

**THE CORPORATION OF
THE TOWNSHIP OF GEORGIAN BAY**

BY-LAW 2022-030

Being a by-law to provide for the regulation and prohibition of noise that may or is likely to disturb the public peace and for the prevention of public nuisances in the Township of Georgian Bay.

WHEREAS pursuant to Section 128(1) of the *Municipal Act*, S.O.2001, c.25, as amended (the "*Municipal Act*"), a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could be public nuisances.

WHEREAS pursuant to Section 129(a) of the *Municipal Act*, a municipality may prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors;

WHEREAS pursuant to Section 129(b) of the *Municipal Act*, a by-law under subsection (a) may prohibit the matters described in that subsection unless a permit is obtained from the municipality for those matters and may impose conditions for obtaining, continuing to hold and renewing the permit, including the submission of plans;

WHEREAS the *Municipal Act* provides that a municipality may regulate matters related to the health, safety and well-being of the inhabitants of the municipality;

WHEREAS Section 425 of the *Municipal Act* establishes that any person who contravenes any by-law of the municipality is guilty of an offence;

WHEREAS it is in the public interest that the inhabitants of the Township of Georgian Bay should have an environment free from unusual, unnecessary or excessive noise which may degrade the quality and tranquility of their life or cause nuisance or disruption.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF GEORGIAN BAY ENACTS AS FOLLOWS:

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1. INTERPRETATION

For the purposes of this By-Law, terms used shall be defined as follows:

Aggregate means soil, sand, gravel and rocks.

Construction includes any form or manner of erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, blasting, rock crushing, 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 material in any form or for any purpose and includes any work in connection therewith.

Light Construction Equipment means any equipment or device designed and intended for use in construction or material handling, including but not limited to, hand tools, power tools, air compressors, pneumatic or hydraulic tools.

Heavy Construction Equipment means any equipment or device designed and intended for use in construction or material handling, including but not limited to pile drivers, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, forklifts, generators, off-highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders, or other material handling equipment.

Council means the Council of the Corporation of the Township of Georgian Bay.

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.

Marine Launching/Retrieval Equipment includes any heavy construction equipment or motor vehicle used for the purpose of or to assist in the launching and or retrieval of marine vessels.

Motor Vehicle includes an 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 the motor vehicles

running only upon rails, or a traction engine, farm tractor, motorized boats, self-propelled implement of husbandry or road-building machine within the meaning of the *Highway Traffic Act* R.S.O. 1990, CHAPTER H.8, as amended.

Motorized Conveyance means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power but does not include motorized boats.

Noise means an unwanted sound at the point of reception that is of such a volume or nature that it is likely to disturb the inhabitants of the Township.

Officer means a police officer, municipal law enforcement officer or other person appointed by by-law to enforce the provisions of this by-law.

Peace Officer means a Police Officer, Municipal Law Enforcement Officer or other class of person designated as a Peace Officer under the *Police Services Act* R.S.O. 1990 CHAPTER P.15, as amended ("*Police Services Act*").

Person means any individual, corporation, partnership, company, association or party and the heirs, executors, administrators of other legal representative of such person(s) to whom the context can apply according to law; shall include any group of persons comprising a society their organization and shall include the plural wherein the context requires. Wherever the word "he" or "him" is used, it shall mean and include the feminine or neutral gender wherever the context so requires.

Point of Reception means any point on the premises of a person where sound or vibration originating from other than those premises is received.

Public Park means any open space or recreational area, owned or controlled by the Corporation of the Township of Georgian Bay or any board, commission or other authority established under any statute of the Province of Ontario and may include one or more athletic fields, field houses, community centers, bleachers, swimming pools, bandstands, skating rinks, tennis courts, bowling greens, boat liveries, bathing stations, curling rinks, refreshment rooms, fair grounds, arenas or similar uses.

Quiet Zones means any area of the municipality that is designated and shown on Schedule "5" of this by-law.

Township means the Corporation of the Township of Georgian Bay.

2. GENERAL PROHIBITION

No person shall emit or cause to emit or permit the emission of noise resulting from any act listed in Schedule 1 – General Prohibitions, and which noise is audible at a point of reception.

3. LIMITATIONS BY TIME

No person shall emit or cause to emit or permit the emission of noise resulting from any act listed in Schedule 2 – Prohibitions by Time, which is clearly audible at a point of reception located in the Corporation of the Township of Georgian Bay within the prohibited time shown.

