



THE CORPORATION OF THE TOWN OF GODERICH

BY-LAW NO. 103 OF 2008

A BY LAW TO AMEND BY-LAW 49 OF 1993 BEING A BY-LAW TO PROHIBIT OR REGULATE, WITHIN THE MUNICIPALITY, THE RINGING OF BELLS, THE BLOWING OF HORNS, SHOUTING AND UNUSUAL NOISES OR NOISES LIKELY TO DISTURBE THE INHABITANTS

WHEREAS Volvo Road Machinery requested by correspondence dated August 20, 2008 to extend their hours of operating graders outside the facility to 11:30 p.m. (23:30);


AND WHEREAS this would allow Volvo Road Machinery to reduce traffic of graders between the Research and Development facility in the Industrial Park and the main plant located on Maitland Road;

AND WHEREAS their plan is to eliminate the third shift at the facility on Maitland Road in the fall of 2008 which will eliminate and assist in the noise complaints that they have had in recent history;


AND WHEREAS Council by motion exempted per the request, Volvo Road Machinery from By-Law 49 of 1993;

BE IT THEREFORE RESOLVED that Council hereby confirm that the request of Volvo Road Machinery, dated August 20, 2008 and the motion of September 8, 2008 are hereby approved as follows;

1. That Volvo Road Machinery shall be granted an exemption to extend the hours of operation for graders outside the facility at Maitland Road to 11:30 p.m. (23:30) and that this would allow them to reduce the traffic of graders between the Research and Development facility at the Industrial Park and their main plant on Maitland Road.
2. The elimination of the third shift as planned by Volvo Road Machinery would assist in eliminating the noise complaints that they have had in recent history from neighbours.
3. This By-Law shall come into force and effect on the passing hereof.



MAYOR, Deb Shewfelt



CLERK, Larry J. McCabe



CH
10/1/08

August 20th, 2008

Town Council
Town of Goderich
64 West Street
Goderich, Ontario
N7A 2K3

Attention: Larry McCabe

Dear Larry:

We respectfully submit the following request for approval by Town Council:

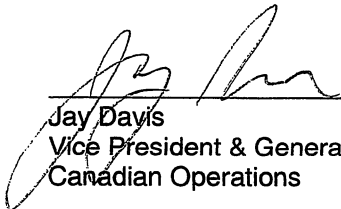
Volvo Road Machinery – Canadian Operations would like to extend our hours of operating graders outside the facility to 11:30pm (7:00am – 11:30pm). This would allow us to reduce traffic of graders between the R&D facility and the main plant.


We are also planning on eliminating the 3rd shift at the facility this fall which will eliminate the noise complaints that we have had in recent history.

We would appreciate your serious consideration of this matter. It will help us to reduce our costs and remain competitive in a global economy.

If further details are required, please do not hesitate to contact the undersigned.

Respectfully,


Jay Davis
Vice President & General Manager
Canadian Operations


Duane Horton
Union President
Local 1863

**THE CORPORATION OF THE TOWN OF GODERICH
BY-LAW NO. 88 OF 2002**

A by-law to amend By-law 49 of 1993, a By-law to regulate and control noise in the Town of Goderich.

Whereas the Town of Goderich has authority pursuant to the Municipal Act R.S.O. 1990 to pass by-laws to prohibit or regulate noise;

And whereas the Council of the Town of Goderich passed by-law 49 of 1993 on the 10th of May, 1993;

And whereas the Council deems it desirable to amend by-law 49 of 1993;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GODERICH ENACTS AS FOLLOWS:

1. Section 6 PENALTY, is hereby deleted and replaced with the following:

"8. PENALTY

"Every person who breaches a section of this by-law is guilty of an offence and subject to a penalty as provided under the "Provincial Offences Act.

"9. EFFECTIVE DATE

"This by-law shall come into force and take effect upon the final passing thereof."

2. Effective Date

This by-law shall come into full force and effect on the date of its passage.

**READ A FIRST, SECOND, AND THIRD TIME AND FINALLY PASSED THIS 23rd
DAY OF SEPTEMBER, 2002**


MAYOR


CLERK

**THE CORPORATION OF THE TOWN OF GODERICH
BY-LAW NO.49 OF 1993**

A By-law to repeal By-law No. 61 of 1986 and to enact a new by-law to prohibit or regulate, within the Municipality, the ringing of bells, the blowing of horns, shouting and unusual noises, or noises likely to disturb the inhabitants.

