

## **The Corporation of the City of Guelph**

### **By-law Number (2000)-16366**

A By-law to prohibit and regulate unusual noises or noises likely to disturb the inhabitants of the City of Guelph, and to adopt Municipal Code Amendment #248 and #482 which amend Chapter 190 of the Corporation of the City of Guelph's Municipal Code, and to repeal By-law Number (1998)-15760. [Amendment (2013) - 19527]

### **The Council of the Corporation of the City of Guelph enacts as follows:**

#### **Short Title**

1. This By-law may be cited as the "Noise Control By-law".

#### **Interpretation**

2. For the purposes of this By-law the following terms shall have the corresponding meanings:

"City" means the Corporation of the City of Guelph;

"construction equipment" includes a bulldozer, excavator, trencher, jack hammer, crane, loader, scraper, paver, compactor, roller, grader, concrete mixer and the like;

"Council" means the Council of the City;

"holiday" means any holiday set out as a holiday in the Retail Business Holidays Act, R.S.O. 1990, Chap. R. 30, or any successor thereof;

"noise" means sound that is of such a volume or nature that it is likely to disturb the inhabitants of the City of Guelph;

"other area" means all of the area of the City of Guelph set out on Schedule "B" of this By-law which is denoted by shading;

"Person" includes a corporation, organization, association, partnership and the like; and "residential area" means all of the area of the City of Guelph set out on Schedule "B" of this By-law which is not shaded.

#### **General exemptions**

3. 1. This By-law does not apply:

- i. during an emergency involving the health, safety or welfare of the public;
- ii. where the City, its servants, employees, contractors or agents are carrying out City operations or operating, maintaining or installing municipally-owned infrastructure, facilities or the like, except for the detonation of explosives;
- iii. to noise created by the activity of snow removal;
- iv. to road or bicycle races, parades, circuses, entertainment activities in public parks or neighbourhood social activities when such events are approved by Council and such activity or event is in compliance with the conditions set by Council in approving such activity or event;
- v. to sport or recreational events in public parks where a permit has been issued by the City authorizing such event and the event complies with all of the conditions of such permit;
- vi. to the use of implements of husbandry in the operation of agricultural endeavours; or
- vii. to the operation of excavation equipment when used in a cemetery in conjunction with interment services.

### **Exemptions by Council**

4. 1. Despite the provisions of this By-law, any person may apply to Council for an exemption to any provision of this By-law with respect to any noise to allow such person to emit, cause or permit such noise for the period of time set out in such application, and Council may grant such exemption, grant an alternative exemption or refuse such exemption, and may set out conditions to be met as Council sees fit for any exemption granted.
2. Where an exemption is granted by Council, breach of any of the terms or conditions of the exemption shall render the exemption null and void.
3. Every person applying for an exemption shall, at least 10 business days prior to the Council meeting at which the request for exemption is to be addressed by Council, provide to the Chief Building Official of the City:
  - i. a complete and accurate application form as provided by the City setting out the particulars respecting the exemption requested; and
  - ii. payment of the exemption processing fee in the amount set by Council and in effect at the time of such exemption request.

## General Prohibitions

5. 1. No person shall, at any time, emit, cause or permit to be emitted or caused any noise created by:

- i. the persistent barking, calling or whining of any domestic pet or any animal, except an animal used for and located on the property of an agriculture, livestock based use as set out in the City's Zoning By-law;
- ii. the squealing of motor vehicle tires while such vehicle is on property other than a highway as set out in the Highway Traffic Act, R.S.O. 1990, Chap. H.8, or any successor thereof;
- iii. the use of a horn, whistle, alarm, bell, gong or the like, except for an auditory safety or warning device or chimes used in association with a religious establishment;
- iv. the detonation of explosives;
- v. the operation of an air conditioner that does not meet the requirements of the Ministry of the Environment Publication NPC-216, Residential Air Conditioning Devices or the operation of a pool pump or filter, heat pump or the like that is not in proper working order; the idling of a vehicle motor in excess of 10 minutes, except;
- vi. the idling of a vehicle motor in excess of 10 minutes, except;
  - i. when such idling is recommended by the manufacturer of such vehicle and proof of such recommendation is provided by the vehicle operator upon the request of a police officer;
  - ii. when such idling is necessary to the basic function of the equipment on a vehicle such as a concrete mixer on a concrete mixing truck, a lift platform, a refuse compactor or a heat exchange system; or
  - iii. when the weather conditions require the vehicle to idle in order to keep in operation a heating or refrigeration system necessary for the welfare or preservation of the cargo of such vehicle;
- vii. the operation of a combustion engine without an effective exhaust muffling device in proper working order; or
- viii. the operation of a vehicle radio, stereo or the like.