4. MOST RESTRICTIVE PROVISION

Where a source of noise is subject to more than one provision in this by-law, the most restrictive provision shall apply.

5. EXEMPTION – GENERAL

This by-law shall not apply to a person who emits, causes or permits the emission of noise in connection with any of the activities in Schedule 7 attached hereto.

6. EXEMPTION – PUBLIC SAFETY

a) Public Safety:

Despite any other provision of this by-law, it is lawful to emit or cause or permit the emission of noise or vibration in connection with emergency measures undertaken;

- i. any of them;
- ii. for the preservation or restoration of property;
- iii. for the immediate health, safety, or welfare of the inhabitants or unless such noise or vibration is of a longer duration, or nature more disturbing, than is necessary for the accomplishment of such emergency purpose.

7. EXEMPTION OF NORMAL FARMING PRACTICES

This by-law shall not apply to a person or persons who emit, cause, or permit the emission of noise in connection with normal farming practices within the meaning of the Farming and Food Production Protection Act, 1998, S.O. 1998, Chapter 1, as amended.

8. EXEMPTION GRANTED BY THE TOWNSHIP

a) Application to the Township:

Any person may make application to the Township to be granted an exemption from any of the provisions of this by-law with respect to any source of noise which might contravene this by-law and Township and, by Council resolution, may in its discretion 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 (6) months during which it is effective and may contain such terms and conditions as the Township sees fit.

b) Details of Application for Exemption:

The application mentioned in subsection a) shall be in writing, in the form attached as Schedule 4, and shall contain:

- i. the name, address and telephone number of the applicant;
- ii. a description of the source and location of sound in respect of which exemption is sought;
- iii. a statement of the particular provision or provisions of this by-law from which exemption is sought;
- iv. the period of time, of a duration not in excess of six (6) months, for which the exemption is sought;
- v. the reasons why the exemption should be granted;
- vi. a statement of the steps, if any, planned or presently being taken to bring about compliance with this by-law;
- vii. any additional information deemed necessary by the Township to consider an application made under this section.

c) Decision:

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

Where an application is not approved or approved upon terms and conditions or to a lesser extent than the exemption applied for, the Township shall set out in writing the reasons therefore and shall serve a copy of the decision upon the applicant.

d) Breach:

Breach by the applicant of any of the terms or conditions of the exemption that is caused or permitted by the applicant shall render the exemption null and void.

9. EXEMPTION OF TRADITIONAL, FESTIVE OR RELIGIOUS ACTIVITIES

This by-law does not apply to a person who emits or causes or permits the emission of noise in connection with any of the traditional, festive, religious and other activities listed below:

- a) the use of an apparatus or mechanism for the amplification of the human voice or of music in a public park or recreational area under the control and management of the Township in connection with any public election meeting, public celebration, or other lawful gathering, provided that written permission of the Township to hold such meeting, celebration or gathering has been first obtained under any applicable by-law of the Township.
- b) Any band or parade, provided that written permission of the Township to operate such band or hold such parade has been first obtained under any applicable by-law of the Township.
- c) The use of church bells or chimes normally associated with church activities.
- d) All activities permitted the Township associated with an event authorized by the Township.

10. EXEMPTION FOR HISTORICAL AND CULTURAL ACTIVITIES FORMING PART OF THE CHARACTER OF MUSKOKA

The Tourist and recreational activities specifically identified and described in Schedule 3 to this by-law, are exempt from the terms of this by-law, to the extent that they are operated in their historical fashion, the terms of which are set out in Schedule 3.

11. EXEMPTION-CRUSHING OF AGGREGATES BY TOWNSHIP OF GEORGIAN BAY OR OPERATORS UNDER CONTRACT TO THE CORPORATION.

The Township and its contractors are exempt from the terms of this by-law to the extent that they are operating within business hours set for structured construction purposes.

12. ENTRY UPON LAND

An Officer or their designate may enter on any public property or on any private property at any time for the purpose of investigating a complaint related to this by-law.

13. ENFORCEMENT AND PENALTY PROVISIONS

- a) The enforcement of this By-law shall be conducted by an Officer.
- b) An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the By-law is complied with.
- c) Every person who contravenes any provision of this By-law and every director or officer of a corporation, who knowingly concurs in the contravention by a corporation is guilty of an offence and upon conviction is liable to:
 - i. on a first offence, to a fine not more than \$50,000.00; and,
 - ii. on a second offence and each subsequent offence, to a fine of not more than \$100,000.00
- d) Every person who is issued a Part 1 offence notice or summons and is convicted of an offence under this By-law shall be subject to a fine, to a maximum as provided for in the Provincial

Offences Act, R.S.O. 1990, c. P. 33, as amended.

