

THE CORPORATION OF THE TOWN OF AURORA

By-law Number 4787-06.P

BEING A BY-LAW to regulate and prohibit the causing of noise in the Town of Aurora.

WHEREAS Subsection 129 (1) of the *Municipal Act 2001*, S.O. 2001, c. 25 as amended, authorizes Council to enact a by-law to prohibit and regulate with respect to noise;

NOW THEREFORE the Council of the Corporation of the Town of Aurora enacts as follows:

1. DEFINITIONS:

- (a) **construction** includes the erection, alteration, repair, dismantling, demolition, structural maintenance of buildings, land clearing, earth moving, grading, excavation, blasting and detonation of explosive devices other than fireworks, the laying of pipe, and conduit whether above or below ground level, 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 associated or related work;
- (b) **construction equipment** means any equipment or device designated 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, trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders, or other material handling equipment;
- (c) **commercial area** means all areas zoned as commercial under the Town's Zoning By-law as amended;
- (d) **corporation** means The Corporation of the Town of Aurora;
- (e) **emergency** means a situation or an impending situation, which may be dangerous, caused by the forces of nature, an accident, an intentional act or otherwise, which arises suddenly and requires prompt action to remedy the situation;
- (f) **emergency vehicle** includes an ambulance, air ambulance, police helicopter, police vehicle, a fire department vehicle and any vehicle used to respond to an emergency;
- (g) **industrial area** means all areas zoned as industrial or business park under the Town's *Zoning By-law* as amended;
- (h) **motor vehicle** includes an automobile, bus, truck, motorcycle, motor assisted bicycle and any other vehicle propelled or driven other than by muscular power;
- (i) **municipal service vehicle** means a vehicle operated by or on behalf of the Corporation while the vehicle is being used for the construction, repair or maintenance of a highway, including the removal of snow, the construction, repair or maintenance of a utility service, the collection or transportation of waste, or any other municipal service;

- (j) **noise** means any unwanted and excessive noise;
- (k) **person** includes a corporation, a person, partnership or sole proprietorship;
- (l) **premises** means a piece of land and any buildings and structures on it and includes a place of business, road or any other location or place;
- (m) **residence** means a room, suite of rooms, or dwelling, operated as a housekeeping unit that is used or intended to be used as a separate domicile by one or more persons, and that normally contains cooking, eating, living, sleeping and sanitary facilities;
- (n) **residential area** means all areas zoned as residential under the Town's *Zoning By-law* as amended;
- (o) **public holidays** means those holidays as defined by the Employment Standards Act, 2000 which consists of the following: New Years Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Christmas Day, and December 26.
- (p) **town** means The Corporation of the Town of Aurora.

2. SCOPE:

- 2.1 The general prohibitions on activities described in Schedule A shall apply to the lands within the Town of Aurora at all times.
- 2.2 The prohibitions on activities by time and place described in Schedule B shall apply to the lands within residential areas, commercial and industrial areas of the Town during the days and between the hours specified in Schedule B.
- 2.3 The general exemptions described in Schedule C shall apply to lands within the Town of Aurora at all times.

3. ADMINISTRATION:

- 3.1 The By-law Services Section of the Town of Aurora will be responsible for the administration and enforcement of this by-law.
- 3.2 All Provincial Offences Officers with the authority to enforce the by-laws of the Town of Aurora as well as officers of the York Regional Police Dept. have the authority to enforce the provisions of this by-law.
- 3.3 Any person may apply for an exemption to the prohibitions described in the attached Schedules of this by-law.
- 3.4 Applications for exemptions for sections 3, 10, & 11 of Schedule B of this by-law shall be directed to By-law Services Section for consideration. All other exemption requests shall be forwarded to Council in writing for consideration and its decision shall be final.
- 3.5 If an application for exemption to the by-law is approved, the exemption will be in effect for the dates and times specified and with any imposed conditions therein.
- 3.6 If any of the exemption conditions imposed is contravened, the exemption shall be immediately revoked.

4. APPLICATION:

- 4.1 No person shall, at any time, make, cause, or permit the making of noise within the Town that is the result of any of the activities described in Schedule A and that is audible to:
- (a) a person on or in a premises other than the premises from which the noise is originating; or
 - (b) a person in a residence other than the residence from which the noise is originating.
- 4.2 No person shall, during the days and between the hours specified in Schedule B, make, cause or permit the making of noise within the residential, commercial or industrial areas as defined by the Town's *Zoning By-law* as amended, that is the result of any of the activities described in Schedule B and that is audible to:
- (1) a person on or in a premises other than the premises from which the noise is originating; or
 - (2) a person in a residence other than the residence from which the noise is originating.

5. EXEMPTIONS:

- 5.1 The prohibitions described in Schedules A and B do not apply if the noise is the result of measures undertaken in an emergency for the:
- (1) immediate health, safety or welfare of the persons and animals;
 - (2) preservation or restoration of property.
- 5.2 The prohibitions described in Schedules A and B do not apply if the noise is the result of the activities described in Schedule C.
- 5.3 The prohibitions described in Schedules A and B do not apply if the noise is the result of an activity that has been granted an exemption under section 3.4.

