

Chapter 132 – Noise

Article I – Engine Compression, Exhaust and Brakes

132-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ENGINE COMPRESSION EXHAUST STYLE BRAKE – A system by which vehicle braking is achieved by using the engine compression stroke to slow the vehicle drive wheels and is accomplished by opening an exhaust valve at or near the end of the compression stroke thereby turning the power-producing engine into a power-absorbing air compressor.

132-2. Use of engine compression exhaust style brakes restricted.

No person shall at any time apply an engine compression exhaust style brake on any highway under the jurisdiction of the Corporation of the City of Dryden where driving a vehicle at a greater rate of speed than 70 kilometres per hour is prohibited.

132-3. Offences.

Any person who contravenes any provision of this article is guilty of an offence and, upon conviction, is liable to a penalty as provided in the Provincial Offences Act.

Article II – Noise Reductions

132-4. Interpretation.

A. For the purpose of this By-law, the following terms shall have the meanings indicated:

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 – 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, chainsaws, 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 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.

COUNCIL – The Council of the Corporation of the City of Dryden;

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.

MOTORIZED CONVEYANCE – A conveyance propelled or driven otherwise than by muscular, gravitational or wind power.

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.

MUNICIPALITY – The land within the geographic limits of the City of Dryden.

NOISE – Unwanted sound.

POINT OF RECEPTION – Any point on the premises of a person where sound or vibration originating from other than those premises is received.

RESIDENTIAL AREA – Those areas of the municipality designated as a residential zone as shown in the schedules of the City of Dryden Comprehensive Zoning By-law, and any amendments thereto; or, any by-law enacted in substitution, therefore.

132-5. General prohibitions.

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

- A. Racing of any motorized conveyance other than in a racing event regulated by law.
- B. The operation of a motor vehicle in such a way that the tires squeal.
- C. 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.
- D. 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.

- 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 five minutes while such vehicle is stationary in a residential area unless:
- (1) 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
 - (2) 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; or
 - (3) 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
 - (4) Prevailing low temperatures make longer idling periods necessary immediately after starting the motor or engine and limiting the idling period to one hour; or
 - (5) 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.
- F. 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.
- G. Operation of any item of construction equipment in a residential area without effective muffling devices in good working order and in constant operation.
- H. The operation of or amplification of sound by electronic means from a motor vehicle.

132-6. Prohibitions by time and place.

No person shall emit or cause or permit the emission of sound resulting from any act listed in the table attached hereto as Schedule A if clearly audible at a point of reception located in a residential area of the municipality within a prohibited time shown.

132-7. Exemptions.

- A. 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:

- (1) For the immediate health, safety or welfare of the inhabitants or any of them;
or
- (2) For the preservation or restoration of property*.

NOTE:

* 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.

132-8. Grant of exemption by Council.

- A. Application to Council. Notwithstanding anything contained in this By-law, any person may make application in writing 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 the applicant might be prosecuted, and Council may refuse to grant any exemption or, by resolution, 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.
- B. 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.
- C. 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.

132-9. Exemption of traditional, festive 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 following listed traditional, festive and religious activities:

- A. Ringing of church bells.
- B. A fireworks display set off pursuant to the provisions of the current by-law and all amendments thereto.
- C. A parade for which a permit has been issued under the provisions of the current by-law and all amendments thereto.
- D. An event held in conjunction with any civic function (Annual Fall Fair, Canada Day Festivities, Pow Wows, etc.).

132-10. 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.

132-11. Offences.

Every person who contravenes any of the provisions of this By-law is guilty of an offence and, on conviction, is liable to a fine as provided in the Provincial Offences Act.

132-12. Repealer.

By-law No. 1854-88 of the former Corporation of the Town of Dryden and By-law No. 2652-99 and any amendments thereto are hereby rescinded.

Schedule A

Prohibited Period of Time	Residential Area
At all times	<p>The operation of a combustion engine which:</p> <ul style="list-style-type: none"> (a) is, or (b) is used in, or (c) 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. <p>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.</p>
7:00 p.m. one day to 7:00 a.m. next day	<p>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, reproduction or amplification of any similar sounds by electronic means except where required or authorized by law or in accordance with good safety practices. The operation of a power- assisted hang glider or parafoil. All selling or advertising by shouting or outcry or amplified sound. 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. The operation of any equipment in connection with construction. 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. 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.</p> <p>The operation of any motorized conveyance other than on a highway or other place intended for its operation. The operation of solid waste bulk lifts or refuse compacting equipment.</p>
9:00 p.m. one day to 7:00 a.m. next day	The operation or use of any tool for domestic purposes other than snow removal.
11:00 p.m. one day to 7:00 a.m. next day	<p>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.</p> <p>Yelling, shouting, hooting, whistling or singing.</p>