

PROTECTION

Chapter 1055 NOISE

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Article 1 INTERPRETATION

1055.1.1 Commissioner - defined

“Commissioner” means the Commissioner of Planning and Development of The Corporation of the Town of Richmond Hill. By-law 145-08, 14 July, 2008.

1055.1.2 Construction - defined

“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.

1055.1.3 Construction equipment - defined

“construction equipment” means any equipment or device designed 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 or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders or other material handling equipment.

1055.1.4 Conveyance - defined

“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.

1055.1.5 Council - defined

“Council” means the Council of The Corporation of the Town of Richmond Hill.

1055.1.6 Highway - defined

“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.

1055.1.7 Minister - defined

“Minister” means Minister of the Environment.

1055.1.8 Ministry - defined

“Ministry” means Ministry of the Environment.

1055.1.9 Motor vehicle - defined

“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*.

1055.1.10 Motorized conveyance - defined

“motorized conveyance” means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power.

1055.1.11 Municipality - defined

“municipality” means the land within the geographic limit of the Town of Richmond Hill.

1055.1.12 Noise - defined

“noise” means unwanted sound.

1055.1.13 Point of reception - defined

“point of reception” means any point on the premises of a person where sound or vibration originating from other than those premises is received.

1055.1.14 Residential area - defined

“residential area” means all those areas designated for any kind of residential use by the various restricted area by-laws of The Corporation of the Town of Richmond Hill, plus all properties within 20 metres of such areas.

1055.1.15 Quiet zone - defined

“quiet zone” means those areas of the municipality specified as follows:

- (a) York Central Hospital, 10 Trench Street;
- (b) Country Place Nursing Home, 18th Avenue;
- (c) Senior Citizens Apartments, 71, 75, 76, 78 Dunlop Street;
- (d) Missionary Sisters of the Precious Blood Nursing Home, 9915 Yonge Street; and
- (e) any other area in which there is located a hospital, nursing home or senior citizens' housing.

Article 2
GENERAL PROHIBITIONS

1055.2.1 Sounds - acts emitting noise - clearly audible - set out

No person shall emit or cause or permit the emission of sound resulting from an act listed in Sections 1055.2.2 through 1055.2.6 inclusive, and which sound is clearly audible at a point of reception.

1055.2.2 Racing - motorized conveyance - not regulated

No person shall race or cause or permit to be raced any motorized conveyance in contravention of Section 1055.2.1, other than in a racing event regulated by law.

1055.2.3 Tires - squealing - vehicle

No person shall operate or cause or permit the operation of a motor vehicle in such a way that the tires squeal in contravention of Section 1055.2.1.

1055.2.4 Vehicle - operation - improperly secured - load

No person shall operate or cause or permit the operation of a vehicle or a vehicle with a trailer resulting in banging, clanking, squealing or other like sounds in contravention of Section 1055.2.1 due to improperly secured load or equipment, or inadequate maintenance.

1055.2.5 Engine - without muffler

No person shall operate or cause or permit the operation of any combustion engine or pneumatic device in contravention of Section 1055.2.1 without an effective exhaust or intake muffling device in good working order and in constant operation.

1055.2.6 Engine - continuous - operation - while stationary

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 (5) minutes, while such vehicle is stationary in a residential area or a quiet zone shall be a contravention of Section 1055.2.1 unless the provisions of Sections 1055.2.7 through 1055.2.11 inclusive apply.

1055.2.7 Idling period - manufacturer - specification

The provisions of Section 1055.2.6 shall not apply when 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.

1055.2.8 Operation - essential to function

The provisions of Section 1055.2.6 shall not apply when 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-mixed concrete trucks, lift platforms and refuse compactors.

1055.2.9 Weather conditions - justify heating - air conditioning

The provisions of Section 1055.2.6 shall not apply when weather conditions justify 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, and the vehicle is stationary for purposes of delivery or loading.

1055.2.10 Temperatures - low - idling necessary - after starting

The provisions of Section 1055.2.6 shall not apply when prevailing low temperatures make longer idling periods necessary immediately after starting the motor or engine.

1055.2.11 Repair - seasonal servicing - non-profit

The provisions of Section 1055.2.6 shall not apply when 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.

1055.2.12 Horn - use - good safety practices - only

The operation of a motor vehicle horn or other warning device shall be a contravention of Section 1055.2.1, except where required or authorized by law or in accordance with good safety practices.

1055.2.13 Construction - equipment - without muffler

The operation of any item of construction equipment in a quiet zone or residential area without effective muffling devices in good working order and in constant operation shall be a contravention of Section 1055.2.1.

