

PROTECTION

Chapter 554 NOISE CONTROL

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Article 1 INTERPRETATION

554.1.1 Clerk and Deputy Clerks – defined

“Clerk” and “Deputy Clerk” shall mean the Clerk and Deputy Clerk(s) of The Corporation of the City of Brantford. By-law 32-2017, 28 February, 2017

554.1.2 Construction – defined

“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. By-law 32-2017, 28 February, 2017

554.1.3 Construction equipment – defined

“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. By-law 32-2017, 28 February, 2017

554.1.4 Conveyance – defined

“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. By-law 32-2017, 28 February, 2017

554.1.5 Council – defined

“Council” means the Council of The Corporation of the City of Brantford. By-law 32-2017, 28 February, 2017

554.1.6 Highway – defined

“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. By-law 32-2017, 28 February, 2017

554.1.7 Minister – defined

“Minister” means Minister of the Environment. By-law 32-2017, 28 February, 2017

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554.1.8 Ministry – defined

“Ministry” means Ministry of the Environment. By-law 32-2017, 28 February, 2017

554.1.9 Motor vehicle – defined

“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 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 within the meaning of the Highway Traffic Act. By-law 32-2017, 28 February, 2017

554.1.10 Motorized conveyance – defined

“motorized conveyance” means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power. By-law 32-2017, 28 February, 2017

554.1.11 Municipality – defined

“municipality” means the land within the geographic limit of the City of Brantford. By-law 59-80, 24 May, 1980; By-law 32-2017, 28 February, 2017

554.1.12 Noise – defined

“noise” means sound and vibration arising therefrom, emitted in such a manner or with such volume as to likely disturb local inhabitants. By-law 38-2009, 6 April, 2009; By-law 32-2017, 28 February, 2017

554.1.13 Noises Likely to Disturb – defined

“noises likely to disturb” include a noise which disturbs a police officer (or by-law officer) investigating complaints which are received in regard to enforcement of this Chapter, the noise or sound caused or made by an amplifier or loud speaker carried in or attached to a motor vehicle being operated or standing on a public highway and the noise or sounds caused or made by an amplifier or loud speaker carried in or attached to a motor vehicle being operated or standing on a public highway. By-law 21-2018, 27 February, 2018

554.1.14 Noise Control Administrator – defined

“Noise Control Administrator” means the person or persons designated by Council as responsible for the administration of this Chapter and shall be the Chief of Police of the City of Brantford, and the Chief Building Official for the City of Brantford. By-law 32-2017, 28 February, 2017

554.1.15 Point of reception – defined

“point of reception” means any point on the premises of a person where sound or vibration originating from other than those premises is received. By-law 32-2017, 28 February, 2017

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554.1.16 Shall – mandatory

The word “shall” is mandatory and not directory. By-law 32-2017, 28 February, 2017

554.1.17 Singular - plural - present - future tense

Words in the singular include the plural; words in the plural include the singular number; and words in the present tense include the future. By-law 59-80, 24 May, 1980; By-law 32-2017, 28 February, 2017.

Article 2

APPLICABILITY

554.2.1 Designated area

The provisions of this Chapter shall apply to all land within the geographical limits of the City of Brantford. By-law 59-80, 24 May, 1980; By-law 115-93, 20 September, 1993

554.2.2 Designated area – exception

Nothing in this chapter shall prohibit any operational noise from lands zoned for Commercial or Industrial uses which are permitted to escape through open doors, windows or apertures and are audible from a distance of 70 metres to a Residentially zoned property except between the hours of 10:00pm to 7:00am Monday to Saturday and 10:00pm to 9:00am Sundays. By-law 21-2018, 27 February, 2018

554.2.3 Interpretation

For the purposes of Section 554.2.2, “manufacturing industry,” “re- search industry,” “wholesale industry,” “warehouse industry,” and “industry engaged in the storage of goods, materials or things” shall have the same meanings as those terms have in Zoning By-law 160-90 of the City, as amended from time to time.

554.2.4 Environmental Protection Act – prohibition

Nothing in this Chapter shall be interpreted to authorize the making of any noise where the same would be a contravention of the Environmental Protection Act.

554.2.5 Environmental Protection Act – authorization

Nothing in this Chapter shall prohibit the making of any noise where such noise is made under the authority of a Certificate of Approval or Provisional Certificate of Approval issued pursuant to the provisions of the Environmental Protection Act. By-law 115-93, 20 September, 1993.

Article 3

GENERAL PROHIBITIONS

554.3.1 Emission - prohibited - Schedule ‘A’

No person shall emit or cause or permit the emission of noise resulting from any act listed in Schedule ‘A’ of this Chapter, from any point located on land

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within the geographical limits of the City of Brantford, within a prohibited time shown in said Schedule 'A' if said emission is clearly audible at any point of reception located on land within the geographical limits of the City of Brantford.

