

A BY-LAW OF THE CORPORATION OF THE CITY OF WATERLOO.

WHEREAS it is expedient to exercise the power conferred upon the Council by The Environmental Protection Act, 1971, as amended, and other statutory authority; and

WHEREAS a recognized body of scientific and technological knowledge exists by which sound and vibration may be substantially reduced; and

WHEREAS the people have a right to and should be ensured an environment free from unusual, unnecessary, or excessive sound or vibration which may degrade the quality and tranquility of their life or cause nuisance; and

WHEREAS it is the policy of the Council to reduce and control such sound or vibration;

NOW THEREFORE, the Council of the Corporation of the City of Waterloo enacts as follows:

1. INTERPRETATION

(1) Technical Terms

In this By-law, all the words which are of a technical nature and are related to sound or vibration shall, for the purpose of this by-law, have the meanings specified for them in Publication NPC-101 – Technical Definitions.

(2) Definition

In this By-law,

- (a) “Certificate” means a Certificate of Competency in Environmental Acoustics Technology of a specified class issued by the Minister of the Environment;
- (b) “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;
- (c) “Construction Equipment” means any equipment or device designed and intended use in construction, or material handling, including but not limited to, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders, or other material handling equipment;
- (d) “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 a building;
- (e) “Council” means the Council of the Corporation of the City of Waterloo;
- (f) “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;
- (g) “Minister” means Minister of the Environment;
- (h) “Ministry” means Ministry of the Environment;
- (i) “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 vehicle

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;

- (j) “Motorized Conveyance” means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power;
- (k) “Municipality” means the land within the geographic limit of the City of Waterloo;
- (l) “Noise” means unwanted sound;
- (m) “Noise Control Officer” means a person designated by Council as responsible for the administration of this By-law, and more specifically shall be The Commissioner of Works;
- (n) “Point of Reception” means any point on the premises of a person where sound or vibration originating from other than those premises is received;
- (o) “Publication” means a specified publication of the Noise Pollution Control Section of the Pollution Control Branch of the Ministry of the Environment, which is listed in Schedule 1 hereto;
- (p) “Quiet Zone” means an area of the municipality so designated by Council in this By-law as a place where quiet is of a particular importance, such as, but not limited to, the immediate vicinity of hospitals, convalescent homes or retirement homes;
- (q) “Residential Area” means any area in the City of Waterloo where a residential use is permitted by any zoning by-law in force from time to time passed pursuant to Section 35 of the Planning Act, R.S.O. 1970, Chapter 349, or any predecessor or successor of that section;
- (r) “Stationary Source” means a source of sound which does not normally move from place to place and includes the premises of a person as one stationary source, unless the dominant source of sound on those premises is construction equipment or a conveyance.

2. Prohibitions

No person shall emit or cause or permit the emission of sound resulting from an act listed in Schedule 2 – General Prohibitions, and which sound is clearly audible at a point of reception.

3. Limitations by Time and Place

No person shall emit or cause or permit the emission of a sound resulting from any act listed in Schedule 3 – Prohibitions by Time and Place, if clearly audible at a point of reception located in an area of the Municipality specified on Schedule 3 within a prohibited time shown for such an area.

4. Exemption

Public Safety

Notwithstanding any other provision of this By-law, it shall be lawful during an emergency to emit or cause or permit the emission of sound or vibration in connection with emergency measures:

- (a) for the immediate health, safety or welfare of the inhabitants or any of them; or
- (b) 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.

5. 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 during which it is effective and may contain such terms and conditions as Council sees fit.

(2) Details of Application for Exemption

The Application mentioned in sub-section (1) shall be made in writing, in duplicate, and shall contain:

- (a) the name and address of the applicant;
- (b) a description of the source of sound or vibration in respect of which exemption is sought;
- (c) a statement of the particular provision or provisions of the By-law from which exemption is sought;
- (d) the period of time, of a duration not in excess of six months, for which the exemption is sought;
- (e) the reasons why the exemption should be granted;
- (f) a statement of the steps, if any, planned or presently being taken to bring about compliance with the By-law; and
- (g) proof of publication within the preceding ten days, in a newspaper of general circulation within the Municipality, of a notice of intention to apply for an exemption to this By-law, containing the information required by clauses (a) through (e) hereof, and further stating the date upon which it is intended that application will be made to Council.

(3) Noise Control Officer

Council shall cause one copy of the application for exemption to be delivered to the Noise Control Officer and he shall prepare a report to Council forthwith, stating his opinion of the merits of the application and his recommendations as to terms and conditions which, in his opinion, should be imposed upon the applicant if the exemption is granted and Council will not consider the application for exemption until it has received the report of the Noise Control Officer.

(4) Report

The Noise Control Officer shall forward a copy of his report to the applicant at the address shown on the application by prepaid registered mail and shall, not sooner than two weeks after the mailing of the report to the applicant, submit the report to Council and shall, on request, make his report available for public inspection.

In deciding whether to grant the exemption, Council shall consider the application, the report of the Noise Control Officer and any written submission then received by Council and made by the applicant after receipt of the report of the Noise Control Officer and the Council may consider such other matters as it sees fit.

(5) Breach

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

(6) Exemption of Traditional, Festive or Religious Activities

Notwithstanding any other provision 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 traditional, festive, religious and other activities listed in Schedule 4.

(7) Severability

If a court of competent jurisdiction should declare any section of 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.