6. SCHEDULES:

The following Schedules are attached and form part of this by-law:

Schedule A	General Noise Prohibitions
Schedule B	Noise Prohibitions by Time and Place
Schedule C	Exemptions to the Noise Prohibitions

7. OFFENCE AND PENALTY PROVISIONS:

Any person who contravenes the provisions of this by-law is guilty of an offence and, upon conviction, is subject to a fine as provided for in the *Provincial Offences Act* and to any other applicable penalties.

8. COMMENCEMENT:

This by-law comes into force upon enactment by Council.

9. REPEAL OF BY-LAW:

By-law Number 4746-05.P is hereby repealed.

10. SEVERABILITY:

Each and every one of the provisions of this By-law is severable and if any provisions of this By-law should, for any reason, be declared invalid by any court, it is the intention and desire of this Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

READ A FIRST AND SECOND TIME THIS 9TH DAY OF MAY, 2006.

READ A THIRD TIME AND FINALLY PASSED THIS 9TH DAY OF MAY, 2006.

P. MORRIS, DEPUTY MAYOR

B. PANIZZA, CLERK

SCHEDULE A

GENERAL NOISE PROHIBITIONS
(SUBJECT TO SECTION 4.1)

1. The operation of a motor vehicle other than on a highway.
2. The operation of a motor vehicle in such a way as to squeal the tires.
3. The operation of a combustion engine or pneumatic device without an effective exhaust muffling device that is not in good working order and in constant operation.
4. The operation of any construction equipment without an effective exhaust muffling device.
5. The operation of a vehicle in a manner that results in banging, clanking, squealing, or similar sounds.
6. The operation of a horn of a vehicle or other warning device except where required or authorized for safety reasons.
7. 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.
8. The unauthorized setting off of fireworks.
9. The operation of an engine or motor in, or on, any vehicle or item of attached auxiliary equipment for a continuous period of more than five minutes while such vehicle is stationary unless:
 - (a) the continuous operation of the engine or motor is essential to the basic function of the vehicle or equipment;
 - (b) the weather conditions justify the use of heating or refrigeration system powered by the engine or motor for the safety or welfare of the operator, passengers or animals or the preservation of perishable cargo.

SCHEDULE B**NOISE PROHIBITIONS BY TIME AND PLACE**
(SUBJECT TO SECTION 4.2)

Activity	Prohibited Times		
	Residential Areas	Commercial Areas	Industrial Areas
1. Operation of any construction equipment in connection with construction.	C and F	C and F	C and F
2. Erection, alteration, repair, dismantling, of any structure or activity related to construction.	C and F	C and F	C and F
3. The exterior operation of any device or group of connected devices intended for the production, or reproduction of amplified voices, music or sound.	A	C	C
4. The interior operation of any device or group of connected devices intended for the production, or reproduction of amplified voices, music or sound.	C	C	C
5. Operation of a combustion engine that (i) is, or (ii) is used in, or (iii) is intended for use in a toy or model or replica of a larger device, which is not a vehicle for transport and which has no purpose other than amusement.	D	E	E
6. Operation of an outdoor solid waste bulk lift or refuse compacting equipment.	C	C	C
7. Operation of a mechanical commercial car wash.	E	E	D
8. Operation of a public address system	A	C and F	C and F
9. Operation of voice activated drive-thru order facilities.	A	E	E
10. Operation of any electrical or gas powered tools for domestic purposes other than for snow removal.	D	D	E
11. Loading, unloading, delivering or otherwise handling any containers, products or refuse unless necessary for the maintenance of an essential service.	C and F	D	E
12. Yelling, shouting, hooting, whistling, singing, the playing of musical instruments, or any other noise.	C	E	F
13. Private and community functions held on private property	E	E	E

Prohibited Times

- A. At any time
- B. 1700 (5:00pm) of one day to 0700 hours (7:00 am) of the next day & 0900 hours (9:00 am) Sundays
- C. 1900 (7:00pm) of one day to 0700 hours (7:00 am) of the next day
- D. 2100 (9:00pm) of one day to 0700 hours (7:00 am) of the next day & 0900 hours (9:00 am) Sundays
- E. 2300 (11:00pm) of one day to 0700 hours (7:00 am) of the next day & 0900 hours (9:00 am) Sundays
- F. All day Sundays and Public Holidays

SCHEDULE C

EXEMPTIONS FROM THE NOISE PROHIBITIONS

1. Operation of emergency vehicles.
2. Operation of municipal service vehicles, including municipally contacted services, and related equipment including equipment for snow removal.
3. Authorized displays of fireworks.
4. Midways, carnivals or circuses approved by the Town.
5. Races, parades, processions and events for ceremonial, religious purposes that have been authorized by the Town.
6. Operation of bells, chimes, carillons, and clocks in churches, schools and buildings that are open.
7. Cultural, recreational, educational and political events in parks and other public places that have been authorized by the Town where required.
8. Events open to the community on municipal property or highways that have been authorized by the Town.
9. Non-emergency construction, reconstruction or repair of any municipal, provincial or federal public works including the construction, reconstruction or repair of a public highway provided the Town of Aurora is given advanced written notice of the hours to be worked if outside the permitted construction hours.
10. Operation of bells utilized as traffic control devices including the following:
 - (a) bells and other devices at traffic signal locations;
 - (b) bells at railway crossings.
11. Businesses located in Industrial Zones possessing a current and valid Ministry of Environment Certificate of Approval for Air Emissions where required.