554.3.2 Emission - noise – acts

No person shall emit or cause or permit the emission of noise resulting from an act listed in this Article, and which noise is clearly audible at a point of reception within the geographical limits of the City of Brantford. By-law 9-80, 24 May, 1980; By-law 115-93, 20 September, 1993; By-law 38-2009, 6 April, 2009

554.3.3 Racing - motorized conveyance – exception

Racing of any motorized conveyance other than in a racing event regulated by law is prohibited.

554.3.4 Tires – squeal

The operation of a motor vehicle in such way that the tires squeal is prohibited.

554.3.5 Operation - engine - ineffective muffler

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 is prohibited. By-law 59-80, 24 May, 1980.

554.3.6 Trailer - insecure load - inadequate maintenance

The operation of a vehicle with a trailer resulting in banging, clanking, squealing or other like noises due to improperly secured load or equipment, or inadequate maintenance is prohibited. By-law 38-200, 6 April, 2009.

554.3.7 Operation - horn - not required – unauthorized

The operation of a motor vehicle horn or other warning device except where required or authorized by law or in accordance with good safety practices is prohibited.

554.3.8 Construction equipment - with ineffective muffler

The operation of any item of construction equipment without effective muffling devices in good working order and in constant operation is prohibited. By-law 59-80, 24 May, 1980

554.3.9 Loud speakers and amplifiers – noise

The noise or sounds caused or made by an amplifier or loud speaker carried in or attached to a motor vehicle being operated or standing on a public highway is prohibited. By-law 21-2018, 27 February, 2018

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Article 4 EXEMPTION – EMERGENCY MEASURES PUBLIC SAFETY

554.4.1 Emission - legal – acts

Notwithstanding any other provisions of this Chapter, it shall be lawful to emit or cause or permit the emission of noise in connection with emergency measures undertaken. By-law 38-2009, 6 April, 2009

554.4.2 Immediate health - safety – welfare

Incidental noise for the immediate health, safety or welfare of the in- habitants or any of them is permissible.

554.4.3 Preservation - restoration - property - exception Incidental noise 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 is permissible. By-law 59-80, 24 May, 1980.

Article 5 GRANT - OF EXEMPTION

554.5.1 Application – conditions – requirements

Notwithstanding anything contained in this Chapter, any person may make application to the City Clerk or Deputy Clerk, in a form and with such content as required by the City Clerk or Deputy Clerk, to be granted an exemption from any of the provisions of this Chapter with respect to any source of noise for which such person might be prosecuted, and the City Clerk or Deputy Clerk may refuse to grant any exemption or may grant the exemption applied for or any exemption of lesser effect, and any exemption so granted shall specify the time period, not in excess of six (6) months, during which said exemption shall be effective, and may contain such terms and conditions as the City Clerk or Deputy Clerk sees fit. By-law 32-2017, 28 February, 2017

554.5.2 Breach - exemption – void

Breach by the applicant of any of the terms or conditions of the exemption shall render the exemption null and void. By-law 59-80, 24 May, 1980

554.5.3 Repealed: By-law 38-2009, 6 April, 2009

554.5.4 Repealed: By-law 38-2009, 6 April, 2009

554.5.5 Application – fee

An application fee of one hundred dollars (\$100.00) shall be submitted along with any application for an exemption from the provisions of this Chapter.

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Applications not accompanied by the required application fee shall be rejected without further notice to the applicant. By-law 32-2017, 28 February, 2017.

554.5.6 Application – notification requirement

Prior to making an application for an exemption pursuant to subsection 554.5.1 above, the applicant shall provide written notice, by way of personal service or regular or registered mail, to all residential properties located within one hundred and twenty (120) metres of the proposed event location, at least sixty (60) days prior to the proposed event wherein the noise will be emitted. The required notification shall be in a form and with such content as required by the City Clerk or Deputy Clerk. A copy of the notice, along with confirmation of the required distribution, must be attached to the application form for the exemption and submitted to the City Clerk or Deputy Clerk. By-law 32-2017, 28 February, 2017

554.5.7 Permit – Issued – Displayed

If an application for exemption is approved pursuant to subsection 554.5.1 above, the City Clerk or Deputy Clerk shall issue a permit to the applicant providing for the noise exemption and noting the period of time to which the exemption shall apply, as well as the conditions attached to said exemption. The applicant shall display said permit in a conspicuous location at the premises where the noise will be emitted, so that said permit is visible to the general public. The permit shall remain displayed in the manner required pursuant to this subsection 554.5.7 until such time as said permit expires. By-law 32-2017, 28 February, 2017

Article 6

ACTIVITIES - EXEMPTED

554.6.1 Emission - permitted – acts

Notwithstanding any other provisions of this Chapter, this Chapter does not apply to a person who emits or causes or permits the emission of noise in connection with any of the activities set out in Sections 554.6.2 through 554.6.7 inclusive. By-law 38-2009, 6 April, 2009

554.6.2 Parade – authorized

Incidental noise from any parade duly authorized by the City of Brantford Police Force is permissible.

554.6.3 Bells - chimes - Church activities

Incidental noise from the use of bells or chimes normally associated with Church activities is permissible.