- e) No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.
- f) Every person who is alleged to have contravened any of the provisions of this By-law, shall identify themselves to an Officer upon request, failure to do so shall be deemed to have hindered or obstructed an Officer in the execution of his or her duties.
- g) Upon conviction any penalty imposed under this By-law may be collected under the authority of the Provincial Offences Act, R.S.O.1990, c. P. 33, as amended.

14. SEVERABILITY

If any section or sections of this by-law, or parts thereof, is or are found by any Court to be invalid for any reason, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this by-law shall be deemed to be separate independent and valid therefrom and shall remain in force

15. REPEAL OF BY-LAWS

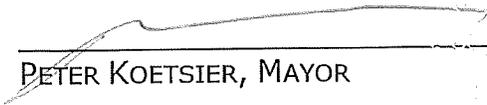
By-law 2018-18 is hereby repealed.

This by-law shall come into effect on the date of passing.

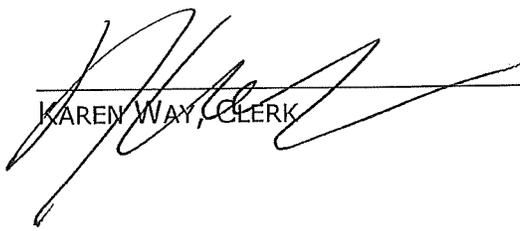
16. SCHEDULES

Schedules 1 through 7 are attached and form part of this by-law.

READ AND ENACTED in Open Council on this 11th day of April, 2022.



PETER KOETSIER, MAYOR



KAREN WAY, CLERK

Schedule 1

General Prohibitions

The following activities are subject to prosecution pursuant to Section 2 of the by-law, if noise is audible at a point of reception:

1. Racing of any motorized vehicle other than in a lawful racing event.
2. The operation of a motor vehicle in such a manner that causes the tires to squeal.
3. The operation of any combustion engine, pneumatic device or construction equipment without an effective exhaust or intake-muffling device in good working order and in constant operation except as specified in Schedule 2.
4. The operation of a motor vehicle or a motor vehicle with a trailer resulting in banging, clanking, squealing or other sounds due to improperly secured load or equipment or inadequate maintenance.
5. The use of any mechanical equipment that is not operating or being maintained in accordance with the manufacturer's specifications resulting in noise other than that emitted in the normal operation of the equipment.
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 except as specified in Schedule 2.
7. The operation of a stereo or other electronic device designed to amplify sound in, or on, a motor vehicle in such a way that the sound can be heard outside of the motor vehicle except as specified in Schedule 2.
8. 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 Zone 1 unless:
 - a) 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

- b) 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 and refuse compactors; or
 - c) weather conditions justify the use of heating or refrigeration systems powered by the motor or engine for the safety and welfare of the operator, passengers or animals or the preservation of perishable cargo; or
 - d) prevailing low temperatures make longer idling periods necessary, immediately after starting the motor or engine; or
 - e) 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 other than for profit.
9. Barking, whining or other similar persistent sound made by a dog or a domestic pet, for a continuous period exceeding thirty (30) minutes, in any part of the Township. The owner of the dog or pet and any other person having control over it at the time of emission of the sound is liable for contravention of this by-law.
10. The discharge of firearms, other than as part of an otherwise lawful hunt, gun club, or where such discharge has law enforcement or agricultural purposes.

Schedule 2

Prohibitions by Time

The following activities are subject to prosecution pursuant to Section 3 of the by-law, if noise is audible at a point of reception during the prohibited time indicated.

Prohibited Period of Time

Activity	Quiet Zones	Residential Area
1. The operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electromechanical transducers, and intended for the production, reproduction or amplification of noise.	D	A
2. 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 electronic means except where required or authorized by law or in accordance with good safety practices.	B	B
3. The operation of any light construction equipment or in connection with construction; or the operation of a chain saw.	C	C
4. The operation of any heavy construction equipment or in connection with construction.	E	E

5. The operation of any combustion engine which is used in, or is intended for use in a toy or model or replica of a larger device, which model or replica has no function other than amusement and which is not a conveyance.	A	A
6. The operation of any motorized conveyance other than on a highway, authorized snowmobile/ all terrain vehicle trail or waterway.	A	A
7. The operation of any powered or non-powered tool for domestic purposes other than snow removal.	A	A
8. All selling or advertising by shouting or outcry or amplified sound	B	B
9. Yelling, shouting, hooting, whistling, singing or other similar human sound.	D	A

