

**THE CORPORATION OF THE  
TOWNSHIP OF EDWARDSBURGH CARDINAL**

**BY-LAW NO. 2021-70**

**“A BY-LAW TO PROHIBIT AND REGULATE NOISE WITHIN THE TOWNSHIP OF  
EDWARDSBURGH CARDINAL”**

**WHEREAS** Section 11 of the *Municipal Act, 2001*, provides that a lower-tier municipality may pass bylaws respecting the health, safety and well-being of persons; and

**WHEREAS** Section 128 of the *Municipal Act, 2001*, provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances; and

**WHEREAS** Section 129 of the *Municipal Act, 2001*, provides that a municipality may pass bylaws to prohibit and regulate noise; and

**WHEREAS** Section 425 of the *Municipal Act, 2001*, provides that a municipality may create offences for the contravention of bylaws; and

**WHEREAS** Section 429 of the *Municipal Act, 2001*, provides that a municipality may establish a system of fines for offences; and

**WHEREAS** in the opinion of Council, excessive and inadequately controlled noise may impair public health, safety and welfare and could become a public nuisance; and

**WHEREAS** Municipal Council deems it advisable to prohibit and regulate the making of noise within the Township of Edwardsburgh Cardinal.

**NOW THEREFORE BE IT RESOLVED** the Council of the Corporation of the Township of Edwardsburgh Cardinal enacts as follows:

**1. DEFINITIONS**

“Agricultural Operations” has the same meaning as contained in the *Farming and Food Production and Protection Act, 1998*, R.S.O. 1998, c.1, as amended, or any successor legislation.

“Agricultural Use” means permitted areas identified within the Township Zoning Bylaw.

“Community Event” means an event open to the public, including a public fair, public exhibition, public celebration, public sporting event, public concert, or school event.

“Construction” means erection, alteration, repair, dismantling, demolition, structural maintenance, land clearing, earth-moving, grading, excavating, laying of pipe and conduit whether above or below ground level, street and highway building, application of concrete, 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.

“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, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, forklifts, derricks, loaders, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors or rollers, pumps, concrete mixers, graders, and any other material handling equipment.



"Council" means the Council of the Corporation of the Township of Edwardsburgh Cardinal.

"Electronic Device" means a device intended primarily for the production, reproduction or amplification of sound, including, but not limited to, any musical instrument, radio receiver, television receiver, recorder, phonograph, loudspeakers, amplifiers, microphones or reproducers or any combination of such equipment, including devices used in the reproduction of music, speech or other sounds.

"Enforcement Officer" means a municipal bylaw enforcement officer authorized by the Council of the Township of Edwardsburgh Cardinal, any member of the Ontario Provincial Police, and any Provincial Offences Officer pursuant to the Provincial Offences Act.

"Highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, drive, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

"Inhabitant" means a person that lives in or occupies a place.

"Motor Vehicle" shall mean any private or commercial automobile, motorcycle, motorized assisted bicycle, all-terrain vehicles, extreme terrain vehicle, multi-purpose off-road vehicle, any vehicle propelled or driven otherwise that requires a motor or engine to be moveable.

"Noise" means unwanted sound that is generated within the Township and is likely to disturb inhabitant, or neighbouring municipality.

"Normal Farm Practice" has the same meaning as contained in the Farming and Food Production Protection Act, 1998, R.S.O. 1998, c.1, as amended, or any successor legislation.

"Persistent" refers to noise that is continuously heard for a period of fifteen (15) minutes or more or intermittently over a period of one (1) hour or more.

"Person" means a person, firm, organization, agency, association, corporation, or partnership used in the normal context of the word.

"Point of Reception" means any point on a premises where sound originating from some other premises is received.

"Settlement Area" means those areas of the Township designated Settlement Area by the Township's Zoning Bylaw.

"Township" means the Corporation of the Township of Edwardsburgh Cardinal.

"Zoning Bylaw" means the Council approved bylaw governing zoning, in accordance with the Planning Act, as amended.

## **2. GENERAL PROHIBITIONS**

- 2.1 No person shall emit, cause or permit to be emitted or caused any noise to disturb inhabitants of the Township, as set out in Schedule A, attached hereto, that is clearly audible at a point of reception.

## **3. PROHIBITIONS BY TIME**

- 3.1 No person shall, within the prohibited time shown in Schedule B, attached hereto, emit, cause or permit the emission of noise which is clearly audible at



a point of reception resulting from an act or emanating from a device listed in Schedule B.

#### **4. GENERAL EXEMPTIONS**

- 4.1 This bylaw shall not apply to a person who emits, causes or permits the emission of noise in connection with any of the activities listed in Schedule C, attached hereto, of this bylaw.

