

**THE CORPORATION OF THE  
TOWNSHIP OF WAINFLEET**

**BY-LAW NO. 014-2001  
AS AMENDED (Res. C-022-2014)**

Being a by-law to control excessive noise  
in the Township of Wainfleet.

**WHEREAS** the Municipal Act R.S.O. 1990, Chapter M45, Section 210, paragraph 138, provides that by-laws may be passed by the Councils of local municipalities for prohibiting or regulating, within the Municipality or within a defined area or areas thereof, the ringing of bells, blowing of horns, shouting and unusual noises, or noises likely to disturb inhabitants;

**AND WHEREAS** the Municipal Act further provides that every Council may pass such by-laws and make such regulations for the health, safety, morality and welfare of the inhabitants of the Municipality;

**NOW THEREFORE** the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

1. Interpretation:

In this by-law:

- (a) "CONSTRUCTION" includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land cleaning, 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 of 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.
- (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 such device or vehicle if operated only within the premises of a person.

- (d) "COUNCIL" means the Council of the Corporation of the Township of Wainfleet.
- (e) "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.
- (f) "MINISTER" means Minister of the Environment.
- (g) "MINISTRY" means Ministry of the Environment.
- (h) "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.
- (i) "MOTORIZED CONVEYANCE" means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power.
- (j) "MUNICIPALITY" means the land within the geographic limit of the Township of Wainfleet.
- (k) "NOISE" means unwanted sound.
- (l) "PERSISTENT" means constantly repeated over a period of one half (1/2) hour.
- (m) "POINT OF RECEPTION" means any point on the premises of a person where sound or vibration originating from other than those premises is received.

## 2. Zones:

In this by-law:

- (a) URBAN AREA – "Urban Area" means all of those lands in the Municipality that are contained within the limits of the Hamlet Area Boundary and Lakeshore Area which are designated as urban area on Schedule "B" attached to and forming part of this by-law.
- (b) RURAL AREA – "Rural Area" means all of those areas in the Municipality that are not contained within the limits of the Urban Area and which are designated on Schedule "B" attached to and forming part of 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 Schedule "A" to this by-law if clearly audible at a point of reception located in an area of the Municipality within a prohibited time shown for such an area as per Schedule "A".

4. Grant of Exemption by Council:

(1) Application to Council:

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 or vibration for which he might be prosecuted and Council, by resolution, may refuse to grant any exemption or may 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 months, during which it is effective and may contain such terms and conditions as Council sees fit.

(2) Decision

In deciding whether to grant the exemption, Council 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.

(3) Breach

Breach by the applicant of any of the terms or conditions of any exemption granted by Council shall render the exemption null and void.

5. Exemption of Traditional, Festive, Religious, Recreational or Agricultural Activities:

Notwithstanding any other provisions of this by-law, this by-law does not apply to a person who emits or causes or permits the emission of sound or vibration in connection with any of the activities listed below:

- (a) Any celebration in commemoration of a statutory holiday.
- (b) Any celebration in commemoration of a religious holiday.
- (c) Remembrance Day celebrations.
- (d) Any carnival or parade by a Service Club.
- (e) Any supervised recreational activity recognized as such by Council.
- (f) Ringing of bells in connection with calling to worship or service by a recognized religious organization.

- (g) Agricultural operations operating under normal farm practice which include barn ventilation fans, and the operation of farm machinery for the harvesting and planting of field crops that may go beyond specified times on Schedule "A".

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. Enforcement:

Enforcement of this by-law will be taken by the Niagara Regional Police and the Municipal Law Enforcement Officer or other persons appointed by the Township.

8. Penalty:

Every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction is liable to a penalty as prescribed under the Provincial Offences Act.

BY-LAW READ A FIRST TIME THIS 27<sup>TH</sup> DAY OF MARCH 2001.

BY-LAW READ A SECOND TIME THIS 27<sup>TH</sup> DAY OF MARCH 2001.

BY-LAW READ A THIRD TIME AND FINALLY PASSED THIS 27<sup>TH</sup> DAY OF MARCH 2001.

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Gord Harry, MAYOR

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A.C. Guiler, CLERK-TREASURER

# NOISE BY-LAW

## SCHEDULE "A"

### Prohibitions by Time & Place

Category	Item Description	Urban Area & Lakeshore Area	Rural Areas
1.	The discharge of firearms	<del>At all times</del> Not restricted except within those parts of Lots 12, 13 and 14 in the First Concession of the Township of Wainfleet together with that part of Lake Erie lying southerly of the limits of said Lots 12, 13 and 14 within 152.4 meters (500 feet) in perpendicular distance from the said southerly limits of said Lots all as more particularly described in Schedule "A" to BL025-2013.	Not Restricted
2.	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.	21:00 one day to 07:00 next day (to 09:00 on Sundays)	Not Restricted
3.	The operation of bird scaring devices	At all times	Sunset to sunrise

4.	<ul style="list-style-type: none"><li>- All selling of advertising by shouting or outcry or amplified sound.</li> <li>- The operation of a combustion engine, which,<ul style="list-style-type: none"><li>(i) is, or</li><li>(ii) is used in, or</li><li>(iii) 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.</li></ul></li> <li>- The operation of any equipment in connection with construction.</li> <li>- The operation of solid waste bulk lift or refuse compacting equipment.</li></ul>	21:00 one day to 07:00 next day (to 09:00 on Sundays)
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<p>5.</p>	<ul style="list-style-type: none"> <li>- 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.</li> <li>- The operation of any auditory signalling device, including but not limited to the ringing of bells or gongs and the blowing of horns or sirens or whistles, or the production of any similar sounds by electronic means, except where required or authorized by law or in accordance with good safety practices.</li> <li>- The operation of any motorized conveyance other than on a highway or other place intended for its operation.</li> <li>- 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.</li> <li>- Persistent barking, calling, or whining or other similar persistent noise making by any domestic pet or other animal kept or used for any purpose other than agriculture.</li> <li>- Yelling, shouting, hooting, whistling or singing.</li> <li>- The operation or use of any tool for domestic purposes other than snow removal.</li> <li>- The operation of electric motors, fans or other persistent noise or vibration producing equipment including but not limited to equipment for the movement of materials within ducts or pipe conveyors.</li> </ul>	<p>23:00 one day to 07:00 next day (to 09:00 on Sundays)</p>
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SCHEDULE B  
TOWNSHIP OF WAINFLEET

 URBAN AREA

