

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2023-74

A BY-LAW TO AMEND BY-LAW 2013-50, BEING A BY-LAW TO PROHIBIT AND REGULATE NOISE IN THE TOWNSHIP OF WEST LINCOLN

WHEREAS the Council of the Corporation of the Township of West Lincoln considers it desirable to amend By-law 2013-50, being a by-law to prohibit and regulate noise in the Township of West Lincoln;

WHEREAS Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, (the "Act") provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

AND WHEREAS Section 10 of the Act authorizes Council to pass a by-law respecting the health, safety and well-being of persons, the economic, social and environmental well-being of the municipality;

AND WHEREAS Section 129 of the Act authorizes municipalities to pass by-laws to prohibit and regulate noise;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN ENACTS AS FOLLOWS:

1. That, Section 3 – General Prohibition, of By-law 2013-50, be deleted and replaced with the following:
 3. General Prohibition. No person shall, at any time, emit, cause or permit to be emitted or caused any noise created by:
 - (a) the persistent barking, calling or whining of any domestic pet or any animal, except an animal used for and located on the property of an agriculture, livestock based use as set out in the City's Zoning By-law;
 - (b) the squealing of motor vehicle tires while such vehicle is on property other than a highway as set out in the Highway Traffic Act, R.S.O. 1990, Chap. H.8, or any successor thereof;
 - (c) the use of a horn, whistle, alarm, bell, gong or the like, except for an auditory safety or warning device or chimes used in association with a religious establishment;
 - (d) the detonation of explosives;
 - (e) the operation of an air conditioner that does not meet the requirements of the Ministry of the Environment Publication NPC216, Residential Air Conditioning Devices or the operation of a pool pump or filter, heat pump or the like that is not in proper working order;
 - (f) the idling of a vehicle motor in excess of 10 minutes, except;
 - a. when such idling is recommended by the manufacturer of such vehicle and proof of such recommendation is provided by the vehicle operator upon the request of a police officer;
 - b. when such idling is necessary to the basic function of the equipment on a vehicle such as a concrete mixer on a concrete mixing truck, a lift platform, a refuse compactor or a heat exchange system; or
 - c. when the weather conditions require the vehicle to idle in order to keep in operation a heating or refrigeration system necessary for the welfare or preservation of the cargo of such vehicle;

- (g) the operation of a combustion engine without an effective exhaust muffling device in proper working order; or
 - (h) the operation of a vehicle radio, stereo or the like.
 - (i) yelling, shouting or the like.
- 2. That, Sentence (a) of Section 6 – Exemption of Traditional, Festival, Religious or Recreational Activities, of By- law 2013-50, be deleted and replaced with the following:
 - (a) to road or bicycle races, parades, circuses, entertainment activities in public parks or neighbourhood social activities when such events are approved by Council and such activity or event is in compliance with the conditions set by Council in approving such activity or event;
- 3. That, Section 6 – Exemption of Traditional, Festival, Religious or Recreational Activities, of By- law 2013-50, be amended by adding the following:
 - (k) to the operation of excavation equipment when used in a cemetery in conjunction with interment services.
- 4. That, Section 9 – Offences and Penalties, of By- law 2013-50, be amended by adding the following:
 - (c) To pay the Township an administrative penalty specified and in accordance with the applicable Schedule of the Township of West Lincoln's Administrative (Non- Parking) Penalty By-law, as amended from time to time.
- 5. That, By-law No. 2013-50, being a By-law to Prohibit and Regulate Noise in the Township of West Lincoln, be amended by adding the following section as Section 10:
 - 10. Any person who contravenes any provision of this By-law and each Owner, when given a Penalty Notice in accordance with the Township's Administrative (Non-Parking) Penalty By-law, is liable to pay the Township an administrative penalty in the amount specified in the applicable Schedule of the Township's Administrative (Non-Parking) Penalty By-law, as amended from time to time.
- 6. That, By-law 2013-50 be hereby amended by the renumbering of three Sections as follows:
 - 10. By-law Repealed – will be renumbered Section 11
 - 11. Short Title – will be renumbered Section 12
 - 12. Effect – will be renumbered Section 13
- 7. That, this by-law shall come into force and effect upon the passing of the by-law.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
23rd DAY OF OCTOBER, 2023**

MAYOR CHERYL GANANN

JESSICA DYSON, CLERK