

The Corporation of the Town of Essex

By-Law Number 2038

Being a by-law to prohibit and regulate noise in the Town of Essex

WHEREAS Section 128 of the *Municipal Act, 2001, S.O. 2001, c. 25* as amended, provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that in the opinion of Council are or could become public nuisances;

AND WHEREAS Section 129 of the *Municipal Act, 2001, S.O. 2001, c. 25* as amended, provides that a municipality may pass by-laws to prohibit and regulate with respect to noise;

AND WHEREAS in the opinion of the Council of the Corporation of the Town of Essex, excessive sounds and inadequately controlled noise may impair public health, safety and welfare and could become a public nuisance;

AND WHEREAS in the opinion of the Council of the Corporation of the Town of Essex, that for the benefit of individuals and the public at large, there must be regulations and prohibitions to the making of noise;

NOW THEREFORE be it resolved that the Council of the Corporation of the Town of Essex hereby enacts as follows:

1.0 DEFINITIONS

- 1.1 **"Agricultural Area"** means those areas within an Agricultural District in the Zoning By-Law as may be amended from time to time pursuant to Section 34 of the *Planning Act, R.S.O. 1990, c. P.13*, as amended.
- 1.2 **"Agricultural Operation"** has the same meaning as contained in the *Farming and Food Production Act, 1998, S.O. 1998, c. 1*, as amended, or any successor legislation.
- 1.3 **"Bird Banger"** means a propane-fired cannon that emits sounds to scare away birds from an Agricultural Operation.
- 1.4 **"Commercial Area"** means those areas within a Commercial District and all other area designations in the Zoning By-Law, save and except for Residential Areas and Agricultural Areas, as may be amended from time to time pursuant to Section 34 of the *Planning Act, R.S.O. 1990, c. P.13*, as amended.
- 1.5 **"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.
- 1.6 **"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.
- 1.7 **"Corporation"** means the Corporation of the Town of Essex.

- 1.8 **“Council”** means the Council of the Corporation of the Town of Essex.
- 1.9 **“Discharge of Firearms By-Law”** means any by-law enacted by Council to prohibit or regulate the discharge of firearms within the Town of Essex.
- 1.10 **“Fireworks By-Law”** means any by-law enacted by Council to prohibit and regulate the setting off of fireworks in the Town of Essex.
- 1.11 **“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.
- 1.12 **“Industrial Area”** means those areas within a Manufacturing District in the Zoning By-Law as may be amended from time to time pursuant to Section 34 of the *Planning Act, R.S.O. 1990, c. P.13*, as amended.
- 1.13 **“Motor Vehicle”** has the same meaning as contained in the *Highway Traffic Act, R.S.O. 1990, c. H.8*, as amended, or any successor legislation.
- 1.14 **“Motorized Conveyance”** means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power.
- 1.15 **“Municipal Law Enforcement Officer”** means a person appointed by Council as a Municipal By-Law Enforcement Officer, a Police Officer, a Provincial Offences Officer or any other individual duly appointed to enforce this By-Law.
- 1.16 **“Noise”** means sound that is of such loud volume or continuous duration that it creates a nuisance and is likely to disturb the inhabitants of any dwelling.
- 1.17 **“Normal Farm Practice”** has the same meaning as contained in the *Farming and Food Production Act, 1998, S.O. 1998, c. 1*, as amended, or any successor legislation.
- 1.18 **“Persistent”** means any Noise that is continuously heard for a period of ten minutes or more or intermittently over a period of one hour or more.
- 1.19 **“Person”** means a person, firm, association, partnership, joint venture, corporation or any entity, public or private in nature.
- 1.20 **“Point of Reception”** means any premises or location where sound is received, other than the premises from which the sound originates.
- 1.21 **“Police Officer”** means a person appointed as police officer, cadet or auxiliary member of the Ontario Provincial Police or any other police force having jurisdiction within the Town of Essex.
- 1.22 **“Premises”** means a parcel of land and includes any buildings and structures on the land.
- 1.23 **“Residential Area”** means those areas within a Residential District in the Zoning By-Law as may be amended from time to time pursuant to Section 34 of the *Planning Act, R.S.O. 1990, c. P-13*, as amended.
- 1.24 **“Temporary Noise Permit”** means a Temporary Noise Permit issued by the Town and/or its Special Event Resource Team under the authority under this By-Law.
- 1.25 **“Town”** means the Corporation of the Town of Essex or the geographical limits of the Town of Essex, as the context suggests.
- 1.26 **“Zoning By-Law”** means a By-Law enacted by the Town of Essex under Section 34 of the *Planning Act, R.S.O. 1990, c. P.13*, as amended.