(8) Penalty

Every person who contravenes any of the provisions of this By-law is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not less than \$50.00 nor more than \$1,000.00 for a first offence and not less than \$100.00 and not more than \$1,000.00 for a second or subsequent offence, exclusive of costs and every such fine is recoverable under The Summary Convictions Act.

READ A FIRST AND SECOND TIME this 1st day of May, 1978.

READ A THIRD AND FINALLY PASSED this 5th day of June, 1978.

(signed) Marjorie Carroll
Mayor

(signed) R.C.Keeling
Clerk

This By-law is approved pursuant to the provisions of The Environmental Protection Act, 1971, as amended, at Toronto, this 18th day of July, 1978.

(signed) George R. Mc
Minister of the Environment

SCHEDULE 1
PUBLICATIONS

<u>NUMBER</u>	<u>TITLE</u>
NPC-100	Assembly and Approval of By-law
NPC-101	Technical Definitions
NPC-102	Certificates
NPC-103	Procedures
NPC-106	Building Acoustical Insulation
NPC-112	Instrumentation
NPC-113	Construction Sound Control Devices
NPC-115	Construction Equipment
NPC-116	Residential Air Conditioners
NPC-117	Domestic Outdoor Power Tools
NPC-118	Motorized Conveyances
NPC-119	Blasting
NPC-120	Sound Level Adjustments
NPC-121	Sound within Buildings

Publications listed in Schedule 1 are included only for information as the By-law controls noise only by qualitative provisions.

SCHEDULE 2

GENERAL PROHIBITIONS

1. Racing of any motorized conveyances other than in a racing event regulated by law.
2. The operation of a motor vehicle in such a way that the tires squeal.
3. The operation of any combustion engine without an effective exhaust muffling device in good working order and in constant operation.
4. The operation of a vehicle or a vehicle with a trailer resulting in banging, clanking, squealing or other like sounds due to improperly secured load or equipment, or inadequate maintenance.
5. 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 a residential area unless:
 - (1) the vehicle is in an enclosed structure constructed so as to effectively prevent excessive noise emission; or
 - (2) 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
 - (3) 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-mix concrete trucks, lift platforms or refuse compactors and heat exchange systems; or
 - (4) weather conditions justifying the use of heating or refrigerating 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
 - (5) prevailing low temperatures make longer idling periods necessary, immediately after starting the motor or engine; or
 - (6) 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.
 - (7) The operation of a motor vehicle horn or other warning device except where required or authorized by law.
 - (8) The operation of any item of construction equipment without effective muffling devices in good working order and in constant operation.

SCHEDULE 3

PROHIBITION BY TIME AND PLACE

	<u>PROHIBITED PERIOD OF TIME</u> <u>RESIDENTIAL AREA</u>
1. 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.	B & D
2. 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.	C
3. All selling or advertising by shouting or outcry or amplified sound.	B & D
4. Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, products, materials, or refuse, whatsoever, unless necessary for the maintenance of essential services.	B & D
5. The operation of any construction equipment in connection with construction.	F & D
6. The detonation of fireworks or explosive devices.	A
7. The discharge of firearms.	At any time
8. The operation of a combustion engine which, (a) is, (b) is used in, or (c) is intended for use in; a toy or a model or replica of a larger device, which model or replica has no function other than amusement and which is not a conveyance.	G
9. The 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 Canada Railway Act.	A
10. The operation of any motorized conveyance other than on a highway or other place intended for its operation.	B
11. The venting, release or pressure relief of air, steam	A

or other gaseous material, product or compound from any autoclave, boiler, pressure vessel, pipe, valve, machine, device or system.

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| 12. | Persistent barking, whining, calling or other similar persistent noise making by any domestic pet or any animals kept for commercial purposes. | At any time |
| 13. | The operation of any powered or non-powered tool for domestic purposes other than snow removal. | G |
| 14. | The operation of solid waste bulk lift or refuse compacting equipment. | B |
| 15. | The operation of commercial car wash equipment. | A |
| 16. | Yelling, shouting, hooting, whistling or singing. | A |

RESTRICTED TIMES:

A - 23:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. Sunday)

B - 19:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. Sunday)

C - 17:00 hrs of one day to 07:00 hrs. next day (09:00 hrs. Sunday)

D - All day Sundays and Statutory Holidays

E - 17:00 hrs. of one day to 07:00 hrs. next day

F - 19:00 hrs. of one day to 07:00 hrs. next day

G - 21:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. Sunday)

SCHEDULE 4

ACTIVITIES TO WHICH THIS BY-LAW DOES NOT APPLY

The following list of sources or activities are considered by this Council to be exempt from the provisions of this By-law because of their traditional, festive, religious or other nature.

1. Any parade duly authorized by permit, issued under the authority of the Council of the Corporation of the City of Waterloo, or of the Council of the Regional Municipality of Waterloo.
2. The use of bells or chimes normally associated with church activities.
3. Any midway or circus when authorized by the Council of the City of Waterloo.
4. Any sporting, recreational or entertainment event in Public Parks or Buildings.
5. Any musical or other performance in Public Parks or Buildings.
6. Special neighborhood social activities on streets or other Public land when duly authorized by the Council of the City of Waterloo.
7. The operation of Model Engines in those areas approved by a Community Service Department representative following request from a club or individual, subject in the case of private property, to the consent of the property owner or his representative.
8. The concrete finishing operation on construction projects when such is duly certified as essential to the project by the Noise Control Officer.