554.6.4 Carnival - circus - midway - valid licence

Incidental noise from any carnival, midway or circus holding a valid licence issued by The Corporation of the City of Brantford is permissible. By-law 59-80, 24 May, 1980

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554.6.5 Event - performance - permit – issued

Incidental noise up to 11:00 p.m. from any sporting, recreational, musical, entertainment or other event or performance in municipal parks, Harmony Square, or municipal buildings for which a permit has been issued by the Parks and Recreation Department of the City of Brantford is permissible. By-law 38-2009, 6 April, 2009

554.6.6 Activities - maintenance - essential services

Incidental noise from all activities of The Corporation of the City of Brantford, or its servants or agents, associated with the provision of maintenance and essential services is permissible.

554.6.7 Firework - detonation - authorized - Fire Department

Incidental noise from the detonation of fireworks duly authorized by the City of Brantford Fire Department is permissible.

Article 7 REGULATIONS

554.7.1 Practices - procedures - by resolution

The Council of The Corporation of the City of Brantford may make regulations by resolutions:

- (a) prescribing and governing practices and procedures on appeals to Council under this Chapter and respecting any matter arising from or incidental to such appeals and providing for time limits for such appeals;
- (b) prescribing and governing practices and procedures on applications for exemption from any of the provisions of this Chapter as provided in Sections 554.5.1 and 554.5.2. By-law 59-80, 24 May, 1980.

Article 8 ENFORCEMENT

554.8.1 Fine - for contravention

Every person who contravenes any of the provisions of this Chapter is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than \$5,000, exclusive of costs and every such fine is recoverable under the Provincial Offences Act. By-law 55-92, 23 March, 1992.

554.8.2 Officers

The provisions of this Chapter shall be enforced by Municipal Law Enforcement Officers designated by Council, and by members of the Brantford Police Force.

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Article 9

REPEAL - ENACTMENT

554.9.1 By-laws - previous

City of Brantford By-laws 2283, 54-75, and 14-80 are herewith repealed. Section (9) of City of Brantford By-law 877 is herewith repealed. By-law 59-80, 24 May, 1980.

554.9.2 Minister of Environment - approval - By-law 59-80

By-law 59-80 was approved by Harry Parrott, Minister of the Environment, pursuant to the provisions of the Environmental Protection Act, at Toronto on the 24th day of May, 1980.

Minister of Environment - approval - By-law 115-93

By-law 115-93, amending By-law 59-80, was approved by the Minister of Environment and Energy, pursuant to the provisions of the Environmental Protection Act, on the 10th day of November, 1993. By-law 38-2009, 6 April, 2009

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SCHEDULE

Schedule 'A' - Prohibitions by time and place

| Act | Prohibited Period of Time |
|---|----------------------------------|
| 1. The detonation of fireworks or explosive devices not used in construction. | At all times |
| 2. Noise from the discharge of firearms is prohibited except from a shooting club or shooting range that has received the appropriate approval under the <i>Firearms Act</i> and any other applicable legislation, hunting or an agricultural purpose permitted by law, and not otherwise prohibited by any other by-law of The Corporation of the City of Brantford. By-law 21-2018, 27 February, 2018 | At all times |
| 3. The operation of a combustion engine which: (a) is; or (b) is used in; or (c) is intended for use in, a toy, or a model or replica of any device which model or replica has no function other than amusement and which is not a conveyance. | At all times |
| 4. The noise or sound made or created by any radio, phonograph, public address system, sound equipment, loud speaker, musical instrument or other sound-producing equipment, when the equipment is played or operated in such a manner that the sound or noise made or created thereby disturbs the peace, comfort or repose of any person in a dwelling house, or a police officer acting in accordance with their duties under the <i>Police Services Act</i> , or successor. By-law 21-2018, 27 February, 2018 | 2100 one day to 0700 next day |
| 5. The operation of any motorized conveyance other than on a highway or other place intended for its operation. | At all times |

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6. Persistent barking, calling or whining or other similar persistent noise making by any domestic pet or any other animal kept or used for any purpose other than agriculture. At all times
7. The operation of a commercial car wash with air drying equipment 2100 one day to 0700 next day
8. Yelling, shouting, hooting, whistling or singing 2100 one day to 0700 next day
9. All selling or advertising by shouting or outcry or amplified sound. 2100 one day to 0700 next day
10. 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. 2100 one day to 0700 next day, 0900 Saturdays and Sundays
11. The operation of any equipment in connection with construction. 2100 one day to 0700 next day
12. The operation or use of any tool for domestic purposes other than snow removal. 2100 next day to 0700 next day
13. The operation of a motor vehicle, off-road vehicle, snowmobile, or other similar motorized conveyance for recreational purposes on any property other than a highway or private driveway. At all times

By-law 38-2009, 6 April, 2009; Schedule 'A'; By-law 38-2013, 22 April, 2013; By-law 32-2017, 28 February, 2017; By-law 21-2018, 27 February, 2018.