

THE CORPORATION OF THE TOWN OF TECUMSEH

BY-LAW NUMBER 2007-48

Being a by-law to amend By-law No. 2002-07, being a by-law respecting the emission of sounds.

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 tranquility of their life or cause nuisance; and

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

WHEREAS the Council of The Corporation of the Town of Tecumseh enacted By-law No. 2002-07, being a by-law respecting the emission of sounds, on the 22nd day of January, 2002 exercising the power conferred by the Environmental Protection Act, R. S. O. 1990, c. 43, as amended, and other statutory authority; and

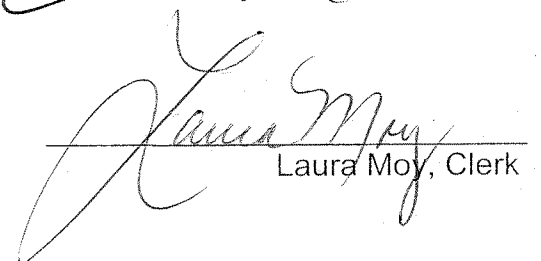
WHEREAS the Council of The Corporation of the Town of Tecumseh is desirous of amending By-law No. 2002-07;

NOW THEREFORE, the Council of The Corporation of the Town of Tecumseh enacts as follows:

1. **THAT** By-law No. 2002-07, is hereby amended by deleting Table 4-1 and replacing same with the attached Table 4-1.
2. **THAT** except, as amended by this By-law, all provisions of By-law No. 2002-07 are and shall remain in full force and effect.
3. **THAT** By-law No. 2007-39, being a by-law to amend By-law No. 2002-07, being a by-law respecting the emission of sounds be and is hereby repealed.
4. **THAT** this by-law shall come into force and take effect upon the third and final reading.

READ a first, second and third time and finally passed this 28th day of August, 2007.


Gary McNamara, Mayor


Laura Moy, Clerk

**TABLE 4-1
PROHIBITIONS BY TIME AND PLACE**

	Prohibitions Period of Time		
	Residential Area	Agricultural Area	Commercial Area
1. The detonation of fireworks or explosive devices not used in construction.	At all times except for the celebrations of Victoria Day, the birthday of the reigning Sovereign, Canada Day (July 1 st), the American Independence Day (July 4 th) and New Year's Eve (December 31 st)		At all times
2. The discharge of firearms.	At all times	As Approved	At all times
3. The operation of a combustion engine which, (i) is, or (ii) is use 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.	8:00 p.m. to 8:00 a.m.	8:00 p.m. to 8:00 a.m.	8:00 p.m. to 8:00 a.m.
4. The sound from or created by any radio, phonograph, tape player, television, public address system, sound equipment, loud speaker, or any musical or sound producing instrument of whatever kind when the same is played or operated in such a manner or with such volume as to disturb the peace, quiet, comfort or repose of any individual in any office, dwelling house, apartment, hotel, hospital, or any other type of residence.	At all times	At all times	At all times
5. 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.	At all times	10:00 p.m. to 8:00 a.m.	10:00 p.m. to 8:00 a.m.

	Prohibitions Period of Time		
	Residential Area	Agricultural Area	Commercial Area
6. The operation of any powered rail car including but not limited to refrigeration cars, locomotives or self-propelled passenger cars, which stationary on property not owned or controlled by a railway governed by the Canada Railway Act.	At all times	10:00 p.m. to 8:00 a.m.	11:00 p.m. to 7:00 a.m.
7. The operation of any Motorized Conveyance other than on a Highway or other place intended for its operation.	At all times		11:00 p.m. to 7:00 a.m.
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.	9:00 p.m. to 8:00 a.m.		11:00 p.m. to 7:00 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	At all times
10. The operation of a commercial car wash with air drying equipment.	At all times	11:00 p.m. to 7:00 a.m.	11:00 p.m. to 7:00 a.m.
11. Yelling, shouting and hooting.	At all times		11:00 p.m. to 7:00 a.m.
12. The operation of a power assisted hang glider or parafoil.	At all times		11:00 p.m. to 7:00 a.m.
13. All selling or advertising by shouting or outcry or amplified sound.	9:00 p.m. to 7:00 a.m.	9:00 p.m. to 7:00 a.m.	9:00 p.m. to 7:00 a.m.
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.	8:00 p.m. to 7:00 a.m.	9:00 p.m. to 6:00 a.m.	9:00 p.m. to 6:00 a.m.
15. The operation of any equipment in connection with construction.	8:00 p.m. to 7:00 a.m.	8:00 p.m. to 7:00 a.m.	8:00 p.m. to 7:00 a.m.
16. The operation or use of any tool for domestic purposes other than snow removal.	9:00 p.m. to 8:00 a.m.		
17. The operation of power lawn mowers.	10:00 p.m. to 7:00 a.m.		
18. The operation of a commercial car wash of a type other than mentioned in item 10.	At all times		
19. Dynamic braking, engine braking or engine retarding of a motor vehicle.	At all times	At all times	At all times

THE CORPORATION OF THE TOWN OF TECUMSEH

PART 1 PROVINCIAL OFFENCES ACT

By-law 2007-48 -- Being a by-law to amend
By-law No. 2002-07, being a by-law respecting the emissions of sound

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
27	Causing or permitting sound from dynamic engine braking, engine braking or engine retarding of a motor vehicle.	Sect. 4 Table 4-1 # 19	\$105.00

The penalty provisions for the offences indicated above is Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33.