Prohibited Periods of Time

- A – 10:00 p.m. one day to 7:00 a.m. next day
- B – 9:00 p.m. one day to 7:00 a.m. next day
- C – 9:00 p.m. one day to 7:00 a.m. next day (9:00 a.m. Sundays)
- D – At all times
- E- 9:00 p.m. one day to 7:00 a.m. next day (Not permitted on Sundays)

Schedule 3

Special Provisions for Historical and Cultural Activities

The following uses are exempt from this By-law when operated as specifically set out below:

Schedule 4

Application for Exemption

Notice of Intention & Application for Exemption
Noise Control By-law

UNDER AUTHORITY GRANTED BY PART 9 BY-LAW NO. 2022-xx

APPLICATION DETAILS

Name of person and/or Corporation bringing forth this application: _____

Address: _____
_____ Phone (Res.): (_____) _____ -
_____ Phone (Bus.): (_____) _____ -
_____ Source and location of sound: _____

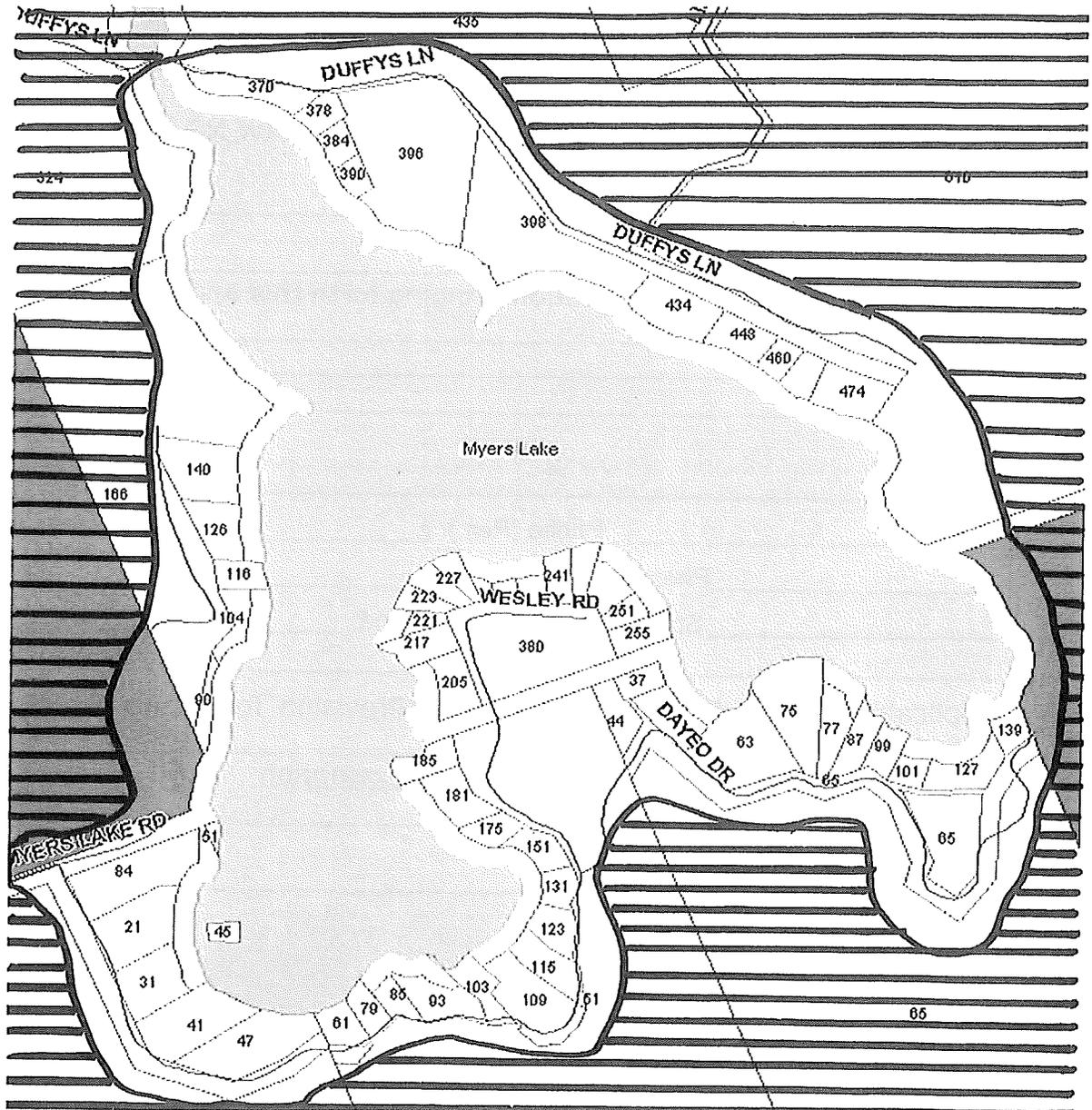
Applicable By-law Section Number and Provision for Which Exemption
is Sought: _____
Time Period of Exemption