#### **5. EXEMPTION APPLICATION**

- 5.1 Notwithstanding anything in this bylaw, any person may make an application, in a form as approved by the Township, to Municipal Council, to request an exemption to any provision of this bylaw. The Township may refuse to grant any such exemption or may grant the exemption applied for or any exemption of lesser effect, and any exemption granted shall be in the form, attached hereto, as Schedule E.
- 5.2 A breach of any of the terms or conditions of any exemption granted by the Township shall render the exemption null and void.

#### **6. ENTRY AND INSPECTION**

- 6.1 An enforcement officer or their designate may at any time, enter onto a property to determine whether this bylaw is being complied with.

#### **7. VALIDITY AND SEVERABILITY**

- 7.1 If any section, subsection, clause, paragraph or provision of this bylaw or parts thereof are declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Municipal Council to enact, such section, subsection, clause, paragraph, provision or parts thereof shall be deemed to be severable and shall not effect the validity or enforceability of any other provisions of the bylaw as a whole or part thereof and all other sections of the bylaw shall be deemed to be separate and independent there from and enacted as such.
- 7.2 Whenever any reference is made under this bylaw to a statute or regulation of the Province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute or regulation and all successor legislation to such legislation.

#### **8. ENFORCEMENT & PENALTIES**

- 8.1 This bylaw shall be enforced by any Enforcement Officer having jurisdiction in the Township.
- 8.2 No person shall obstruct or hinder or attempt to obstruct or hinder an Enforcement Officer, or other authorized employee or agent of the Township in the exercise of a power or the performance of a duty under this bylaw.
- 8.3 Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 8.4 Upon registering a conviction for a contravention of any provision of this bylaw, the court in which the conviction has been entered, may in addition to any other remedy and to any penalty imposed by this bylaw, make an order prohibiting the continuation or repetition of the offence by the person convicted, pursuant to Section 431 of the Municipal Act, 2001, as amended.

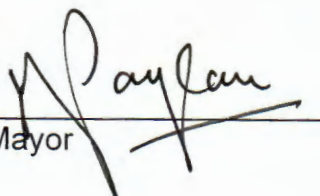
- 8.5 Where a person fails or defaults to carry out any direction or action required by the Township as authorized by this bylaw, upon reasonable and written notice, the Township may proceed to do such things or carry out such actions as directed at the expenses of the person and such expenses may be recovered by the Township in a like manner as taxes in accordance with the provisions of Section 326 of the Municipal Act, 2001, as amended.

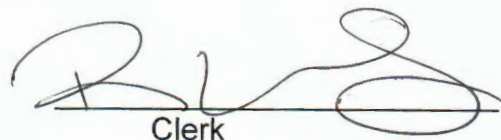
**9. GENERAL**

- 9.1 That Schedules "A", "B", "C", "D" and "E" shall constitute part of this bylaw.
- 9.2 That Bylaw 1991-12 and all other bylaws previously passed that are inconsistent with the provisions of this bylaw are hereby repealed in its entirety.
- 9.3 That this bylaw shall come into force and take effect on its passing.

Read a first and second time in open Council this 25 day of October, 2021.

Read a third and final time, passed, signed and sealed in open Council this 22 day of November, 2021.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk



Bylaw 2021-70  
Schedule A

**GENERAL PROHIBITIONS**

No person shall emit, cause or permit the emission of noise resulting from an act listed below, which is clearly audible at point of reception:

1. The operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers , and intended for the production, reproduction or amplification of sound;
2. The operation of any construction equipment, combustion engine or pneumatic device without an original equipment manufacturer specification exhaust or intake muffling device in good working order and in constant operation;
3. Revving of any motor vehicle engine except as required for by a licensed mechanic at a place of business for automotive repair;
4. 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;
5. Residential domestic activities that produce sound of such nature that is unwanted, on-going, persistent, unusual, repetitive, a public nuisance that disturbs a person at a point of reception;
6. Persistent barking, calling or whining of any domestic pet or any animal except an animal used for and located on the property for agricultural use, as set out in the Township's zoning bylaw, or as otherwise specifically permitted by bylaw.

Bylaw 2021-70  
Schedule B

**PROHIBITIONS BY TIME**

<b>Item</b>	<b>Activity</b>	<b>Prohibited Period of Time</b>
1	The operation of any construction equipment or in connection with construction	10:00 p.m. to 6:00 a.m. the next day <b>Sunday:</b> 7:00 p.m. to 6:00 a.m. the next day
2	The operation of any construction equipment or in connection with construction in a Settlement Area	10:00 p.m. to 7:00 a.m. the next day <b>Sunday:</b> 7:00 p.m. to 6:00 a.m. the next day
3	The operation of any powered or non-powered tool, equipment or appliance for domestic or commercial purposes other than snow removal	11:00 p.m. to 6:00 a.m. the next day
4	The loading, unloading, packing, unpacking, delivering or otherwise handling of any container, product, material, waste or recyclables unless necessary for the maintenance of services or moving of private household effects	11:00 p.m. to 6:00 a.m. the next day
5	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 sound	11:00 p.m. to 7:00a.m. the next day
6	The operation of any auditory signaling device including, but not limited to the ringing of bells, gongs, and the blowing of horns, sirens and whistles	11:00 p.m. to 7:00 a.m. the next day
7	Yelling, shouting, hooting or similar noises made by a person	11:00 p.m. to 7:00 a.m. the next day



