provisions contained in this by-law, a person may make application to Council by way of a written request to the Town Clerk for exemption from one or more of the requirements herein. Council, by resolution, may refuse to grant the exemption or may grant the exemption, with or without modifications, specifying the time period not to exceed one (1) year.
- (b) When considering the request for exemption, Council shall give the applicant and any person opposed to the application an opportunity to be heard.
- (c) Any breach by the applicant of any of the terms, conditions or modifications granted by Council shall render the exemption null and void.

5. ENFORCEMENT:

The provisions of this by-law may be enforced by a Police Officer or a Municipal Law Enforcement Officer.

6. PENALTY:

Every person who contravenes any of the provisions of this by-law, upon conviction, is guilty of an offence and is liable to a fine pursuant to the Provincial Offences Act as amended.

7. REPEALS:

By-laws 89-89 (PWE-1) and amending by-law 2002-0079 (PWE-1) are hereby repealed.

READ a first, second and third time and passed on this 9<sup>th</sup> day of June, 2003.

  
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Jeffrey Hoies, Mayor

  
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Roland Chenier, Town Clerk