

CITY OF ST. CATHARINES

BY-LAW NO. 95-198

A By-law to prohibit and regulate noise.

WHEREAS Council deems it expedient to exercise powers conferred upon the Council by the Municipal Act, R.S.O. 1990, c. M.45, Section 210, paragraph 138;

AND WHEREAS the citizens of the City of St. Catharines have a right to and should be ensured of an environment free from unusual, unnecessary or excessive sound which may degrade the quality and tranquillity of their life or cause nuisance;

AND WHEREAS Council has considered the matter of which noises are unusual or likely to disturb the inhabitants of the City of St. Catharines;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:

1. In this By-law:
 - (a) "construction" includes the erection, alteration, repair, dismantling, demolition, maintenance, painting, or moving of a building or structure, the clearing, grading, or excavation of land, the moving of earth, the laying of pipe or conduit whether above or below ground level, the building of a highway or street and any work conducted in connection therewith;
 - (b) "construction equipment" means any equipment or device designed or 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;

- (c) "Council" means the Council of The Corporation of the City of St. Catharines;
- (d) "domestic animal" means an animal harboured by and cared for by a human being;
- (e) "motor vehicle" includes any means of transport propelled or driven otherwise than by muscular, gravitational or wind power which does not operate exclusively upon rails;
- (f) "residential unit" means a unit that:
 - i) consists of a self contained set of rooms located in a building or structure; and
 - ii) is used or intended for use as a residential premises; and
 - iii) contains kitchen and bathroom facilities that are intended for the use only of the unit; and
 - iv) has a means of egress to the outside of the building or structure in which it is located, which may be a means of egress through another residential unit.

2. (1) The following noises have been determined by the Council of The Corporation of the City of St. Catharines to be likely to disturb the inhabitants of the City of St. Catharines and are therefore prohibited:

- (a) the persistent racing of the motor of a motor vehicle;
- (b) the persistent operation of a motor vehicle in such a way as to cause the tires to squeal;
- (c) the persistent operation of any internal combustion engine without an effective exhaust muffling device in good working order and in constant operation;
- (d) the persistent operation of a vehicle or trailer in a manner which results in banging, clanking, squealing or other like sounds;
- (e) the operation of an engine or motor in, or on, any motor vehicle or item of attached auxiliary equipment for a continuous period exceeding ten minutes, while such vehicle is stationary in a residential area unless:
 - i) the original equipment manufacturer specifically recommends a longer idling period for the normal and efficient operation of the motor vehicle;

- ii) operation of such engine or motor is essential to a basic function of the motor vehicle or equipment including, but not limited to, the operation of ready mixed concrete trucks, lift platforms and 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 the purposes of delivering or loading; or
 - iv) the idling is for the purpose of cleaning and flushing the radiator and associated circulation system, cleaning the fuel system, carburettor or the like.
- (f) The persistent operation of a motor vehicle horn or other warning device except where required or authorized by law or in accordance with good safety practices;
- (g) The persistent barking, calling or whining or any similar persistent noise caused by any domestic animal.

2. (2) Any person who causes or permits a noise listed in paragraphs (a) through (g) inclusive of subsection (1) of this section of this by-law is guilty of an offence and subject to such penalty as is prescribed by the Province of Ontario for such offence.

3. (1) The following noises are, in the opinion of the Council of The Corporation of the City of St. Catharines, likely to disturb the inhabitants of the City of St. Catharines when the sounds occur during the times set out below:

- (a) The operation of any electronic device or group of connected electronic devices incorporating one or more loud speakers or other electro-mechanical transducers and intended for the production, reproduction or

amplification of sound between 23:00 hours one day and 07:00 hours the next day, such that the sound amplified by the device or devices is clearly audible within a residential unit with the windows closed, other than the one in which the device or devices is located.

- (b) That the operation of any electronic device or group of electronic devices incorporating one or more loud speakers or other electro-mechanical transducers, and intended for the production, reproduction or amplification of sound in a public place such that the sound amplified by the device or devices is clearly audible within a residential unit with the windows closed, between 23:00 hours one day and 07:00 hours the next day.
- (c) The operation of any auditory signalling device including but not limited to the ringing of bells or gongs or the blowing of horns or sirens or whistles or the production, reproduction or amplification of any similar sounds by electronic means between 23:00 hours one day and 07:00 hours the next day except where required or authorized by law or in accordance with good safety practices;
- (d) Yelling, shouting, hooting, whistling, singing or the playing of musical instruments in such a manner as to make a sound clearly audible within a residential unit, or, in the case of yelling, shouting, hooting, whistling, singing or the playing of musical instruments which takes place within a residential unit such that the sound generated by the yelling, shouting, hooting, whistling, singing or the playing of musical instruments is clearly audible within a residential unit with the windows closed, other than the one in which the sound originates, between 23:00 hours one day and 7:00 hours the next day;
- (e) The operation of construction equipment between 23:00 hours one day and 07:00 hours the next day;
- (f) The operation or use of any tool for domestic purposes other than snow removal between 23:00 hours one day and 07:00 hours the next day.

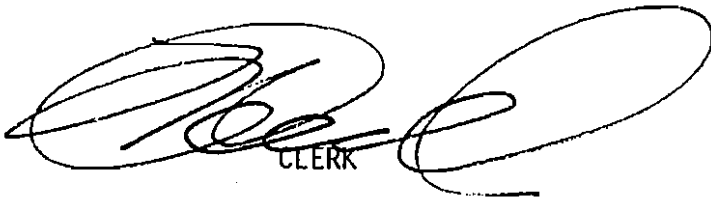
3. (2) Any person who causes or permits to be caused a noise listed in paragraphs (a) through (f) inclusive of subsection (1) of this Section of this by-law is guilty of an offence and subject to such penalty as is prescribed by the Province of Ontario for such offence.

4. In addition to the prohibitions listed in Sections 2 and 3 of this by-law, it shall be an offence to cause or permit any noise likely to disturb the inhabitants of the City of St. Catharines and any person who causes or permits to be caused a noise which is likely to disturb the inhabitants of the City of St. Catharines is guilty of an offence and subject to such penalty as is prescribed by the Province of Ontario for such an offence.

Read a first time this 12th day of June 1995.

Read a second time this 12th day of June 1995.

Read a third time and passed this 12th day of June 1995.


CLERK


MAYOR