- ix. yelling, shouting or the like.
2. No person shall operate a motorcycle on any highway if the motorcycle fails to meet the noise limitation criteria as set out in the Society of Automotive Engineers test procedure SAE J2825.
3. No person shall refuse to provide a motorcycle owned and/or operated by that person to an officer duly authorized to enforce the provisions of this by-law.

### **Prohibitions by time and place**

5. No person shall emit, cause or permit to be emitted or caused any noise created by an activity listed in Schedule "A" of this By-law during the time and in the area such noise is prohibited as set out in such Schedule.
  1. The area identified in Schedule B attached hereto is designated as a "Mixed Use" area. Noise created within this area related to music and other events is permitted provided the activity or generation of noise is either approved by the Executive Director of Operations, Transit & Emergency Services, or their designate, or if for events taking place within the activity court of St. George's Square, by the Executive Director of the Downtown Guelph Business Association. In all other instances, the regulations in Sections 5 and 6 shall apply.

### **Offence**

6. Every person who contravenes any provision of this By-law is guilty of an offence.

### **Penalty**

7. Every person who is convicted of an offence under any provision of this By-law shall be liable to a penalty as set out in Section 61 of the Provincial Offences Act, R.S .O. 1990, Chapter P.33, or any successor thereof.

### **Schedules form part of by-law**

8. Schedules "A" and "B" attached hereto shall form part of this By-law.

### **Municipal code amended**

9. Chapter 190 of the Corporation of the City of Guelph's Municipal Code is hereby deleted and this By-law substituted therefor.

### **Prior by-laws repealed**

10. By-law Number (1998)-15760 is hereby repealed as of the date and time of this By-law coming into effect.

**Effective date of by-law**

11.This By-law shall come into effect at 12:01 a.m. on July 18, 2000.

**Passed this seventeenth day of July, 2000.**

**Original signed by:**

Joe Young – Mayor

Lois A. Giles – City Clerk

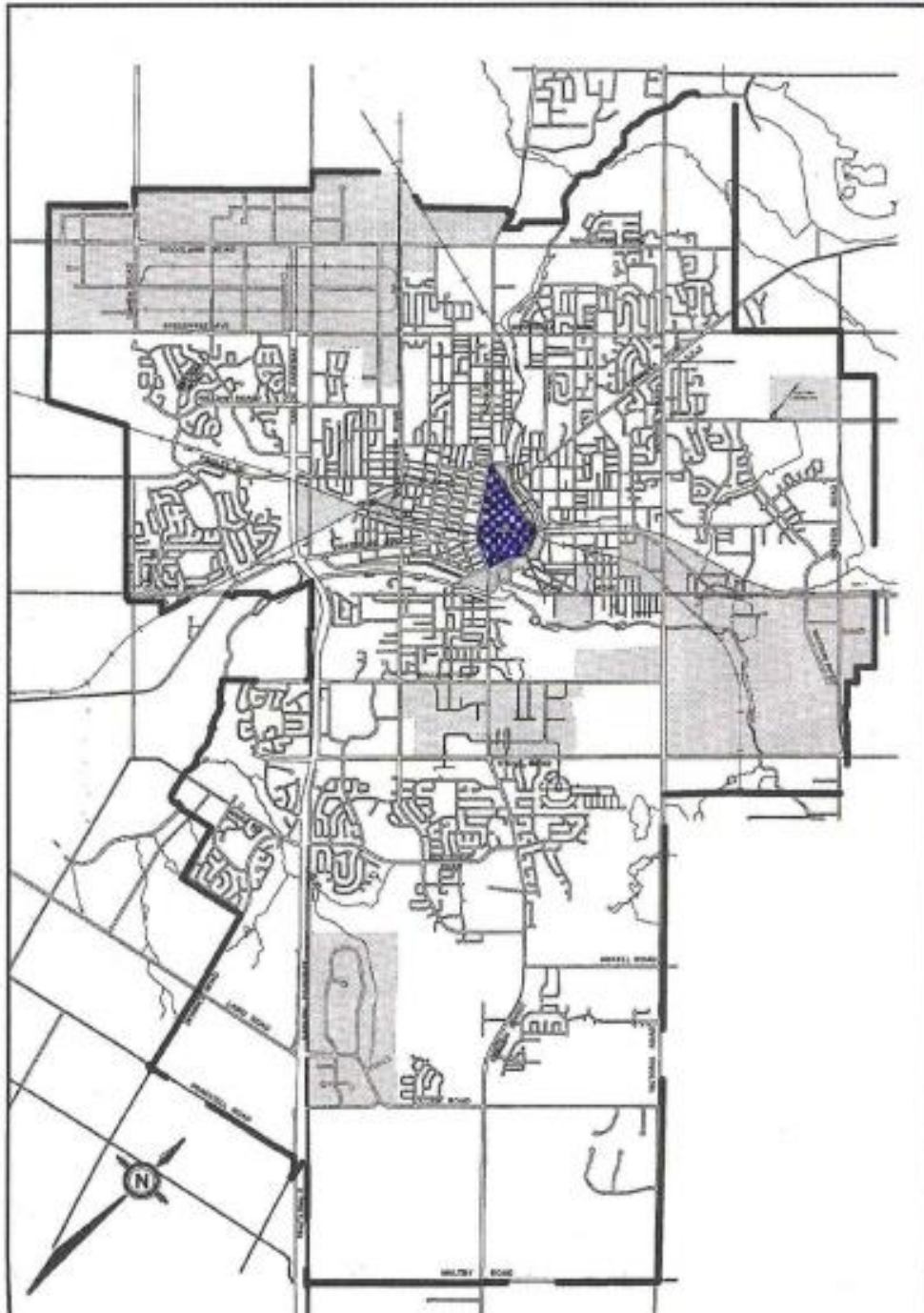
## SCHEDULE "A" to By-law Number (2000)-16366 the Noise Control By-law

