



**BY-LAW NUMBER 113-79
OF
THE CORPORATION OF THE CITY OF STRATFORD**

BEING a By-law to control noise.

WHEREAS the Council of The Corporation of the City of Stratford exercised the power conferred upon the Council by the *Environmental Protection Act, 1971* as amended and other statutory authority and enacted By-law 113-79 to regulate and prohibit certain noise in the City of Stratford, subject to approval by the Ministry of Environment;

AND WHEREAS By-law 113-79 has been amended since its enactment to further regulate and prohibit certain noise in the City of Stratford;

AND WHEREAS section 129(1) of the *Municipal Act, 2001, S.O. 2001, c. 25* as amended, now provides that a local municipality may prohibit and regulate with respect to noise;

AND WHEREAS noise by-laws enacted under section 129(1) of the *Municipal Act, 2001* are no longer subject to Ministry approval;

AND WHEREAS the Council of The Corporation of the City of Stratford deems it necessary to amend Noise Control By-law 113-79 as amended, to revise the prohibited period of time with respect to the setting off of fireworks and to establish additional quiet zones in the City of Stratford;

NOW THEREFORE BE IT ENACTED by Council of Corporation of the City of Stratford as follows:

1.0 Interpretation

Definitions: In this by-law:

Commercial Area means any area designated as commercial in the existing Zoning By-laws of the Corporation of the City of Stratford and subsequent amendments thereto.

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;

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;

Conveyance includes a vehicle an 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;

Council means the Council of The Corporation of the City of Stratford;

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;

Minister means Minister of the Environment;

Ministry means Ministry of the Environment;

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 roadbuilding machine within the meaning of the *Highway Traffic Act*;

Motorized Conveyance means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power;

Municipality means the land within the geographic limits of the City of Stratford;

Noise means unwanted sound;

Point of Reception means any point where sound or vibration originating from a location other than that point, is received.

Quiet Zone means any area of the municipality that is within the areas as shown in Appendix "A" of Schedule 2 of this by-law;

Residential Area means any area designated as residential in the existing Zoning By-laws of the Corporation of the City of Stratford and subsequent amendments thereto.

Park Zone means any area designated as park in the existing Zoning By-laws of the Corporation of the City of Stratford, but does not include buildings situated within a Park Zone.

Special Event means a gathering of persons on municipal property or other property or a combination thereof and those events that impact municipal services, generally lasting from a few hours to a few days, which may include but is not limited to a concert, gathering, ceremony, procession, cycling event, filming, fair, sports/athletic event, dance, exhibit, party, festival, parade, picnic, fireworks, walk-a-thon, road race, concert, fair or any combination thereof or other event that requires one or more approvals of The Corporation of the City of Stratford, its Council, local board or municipal official, including but not limited to a noise by-law exemption.

2.0 Prohibitions

No person shall emit or cause or permit the emission of sound resulting from an act listed in Schedule 1 - General Prohibitions and which sound is clearly audible at a point of reception.

3.0 Prohibitions by Time and Place

No person shall emit or cause or permit the emission of sound resulting from any act listed in Schedule 2 - Prohibitions by Time and Place, if clearly audible at a point of reception located in an area of the municipality within a prohibited time shown for such an area.

4.0 Exemption: Public Safety

Notwithstanding any other provision of this by-law 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 or 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 purposes.

5.0 Grant of Exemption by Council

5.1 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 a person 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, not in excess of six months during which it is effective and may contain such terms and conditions as Council sees fit.

5.2 Decision:

In deciding whether to grant the exemption, Council 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.

5.3 Breach:

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

5.4 Subject to Delegation of Authority By-law 135-2017 as amended from time to time, and notwithstanding anything contained in this By-law, the Director of Community Services or the Director of Corporate Services, in writing, may grant or may refuse a noise by-law exemption as part of a special event, under the following terms and conditions:

- a) the complete special event application including a request for a noise by-law exemption and all necessary documents have been received in the Clerk's Office at least 12 weeks prior to the special event;
- b) the requested exemption is for a similar special event from the same organization or person that received City Council approval for a noise by-law exemption for the previous year and the special event has not changed substantially in type of noise being generated or in location of the special event;
- c) that all requirements for notice related to the noise by-law exemption as required by The Corporation of the City of Stratford have been met;
- d) this delegation of authority in section 5.(4) does not apply to construction related noise by-law exemptions; and
- e) that the decision of the Director of Community Services or the Director of Corporate Services to grant or to refuse an application for a noise by-law exemption may be appealed to City Council within 12 days of receipt of the

decision in writing from the Director and that the organization or person appealing the decision must provide written reasons for the appeal.