Bylaw 2021-70  
Schedule C

**GENERAL EXEMPTIONS**

The emission of noise in connection with the following activities are considered exempt from the provisions of this bylaw:

1. Emergency measures undertaken for the immediate health, safety or welfare of the inhabitants for the preservation or restoration of property.
2. Sirens or noise associated with emergency services, essential service, and all other activities conducted by the Township, United Counties of Leeds and Grenville, the Province of Ontario, Government of Canada, any utility provider or their agents associated with the provisions of maintenance of essential services.
3. Construction or demolition being conducted under a building or demolition permit issued by the Township during permitted hours.
4. The operation of vehicles, equipment and construction equipment when utilized for, the clearing of snow from public and private property, street sweeping and line painting.
5. Audible pedestrian signals.
6. The performance of any use permitted in a Commercial or Industrial zone, and further that the noise generated is pursuant to work done in the normal manner or in order to maintain continuous operations, and that the work does not contravene any federal, provincial or municipal laws or regulations.
7. The performance or activities as part of a normal farm practice and carried on as part of an agricultural operation.
8. The use of church bells, chimes or carillons normally associated with religious, traditional and festive activities and the ringing bells, blowing or sounding of any horn, yelling, shouting, hooting or hollering at a sanctioned sporting event during permitted times.
9. Noise related to activities permitted under a Township approved exemption application.
10. Aircraft, airports, trains and railways subject to regulation by the Government of Canada.
11. Motor vehicles being operated on a highway, authorized trail or navigable body of water.
12. Activities and noise as part of a community event.
13. Detonation of fireworks or similar explosive pyrotechnic devices on holidays.
14. The operations of excavation equipment when used in a cemetery in conjunction with internment services.



Bylaw 2021-70  
Schedule D

**SET FINES**  
**PART 1 – PROVINCIAL OFFENCES ACT**  
**PROHIBIT AND REGULATE NOISE WITHIN THE TOWNSHIP OF**  
**EDWARDSBURGH CARDINAL**

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Obstruct or hinder an officer performing their duty	8.2	\$200
2	Emit, cause or permit noise from an electronic device	s. 2.1, Sch. A (1)	\$150
3	Emit, cause or permit noise from any construction equipment, engine or device without exhaust or intake muffling device	s. 2.1, Sch. A (2)	\$150
4	Emit, cause or permit noise from a motor vehicle in such a way to rev the engine	s. 2.1, Sch. A (3)	\$150
5	Emit, cause or permit noise from a horn or other warning device	s. 2.1, Sch. A (4)	\$150
6	Emit, cause or permit noise from residential domestic activity	s. 2.1, Sch. A (5)	\$150
7	Cause or permit the continuous barking, calling or whining	s. 2.1, Sch. A (6)	\$150
8	Emit, cause or permit noise from construction equipment during prohibited time	s. 3.1, Sch. B (1)	\$150
9	Emit, cause or permit noise from construction equipment during prohibited time in a Settlement Area	s. 3.1, Sch. B(2)	\$150
10	Emit, cause or permit noise from any tool, equipment or appliance during prohibited time	s. 3.1, Sch. B(3)	\$150
11	Emit, cause or permit noise from loading/unloading/handling of material during prohibited time	s. 3.1, Sch. B(4)	\$150
12	Emit, cause or permit noise from electronic device during prohibited time	s. 3.1, Sch. B(5)	\$150
13	Emit, cause or permit noise from auditory signaling device during prohibited time	s. 3.1, Sch. B(6)	\$150
14	Emit, cause or permit yelling, shouting, hooting or similar noises during prohibited time	s. 3.1, Sch. B(7)	\$150

**Note:** The general penalty section of the offences indicated above is Section 8 of Bylaw 2021-70. A certified copy of which has been filed.



Bylaw 2021-70  
Schedule E

**EXEMPTION APPLICATION**

Application for temporary exemption permit to the Noise Bylaw.

Applicant's Name: \_\_\_\_\_

Applicant's Address: \_\_\_\_\_

Applicant's Phone Number: \_\_\_\_\_

Applicant's Email: \_\_\_\_\_

Group or Organization: \_\_\_\_\_

Event Type: \_\_\_\_\_

Date & Time of Event: \_\_\_\_\_

(If the event is being held over more than one day, specify times for each day)

Description of Event – Include the source of sound in respect of which the exemption is being requested:

---

---

---

---

---

---

---

State the particulate provision or provisions of the bylaw from which the exemption is being requested:

---

---

---