

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW NO. 80-200

REGULATIONS: (R.1.2.1) A By-law respecting noises in the City of Sault Ste. Marie.

WHEREAS it is expedient to exercise the power conferred upon the Council by the Environmental Protection Act, 1971, as amended, and other statutory authority; 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, the Council of the Corporation of the City of Sault Ste. Marie enacts as follows:

**1. Interpretation**

(1) In this by-law,

(a) Construction

"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;

(b) Construction Equipment

"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;

(c) Conveyance

"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;

(d) Council

"Council" means the Council of the Corporation of the City of Sault Ste. Marie;

(e) Highway

"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;

(f) Minister

"Minister" means Minister of the Environment;

(g) Ministry

"Ministry" means Ministry of the Environment;

(h) Motor Vehicle

"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;

(i) Motorized Conveyance

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

(j) Motorized Snow Vehicle

"Motorized Snow Vehicle" means a self-propelled vehicle designed to be driven primarily on snow.

(k) Municipality

"Municipality" means the land within the geographic limit of the City of Sault Ste. Marie;

(l) Noise

"Noise" means unwanted sound;

(m) Point of Reception

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

(2) Zones

In this by-law,

(a) Residential Area

"Residential Area" means all that area within the municipality, save and except the Quiet Zones as shown in Schedule "A" of this by-law;

(b) Quiet Zone

"Quiet Zone" means those areas of the municipality specified as follows: Any area of the municipality that is within the areas as shown in Schedule "A" of this by-law;

## 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 effective exhaust or intake muffling devices 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 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 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 and is actively engaged in the delivery or loading of its cargo or if not actively engaged in the delivery or landing of its cargo, the vehicle is parked at least three hundred (300) feet away from the nearest residential building.
  - (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 Quiet Zone or Residential Area without effective muffling devices in good working order and in constant operation.

Enacted by  
By-law 86-  
245

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 indicated within a prohibited time shown for such an area.

**TABLE 3-1**  
**PROHIBITIONS BY TIME AND PLACE**

	<b>PROHIBITED PERIOD OF TIME</b>	
	<b>QUIET ZONE</b>	<b>RESIDENTIAL AREA</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	23 00 one day to 07 00 next day
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	23 00 one day to 07 00 next day (09 00 on Sundays)
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	All day Sundays and Statutory Holidays.  23 00 one day to 07 00 next day
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	23 00 one day to 07 00 next day (09 00 Sundays)
7. The operation of any motorized conveyance other than on a highway or other place intended for its operation.	At all times	23 00 one day to 0700 next day (09 00 Sundays)
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	23 00 one day to 07 00 next day (09 00 Sundays)

**TABLE 3-1**  
**PROHIBITIONS BY TIME AND PLACE**  
**CONTINUED**

	PROHIBITED PERIOD OF TIME	
	QUIET ZONE	RESIDENTIAL AREA
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	23 00 one day to 07 00 next day
11. Yelling, shouting, hooting, whistling or singing.	At all times	23 00 one day to 07 00 next day (09 00 Sundays)
12. The operation of any item of snow making equipment.	At all times	23 00 one day to 07 00 next day
13. All selling or advertising by shouting or outcry or amplified sound.	At all times	All day Sundays and Statutory Holidays  23 00 one day to 07 00 next day
14. 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.	All day Sundays and Statutory Holidays  23 00 one day to 07 00 next day	All day Sundays and Statutory Holidays  23 00 one day to 07 00 next day
15. The operation of any equipment in connection with construction.	All day Sundays and Statutory Holidays.  23 00 one day to 07 00 next day	All day Sundays and Statutory Holidays.  23 00 one day to 07 00 next day
16. The operation or use of any tool for domestic purposes other than snow removal.	23 00 one day to 07 00 next day (09 00 Sundays)	23 00 one day to 07 00 next day (09 00 Sundays)
17. The operation of solid waste bulk lift or refuse compacting equipment.	23 00 one day to 07 00 next day (09 00 Sundays)	23 00 one day to 07 00 next day (09 00 Sundays)
18. The operation of a commercial car wash of a type other than mentioned in item 10.	23 00 one day to 07 00 next day (09 00 Sundays)	23 00 one day to 07 00 next day (09 00 Sundays)
19. The operation of a motorized snow vehicle.	At all times	23 00 one day to 07 00 next day (09 00 Sundays)

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 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 purpose.

5. **Grant of Exemption of 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) 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.

(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.

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 traditional, festive, religious and other activities listed in Schedule "B".

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 thereof, forfeit and pay a penalty of not less than \$50.00 nor more than \$1,000.00 for a first offence and not less than \$100.00 and not more than \$1,000.00 for a second or subsequent offence,

exclusive of costs and every such fine is recoverable under The Provincial Offences Act.

READ A FIRST AND SECOND TIME THIS 20TH DAY OF MAY 1980.

READ A THIRD TIME AND FINALLY PASSED ON THIS 11TH DAY OF AUGUST 1980.

"Nicholas Trbovich"

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MAYOR - NICHOLAS TRBOVICH

"William Lindsay"

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CLERK - WILLIAM LINDSAY

I hereby certify the foregoing to be a complete and true copy of By-law Number 80-200.

"P. M. Kates"

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DEPUTY CLERK - PAUL M. KATES

This By-law is approved pursuant to the provisions of The Environmental Protection Act, 1971, as amended, at Toronto, this 24<sup>th</sup> day of July, 1980.

"Harry Parrott"

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MINISTER OF THE ENVIRONMENT - HARRY PARROTT

(SCHEDULE "A" - Maps of the City of Sault Ste. Marie - not attached)

SCHEDULE "B" TO BY-LAW 80-200

The following activities are exempt from this By-law:

1. The use of bells or chimes normally associated with church activities.
2. Any band or parade, provided that all necessary municipal approvals have first been obtained in writing.
3. 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 recreation area under the control and management of the City of Sault Ste. Marie in connection with any public election meeting or public celebration provided that all the necessary municipal approvals have been first obtained.
4. The detonation of fireworks on July 1<sup>st</sup> and Victoria Day.
5. The routine activities and operations of the following companies:
  - (i) The Algoma Steel Corporation, Limited,
  - (ii) Abitibi-Price Inc.,
  - (iii) Weyerhaeuser Canada Limited.
6. Despite the provisions of this by-law or By-law 4100, the discharge of firearms is permitted between the hours of 07:00 and 23:00 on any day provided the discharge of the firearms is by officers of Police Services Agencies engaged in training and provided further that the discharge is at a site identified in By-law 70-359, as amended, (which is the by-law to regulate the discharge of firearms in the municipality).
7. Any community event that has received full approval to operate from the City through the Community Events Hosted on Closed Streets Application process, between those hours outlined in the corresponding Licence to Occupy City Property Agreement. **[Amended by By-law 2018-101]**

Amended  
by  
98-185