6.0 Exemption of Traditional, Festival 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 listed traditional, festive, religious or other activities:

- Festival Cannon
- Ringing of church bells
- Parades approved by City Council and/or Police Department

7.0 Severability

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

8.0 Penalty

Every person who contravenes any provision of this by-law is guilty of an offence and subject to penalty as provided for under the *Provincial Offences Act*.

Read a FIRST and SECOND time this 9th day of July, 1979.

Read a THIRD time and FINALLY PASSED this 9th day of October, 1979.

“E.S. “Ted” Blowes”
Mayor – E.S. “Ted” Blowes

“Ron Schulthies”
Clerk – Ron Schulthies

This By-law is approved pursuant to the provisions of *The Environmental Protection Act, 1971*, as amended, at Toronto, this 25th day of September, 1979. MINISTER OF THE ENVIRONMENT - "Harry Parrott"

**This is Schedule 1 to By-law Number 113-79
enacted this 9th day of October, 1979**

General Prohibitions

1. Racing of any motorized conveyance 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 or pneumatic device without an effective exhaust or intake 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 or in a Quiet Zone unless:
 - i) 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,
 - ii) 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 or refuse compactors; or,
 - iii) 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; or,
 - iv) Prevailing low temperatures make longer idling periods necessary immediately after starting the motor or engine; or,
 - v) 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.
6. 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.
7. The operation of any item of construction equipment in a Residential Area or Quiet Zone without effective muffling devices in good working order and in constant operation.
8. No person shall make, cause or permit an unreasonable noise or a noise that is likely to disturb the inhabitants of the City.

**This is Schedule 2 to By-law Number 113-79
enacted this 9th day of October, 1979**

Prohibited Period of Time

Use or Operation	Quiet Zone	Residential Zone	Commercial Zone	Park Zone
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 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	D & F	D & F	A
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.	At all times	D & E	D & H	A
3. All selling or advertising by shouting or outcry or amplified sound.	At all times	D & F	D & F	At all times
4. Loading, unloading, delivering, packing, unpacking, or otherwise handling of any containers, products, materials or refuse whatsoever, unless necessary for the maintenance of essential services or the moving of private household effects.	D & E	D & F	D & F	D
5. The operation of any equipment in connection with construction.	D & E	D & F	D & F	D & F
6. The detonation of fireworks or explosive devices not used in construction, except that: i) in accordance with the Fireworks By-law of the City of Stratford, on designated days related to Victoria Day and Canada Day, certain fireworks may be set off in residential zones and commercial zones between 8:00 pm and 12:00 midnight of the same day; ii) with the approval of the Fire Chief, and in accordance with the Fireworks By-law of the City of Stratford, certain fireworks may be set off on the day and time specified by the Fire Chief in	At all times	At all times	At all times	At all times

Use or Operation	Quiet Zone	Residential Zone	Commercial Zone	Park Zone
residential zones, commercial zones and park zones.				
7. The discharge of firearms.	At all times	At all times	At all times	At all times
8. The operation of a combustion engine which, i) is, or ii) is used in, or iii) is intended for use in, a toy or model or a replica of any device, which model or replica has no function other than amusement and which is not a conveyance.	At all times	At all times	At all times	B
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.	At all times	B	B	B
10. The operation of any motorized conveyance other than on highway or other place intended for its operation	At all times	B	B	B
11. The venting, release or pressure relief of air, steam or other gaseous material, product or compound from any auto-clave, boiler, pressure vessel, pipe, valve, machine, device or system.	At all times	A	A	A
12. Persistent barking, whining or other similar persistent noisemaking by any domestic pet.	At all times	At all times	At all times	At all times
13. The operation or use of any powered or non-powered tool for domestic purposes, other than snow removal.	A	A	A	A
14. The operation of solid waste bulk lift or refuse compacting equipment.	C	B	B	B
15. The operation of commercial car wash with air drying equipment.	At all times	A	A	A
16. Yelling, shouting, hooting, whistling or singing.	At all times	A	A	A
17. The operation or use of musical instruments or noise making equipment.	At all times	D & F	G	A
18. Any sound required for, or used in connection with the proper conduct of sporting events or games being conducted in lands designated or intended for that purpose.	At all times	A	A	A

Prohibited Periods of Time:

- A 23:00 Hrs. of one day to 07:00 Hrs. next day (09:00 Hrs. Sundays)
- B 19:00 Hrs. of one day to 07:00 Hrs. next day (09:00 Hrs. Sundays)
- C 17:00 Hrs. of one day to 07:00 Hrs. next day (09:00 Hrs. Sundays)
- 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 01:00 Hrs. to 07:00 Hrs. the same day.
- H 23:00 Hrs. of one day to 7:00 Hrs. next day – Monday to Thursday
24:00 Hrs. of one day to 7:00 Hrs. next day – Friday and Saturday

**This is Appendix "A" to
By-law Number 113-79, as amended**

