

THE CORPORATION OF THE CITY OF CORNWALL

amended  
114-1996

By-law No. 079-1996

A by-law of the Corporation of the City  
of Cornwall respecting noise.

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**WHEREAS** it is expedient to exercise the power conferred upon the Council by The Environmental Protection Act, R.S.O. 1990, Chapter E.19, Section 178; and

**WHEREAS** a recognized body of scientific and technological knowledge exists by which sound and vibration may be substantially reduced; and

**WHEREAS** the people have a right to and should be ensured an environment free from unusual, unnecessary, or excessive sound or vibration which may degrade the quality and tranquillity of their life or cause nuisance; and

**WHEREAS** it is the policy of the Council to reduce and control such sound or vibration.

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the City of Cornwall enacts as follows:

1. **INTERPRETATION**

A) Definitions

"*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 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" means the Council of the Corporation of the City of Cornwall.

"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 Environment and Energy.

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"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.

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

"Municipality" means the land within the geographic limit of the Corporation of the City of Cornwall.

"Noise" means unwanted sound.

"Noise Control Officer" means a person designated by Council as responsible for the administration of this by-law.

"Point of Reception" means any point on the premises of a person where sound or vibration originating from other than those premises is received.

"Stationary Source" means a source of sound which does not normally move from place to place and includes the premises of a person as one stationary source, unless the dominant source of sound on those premises is construction or a conveyance.

B) Zones  
In this by-law,

i) Residential Area  
"Residential Area" means those areas of the municipality specified as follows:

In the City's Zoning By-law No.751-1969, as amended, areas of residential land use permitted in such zones as "Residential 10, Residential 15, Residential 20, Residential 30, Residential 40, Residential 50, Institutional 10, Special Uses 20, Commercial 51, and Commercial 70" in the By-law except in those areas within one hundred and fifty (150) meters of a manufacturing industry.

ii) Quiet Zone  
"Quiet Zone" means those areas of the municipality specified as follows:

Any Hospital or Nursing Home facility defined to encompass the whole subject property.

2. **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:

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 a Quiet Zone.
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 Quiet Zone or Residential Area without effective muffling devices in good working order and in constant operation.

8. **OUTDOOR PATIOS**

Outdoor patios, regardless of zoning, are subject to noise restrictions between the hours of 12:00 a.m. (midnight) and 7:00 a.m.

9. No person shall operate or use or cause to be operated or used any electronic device or group of connected electronic devices in any dwelling house, apartment house, hotel or other residence the noise from which sound reproduction device, is clearly audible in another dwelling within the said residence, and is creating a disturbance, provided that the sound must travel through the natural environment from the source to the point of reception.

3. **PROHIBITIONS BY TIME AND PLACE**

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.

**Table 3-1**  
**Prohibitions by Time and Place**

	<b>Prohibited Period of Time</b>	
	<b><u>Quiet Zone</u></b>	<b><u>Residential Area</u></b>
1. The detonation of fireworks or explosive devices not used in construction.	At all times	At all times
2. The discharge of firearms	At all times	At all times
3. The operation of a combustion engine which, 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.	At all times	At all times
4. 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	At all times
5. 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	11 p.m. to 7 a.m. (Sundays & Stats)
6. 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	7 p.m. to 7 a.m.
7. The operation of any motorized conveyance other than on a highway or other place intended for its operation.	At all times	7 p.m. to 7 a.m.

**Table 3-1 - Continued**  
**Prohibitions by Time and Place**

	<u>Quiet Zone</u>	<u>Residential Area</u>
8. 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	11 p.m. to 7 a.m.
9. 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
10. The operation of a commercial car wash with air drying equipment.	At all times	7 p.m. to 7 a.m. (Sundays & Stats)
11. Yelling, shouting, hooting, whistling or singing.	At all times	11 p.m. to 7 a.m.
12. The operation of a power assisted handglider or parafoil.	At all times	7 p.m. to 7 a.m. (Sundays & Stats)
13. The operation of any kind of snow making equipment.	At all times	7 p.m. to 7 a.m.
14. All selling or advertising by shouting or outcry or amplified sound.	At all times	7 p.m. to 7 a.m. (Sundays & Stats)
15. 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.	7 a.m. to 7 p.m. (Sundays & Stats)	7 p.m. to 7 a.m. (Sundays & Stats)
16. The operation of any equipment in connection with Commercial/Industrial/Public construction.	7 a.m. to 7 p.m. (Sundays & Stats)	7 p.m. to 7 a.m. (Sundays & Stats)
17. The operation or use of any tool for domestic purposes other than snow removal.	5 p.m. to 7 a.m.	9 p.m. to 7 a.m.
18. The operation of solid waste bulk lift or refuse compacting equipment.	5 p.m. to 7 a.m. (Sundays & Stats)	5 p.m. to 7 a.m. (Sundays & Stats)
19. The operation of a commercial car wash of a type other than mentioned in item #10.	5 p.m. to 7 a.m.	11 p.m. to 7 a.m.

4. **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 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.

5. **GRANT OF EXEMPTION BY COUNCIL**

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 he 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.