**Table 1, Schedule A**

<b>Type of Noise</b>	<b>Time of Day</b>	<b>Land Use</b>
The operation of a radio, television, stereo or other electronic device including any amplification device, or any musical or other sound producing instrument.	At all times of day	Residential
	At all times of day	Mixed use
	11:00 pm to 9:00 am	Other
The operation of a car wash.	9:00 p.m. to 7:00 am (to 9:00 am on Saturdays, Sundays and holidays)	Residential, mixed use and other
The venting or release of steam, the operation of a generator or air filtration system, noise from grinding, milling, the operation of machinery, or the like.	9:00 pm to 7:00 am (to 9:00 am on Saturdays, Sundays and holidays)	Residential
	9:00 pm to 7:00 am (to 9:00 am on Saturdays, Sundays and holidays)	Mixed use
	11:00 pm to 7:00 am (to 9:00 am on Saturdays, Sundays and holidays)	Other
The operation of waste collection machinery or refuse compacting equipment	9:00 pm to 7:00 am (to 9:00 am on Saturdays, Sundays and holidays)	Residential
	9:00 pm to 7:00 am (to 9:00 am on Saturdays, Sundays and holidays)	Mixed Use
	11:00 pm to 7:00 am (to 9:00 am on Saturdays, Sundays and holidays)	Other
Loading, unloading, packing, delivering or otherwise handling any container, product or material unless necessary for the maintenance of essential services or for the moving of private household effects.	9:00 pm to 7:00 am (to 9:00 am on Saturdays, Sundays and holidays)	Residential
	9:00 pm to 7:00 am (to 9:00 am on Saturdays, Sundays and holidays)	Mixed Use
	11:00 pm to 7:00 am (to 9:00 am on Saturdays, Sundays and holidays)	Other

<b>Type of Noise</b>	<b>Time of Day</b>	<b>Land Use</b>
The operation of any tool including a hammer, saw, nail gun, lawnmower, staple gun, hedge trimmer, drill, or the like.	9:00 pm to 7:00 am (to 9:00 am on Saturdays, Sundays and holidays)	Residential, mixed use and other
The operation of a combustion engine for a toy or a replica of a larger device such as a remote controlled toy aeroplane.	9:00 pm to 9:00 am	Residential, mixed use and other
The operation of a dirt bike, all-terrain cycle, snowmobile, go-cart, dune buggy or like conveyance.	7:00 pm to 7:00 am (to 9:00 am on Saturdays) and at all times on Sundays and holidays	Residential, mixed use and other
The operation of construction equipment.	7:00 PM to 7:00 am (to 9:00 am on Saturdays) and at all times on Sundays and holidays	Residential, mixed use and other

**Schedule "B" to By-law Number (2000) - 16366 the Noise Control By-law**



-  **other areas**
-  **mixed use**
-  **residential areas**