WHEREAS Section 210 (138) of the Municipal Act R.S.O. 1990, Chapter M.45, as amended, provides Councils of local municipalities to enact by-laws to prohibit or regulate noise;

AND WHEREAS the Municipal Council of the Corporation of the Town of Goderich deems it expedient and in the public interest to enact such a by-law.

NOW, THEREFORE, THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF GODERICH ENACTS AS FOLLOWS:

1. That By-law No. 61 of 1986 is hereby repealed.

2. 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 Town of Goderich.

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(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) Municipality

"Municipality" means the land within the geographic limit of The Corporation of the Town of Goderich.

(k) Noise

"Noise" means unwanted sound;

(l) 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.

(m) Residential Area

"Residential area" shall mean those areas of the municipality designated as residential or core commercial in the current Zoning By-law for the Town of Goderich.

(n) Engine Compression Exhaust Style Brake

"Engine Compression Exhaust style Brake" means 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.

THE CORPORATION OF THE TOWN OF GODERICH
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3. 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 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 for purposes of delivery or loading; or,
 - (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 fuel system, carburettor or the like, when such work is performed other than for profit.
 - (vi) 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.
- (6) the operation of any item of construction equipment in a Residential Area without effective muffling devices in good working order and in constant operation.

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- (7) Apply an Engine Compression Exhaust Style Brake or any highway under the jurisdiction of the Corporation of the Town of Goderich where driving a vehicle at a greater rate of speed than 50 kilometres per hour is prohibited.

4. 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.

5. 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 an area of the municipality designated on Schedule "A" within a prohibited time shown for such an area.

6. EXEMPTIONS

- (1) Notwithstanding any other provisions 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:

- (a) Ringing of church bells.
- (b) A "Fireworks" display.
- (c) A "Parade".
- (d) A Band Concert held in conjunction with any civic function, or other properly authorized event.
(Annual Fall Fair, Canada Day Festivities, etc.)

(2) 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 or more disturbing, than is reasonably necessary for the accomplishment of such emergency purpose.

**THE CORPORATION OF THE TOWN OF GODERICH
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7. GRANT OF EXEMPTION BY COUNCIL

(1) 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 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.

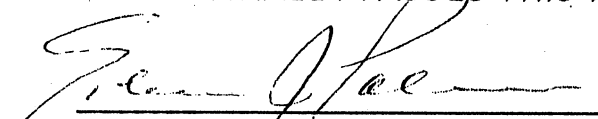
6. PENALTY

(1) 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 \$300 nor more than \$1,000 for a first offence and not less than \$500 and not more than \$2,000 for a second or subsequent offence, exclusive of costs and every such fine is recoverable under the Provincial Offences Act.

(2) Any person violating any of the provisions of this by-law shall be subject to a penalty of not more than two thousand (\$2,000) dollars, exclusive of costs, and all such penalties shall be recoverable under the Provincial Offences Act.

(3) This by-law shall come into force and take effect upon the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS TENTH DAY OF MAY, 1993.



MAYOR



CLERK

THE CORPORATION OF THE TOWN OF GODERICH
BY-LAW NO.49 OF 1993

SCHEDULE "A"

PROHIBITIONS BY TIME AND PLACE

Prohibited Period of Time

Whole Municipality

AT ALL TIMES

- 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 has no function other than amusement and which is not a conveyance.

- 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.

1900 ONE DAY TO 0700 NEXT DAY, AND ALL DAY SUNDAYS AND STATUTORY HOLIDAYS

- 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.

- The operation of a power assisted hand 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.

1700 ONE DAY TO 0700 NEXT DAY
(0900 SUNDAYS)

- 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.

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1900 ONE DAY TO 0700 NEXT DAY
(0900 SUNDAYS)

- 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 the Goderich-Exeter Railroad.

- The operation of any motorized conveyance other than on a highway or other place intended for its operation.

- The operation of solid waste bulk lift or refuse compacting equipment.

2100 ONE DAY TO 0700 NEXT DAY
(0900 SUNDAYS)

- The operation or use of any tool for domestic purposes other than snow removal.

2300 ONE DAY TO 0700 NEXT
(0900 SUNDAYS)

- 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.

- Yelling, shouting, hooting, whistling or singing.