2. Details of Application for Exemption

The application mentioned in subsection (1) shall be made in writing, in duplicate, and shall contain:

- a) the name and address of the applicant;
- b) a description of the source of sound or vibration in respect of which exemption is sought;
- c) a statement of the particular provision or provisions of the by-law from which exemption is sought;
- d) the period of time, of a duration not in excess of six months, for which the exemption is sought;
- e) the reasons why the exemption should be granted;
- f) a statement of the steps, if any, planned or presently being taken to bring about compliance with the by-law, and;
- g) proof of publication within the preceding ten days, in a newspaper of general circulation within the Municipality, of a notice of intention to apply for an exemption to this by-law, containing the information required by clauses (a) through (e) hereof, and further stating the date upon which it is intended that application will be made to Council.

3. Noise Control Officer

A copy of the application for exemption shall be delivered to the By-law Enforcement Officer and he/she shall prepare a report to Council forthwith, stating his/her opinion of the merits of the application and his/her recommendations as to terms and conditions which, in his/her opinion, should be imposed upon the applicant if the exemption is granted and Council will not consider the application for exemption until it has received the report of the By-law Enforcement Officer.

4. Report

The By-law Enforcement Officer shall forward a copy of his/her report to the applicant at the address shown on the application by prepaid registered mail and shall, not sooner than two weeks after the mailing of the report to the applicant, submit the report to Council and shall, on request, make his/her report available for public inspection.

5. Decision

In deciding whether to grant the exemption, Council shall consider the application, the report of the By-law Enforcement Officer and any written submission then received by Council and made by the applicant after receipt of the report of the By-law Enforcement Officer and the Council may consider such matters as it sees fit.

6. Breach

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

6. **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 listed traditional, festive, religious and other activities such as:

- i) The use of bells or chimes normally associated with church activities or school activities.
- ii) The use, in a reasonable manner, of an apparatus or mechanism for the amplification of the human voice or of music in a public park or recreational area under the control and management of the City of Cornwall in connection with any public election meeting, public celebration or other lawful gathering, provided that written permission of Council to hold such meeting, celebration or gathering has been first obtained under any applicable by-laws of the Corporation of the City of Cornwall.
- iii) The use of bells or chimes associated with the Clock Tower situated at Lamoureux Park.

- iv) Any band or parade, provided that written permission of Council to operate such band or hold such parade has been first obtained under any applicable by-law of the Corporation of the City of Cornwall.

7. **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. **PENALTY**

Every person who contravenes any of the provisions of this by-law is guilty of an offence and shall, upon conviction shall forfeit and pay a penalty as provided for in the Provincial Offences Act, R.S.O. 1990, Chapter P.33.

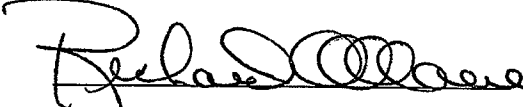
9. A Municipal Law Enforcement Officer or a Cornwall Police Services Officer of the Corporation of the City of Cornwall shall enforce the provisions of this by-law.


10. **REPEAL**

That by-laws 078-1979, 113-1988, and 046-1992, 070-1995, 078-1995, 104-1995 and any other by-law inconsistent with this by-law be hereby repealed.


11. That this by-law shall come into effect upon receiving approval of the Minister of Environment and Energy.


READ a First and Second Time in Open Council this 10th day of June, 1996.

  
CLERK

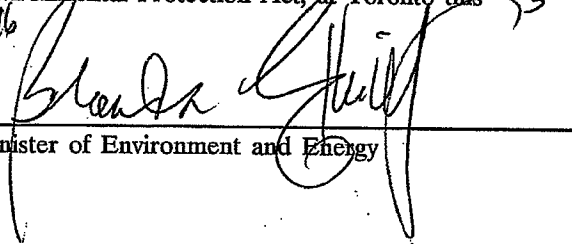
  
MAYOR

READ a Third and Final Time, Signed and Sealed in Open Council this 10th day of June, 1996.

  
CLERK

  
MAYOR

This By-law is approved pursuant to the provisions of the Environmental Protection Act, at Toronto this 13<sup>th</sup> day of July 1996

  
Minister of Environment and Energy



**BY-LAW 114-1996, OF THE CITY OF CORNWALL**

*A by-law to amend the Noise By-law, 079-1996.*

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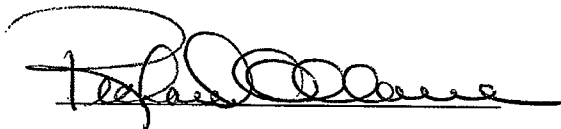
**WHEREAS** the Corporation of the City of Cornwall is desirous of amending by-law 079-1996, the Noise By-law respecting Section #4.

**NOW THEREFORE** the Council of the Corporation of the City of Cornwall enacts as follows:

1. That Section 4 in Table 3-1 be amended to add the following:

*"Exempted from this Section is a business who uses an intercom type system in a reasonable manner, in their day to day operation. This exemption is applicable during the business' normal hours of operation."*

**READ a First and Second Time in Open Council this 15th day of October, 1996.**



CLERK



MAYOR

**READ a Third and Final Time, Signed and Sealed in Open Council this 15th day of October, 1996.**



CLERK



MAYOR