1055.2.14 Prohibitions - by time - place - table

No person shall emit or cause or permit the emission of sound resulting from any act listed in Table 3-1 if clearly audible at a point of reception located in an area of the municipality within a prohibited time shown for such an area. By-law 159-82, 15 July, 1982.

TABLE 3-1
PROHIBITIONS BY TIME AND PLACE

Residential Area	Prohibited Period of Time	
	Quiet Zone	
1. The discharge of firearms.	At all times	At all times
2. The operation of a combustion engine which:	At all times	B
(i) is; or		
(ii) is used in; or		
(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.		
3. 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.	At all times	At all times
4. 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, reproduction or amplification of any similar sounds by electronic means, except where required or authorized by law or in accordance with good safety practices.	At all times	A

- | | | |
|---|--------------|--------------|
| 5. 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 <i>Railway Act</i> (Canada). | At all times | B |
| 6. The operation of any motorized conveyance other than on a highway or other place intended for its operation. | At all times | At all times |
| 7. 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. | At all times | A & C |
| 8. 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. | At all times | At all times |
| 9. The operation of a commercial car wash with air drying equipment. | At all times | B |
| 10. Yelling, shouting, hooting, whistling or singing. | At all times | A |
| 11. 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. | B & C | B & C |
| 12. The operation of any equipment in connection with construction. | B & C | B & C |
| 13. The operation or use of any tool for domestic purposes other than snow removal. | B | B |

1055.3.1	NOISE	1055.3.2
14. The operation of solid waste bulk lift or refuse compacting equipment.	B	B
15. The detonation of fireworks or explosive devices not used in construction.	At all times	At all times
16. All selling or advertising by shouting or outcry or amplified sound.	At all times	At all times
17. The operation of a commercial car wash of a type other than mentioned in Item 9.	At all times	B

Periods of time set out:

A - 11:00 p.m. one day to 7:00 a.m. next day.

B - 7:00 p.m. one day to 7:00 a.m. next day.

C - all day Sundays and statutory holidays.

By-law 159-82, 15 July, 1982; By-law 217-84, 16 August, 1984.

Article 3 EXEMPTIONS

1055.3.1 Public safety - emergency - preservation of property

Notwithstanding any other provision of this Chapter, it shall be lawful to emit or cause or permit the emission of sound or vibration in connection with emergency measures undertaken:

- (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.

1055.3.2 Religious - traditional - festive activities

Notwithstanding any other provision of this Chapter, this Chapter does not apply to a person who emits or causes or permits the emission of sound or vibration in connection with any of the listed traditional, festive, religious and other activities:

- (a) Santa Claus parade;

- (b) Remembrance Day parade;
- (c) winter carnival;
- (d) spring fair;
- (e) Lions Club parade; and
- (f) summer concerts in the Mill Pond Park. By-law 159-82, 15 July, 1982.

Article 4 GRANT OF EXEMPTION

1055.4.1 Application - to Commissioner

Notwithstanding anything contained in this Chapter, any person may make application to the Commissioner to be granted an exemption from any of the provisions of this Chapter with respect to any source of sound or vibration for which he or she might be prosecuted.

1055.4.2 Right of refusal - other - limitations

The Commissioner 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 the Commissioner sees fit. The aforesaid six month time period shall include any requests for extensions of an exemption which have been previously granted.

1055.4.3 Hearing - application - decision

In deciding whether to grant an exemption to any of the provisions of this Chapter, the Commissioner 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.

1055.4.4 Breach - exemption - null - void

Breach by the applicant of any of the terms or conditions of any exemption granted by the Commissioner shall render the exemption null and void. By-law 145-08, 14 July, 2008.

Article 5
SEVERABILITY

1055.5.1 Validity

If a court of competent jurisdiction should declare any Section or part of a Section of this Chapter 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 enabling by-law and it is hereby declared that the remainder of this Chapter shall be valid and shall remain in force. By-law 159-82, 15 July, 1982.

Article 6
ENFORCEMENT

1055.6.1 Fine - for contravention

Every person who contravenes any of the provisions of this Chapter is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the *Provincial Offences Act*. By-law 226-93, 28 July, 1993.

Ministry approval - received - By-law 159-82

By-law 159-82 is approved pursuant to the provisions of the *Environmental Protection Act*, at Toronto, this 3rd day of November, 1982.

Ministry approval - received - By-law 217-84

By-law 217-84 is approved pursuant to the provisions of the *Environmental Protection Act* at Toronto, this 19th day of July, 1985. Signed by Jim Bradley - Minister of the Environment.