From: (___ : ___ hrs.) on _____, 20__ To: (___ : ___
_ hrs.) on _____, 20__
Reason for exemption:

Attempts to comply:

Department Use Only	Date Application Received:
Exemption Granted	Yes No Authorized
Signature: _____	

Schedule 5 Quiet Zone Map



Schedule 6

The Corporation of the Township of Georgian Bay
By-Law 2022-030
Part I *Provincial Offences Act*

A By-Law of the Corporation of the Township of Georgian Bay to Regulate Noise within the Township of Georgian Bay

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision	COLUMN 3 Set Fine
1	Cause or permit noise by racing a motorized vehicle	Section 2 Schedule 1-1	\$250.00
2	Cause or permit noise from squealing tires	Section 2 Schedule 1-2	\$250.00
3	Cause or permit noise by operating a combustion engine	Section 2 Schedule 1-3	\$250.00
4	Cause or permit noise by operating a pneumatic device	Section 2 Schedule 1-3	\$250.00
5	Cause or permit noise by operating construction equipment	Section 2 Schedule 1-3	\$250.00
6	Cause or permit noise from the operation of a motor vehicle with a trailer	Section 2 Schedule 1-4	\$250.00
7	Cause or permit noise from mechanical equipment that is not properly maintained	Section 2 Schedule 1-5	\$250.00
8	Cause or permit noise from a vehicle horn or other warning device	Section 2 Schedule 1-6	\$250.00
9	Cause or permit noise from a vehicle stereo or other electronic device	Section 2 Schedule 1-7	\$250.00

10	Cause or permit noise from the idling of a vehicle	Section 2 Schedule 1-8	\$250.00
11	Permit noise made by a dog or pet	Section 2 Schedule 1-9	\$250.00
12	Cause or permit noise from the discharge of a firearm	Section 2 Schedule 1-10	\$250.00
13	Cause or permit noise from any electronic device or sound producing equipment	Section 3 Schedule 2-1	\$250.00
14	Cause or permit noise from any electronic device or sound producing equipment in a "quiet zone".	Section 3 Schedule 2-1	\$250.00
15	Cause or permit noise from a whistle, bell, gong or horn	Section 3 Schedule 2-2	\$250.00
16	Cause or permit noise from the operation of construction equipment	Section 3 Schedule 2-3	\$250.00
17	Cause or permit the operation of heavy construction equipment.	Section 3 Schedule 2-4	\$250.00
18	Cause or permit noise from the operation of a combustion engine for a toy or model	Section 3 Schedule 2-5	\$250.00
19	Cause or permit noise from the operation of a motorized conveyance	Section 3 Schedule 2-6	\$250.00
20	Cause or permit noise from the operation of a tool	Section 3 Schedule 2-7	\$250.00
21	Cause or permit noise for advertising by shouting, outcry or amplified sound	Section 3 Schedule 2-8	\$250.00
22	Cause or permit noise from yelling or shouting	Section 3 Schedule 2-9	\$250.00

23	Cause or permit noise from yelling or shouting in a "quiet zone".	Section 3 Schedule 2-9	\$250.00
24	Obstruction of a peace officer	Section 13 e	\$500.00

NOTE: The penalty provision of the offence listed above is Section 13 of By-Law 2022-030 a certified copy of which has been filed.

Schedule 7

Exemptions - General

1. Noise emitted from any motorized conveyance used to maintain golf course properties during the operational season within the Township.
 - a) Prohibited from 11:00 p.m. one day to 6:00 a.m. the next.
2. Generators- for the purpose of power outages.
3. Snow removal- domestic, commercial, municipal and district snow removal operations.
4. Marine Launching/Retrieval Equipment is
 - a) Prohibited from 9:00 p.m. one day to 7:00 a.m. the next.