2.0 GENERAL PROHIBITIONS

2.1 No Person within the boundary of the Town 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:

- a) The detonation of fireworks or explosive devices not used in Construction, save and except in accordance with the Fireworks By-Law.
- b) The discharge of firearms, save and except in accordance with the Discharge of Firearms By-Law.
- c) The sound from or created by an 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.
- d) Persistent barking, calling or whining or other similar Persistent Noise making by an domestic pet or any other animal kept or used for any purpose other than agricultural.
- e) Racing of any Motorized Conveyance other than in a racing event regulated by law.
- f) The operation of a Motor Vehicle in such a way that the tires squeal.
- g) 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.
- h) The operation of a Motor Vehicle or a Motor Vehicle with a trailer resulting in banging, clanging, squealing or other like sounds due to improperly secured load or equipment, or inadequate maintenance.
- i) 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 Motor 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 the basic function of the Motor 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 and 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 Motor 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 the fuel system, carburetor or the like, when such work is performed other than for profit.

- j) 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.
- k) The operation of any item of Construction Equipment in a Residential Area, Agricultural Area or Commercial Area without effective muffling devices in good working order and in constant operation.
- l) Dynamic or engine breaking or engine retarding of a motor vehicle.

3.0 PROHIBITIONS BY TIME AND PLACE

- 3.1 No Person within the Town shall emit, cause or permit the emission of noise resulting from any act listed in Schedule “A” attached hereto and forming part of this By-Law, if clearly audible at a Point of Reception located in an area of the Town within a prohibited time shown for such an area.

4.0 EXEMPTION FOR PUBLIC SAFETY

- 4.1 Notwithstanding any other provisions 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 for the purposes listed herein, 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:
- a) For the immediate health and safety, or welfare of the inhabitants or any of them; or
 - b) For the preservation or restoration of property.

5.0 EXEMPTION FOR ESSENTIAL SERVICES

- 5.1 Notwithstanding any other provisions of this By-Law, essential services and incidental Noise from all activities of the Corporation of the Town of Essex, or its agents, associated with the provision of maintenance and essential services is permissible.

6.0 EXEMPTION OF TRADITIONAL, FESTIVE OR RELIGIOUS ACTIVITIES

- 6.1 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 hereinafter listed traditional, festive, religious and other activities, namely:
- a) Ringing of bells or chimes at a place of worship;
 - b) Harrow Fair Parade;
 - c) Legion Remembrance Day Parades;
 - d) Santa Claus Parades;
 - e) Essex Fun Fest Parade; and
 - f) Events approved by the Special Event Resource Team (SERT) of the Town.

7.0 EXEMPTION OF NORMAL FARM PRACTICES

- 7.1 Notwithstanding any other provisions of this By-Law, this By-Law does not apply to the operation of any machine or equipment that falls within the classification of a Normal Farm Practice as determined on a case by case basis by the Normal Farm

Practices Protection Board as provided for under the *Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1* and administered by the Ontario Ministry of Agriculture, Food and Rural Affairs.

8.0 BIRD BANGER REGULATIONS

8.1 No Person shall operate a Bird Banger on land that is not an Agricultural Operation.

8.2 Unless a particular location and use has been deemed a Normal Farm Practice in accordance with Section 7.1 of this By-Law, every Person and Agricultural Operation shall comply with the following regulations taken from the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) Best Management Practices for the Use of Bird Bangers:

- a) Follow setbacks for Bird Bangers to neighbours' homes based on the ring-graph method on management strategies, as described in Schedule "B" attached hereto and forming part of this By-Law;
- b) Start operating Bird Bangers no earlier than three to four weeks prior to veraison (onset of the ripening of the grapes) and stop right after harvest;
- c) Operate Bird Bangers only during daylight hours, between 30 minutes before local sunrise and 30 minutes after local sunset;
- d) Place adjacent Bird Bangers no closer than 125 m (410 ft) to each other, unless the area of crop being protected is less than about 4 ha (9.9 ac), in which case place them no closer than 100 m (328 ft) as small properties are often awkwardly shaped. To calculate hectares of grapes needing protection include just the area of land currently of crop-bearing age and marketable in the current year;
- e) Adjust timers to account for changes in sunrise and sunset times throughout the season especially at Daylight Savings Time if Bird Bangers are still necessary beyond this date until harvest;
- f) Do not place Bird Bangers within a grape row directly in line with a neighbour's house, as the row canopy can channel the sound towards the house.
- g) Monitor Bird Bangers so they operate properly, especially those not on, or near, the home farm.
- h) Use light sensor over-ride devices to ensure Bird Bangers cannot operate at night, even if timers are adjusted improperly, especially on properties where the vineyard manager lives off-site.

9.0 TEMPORARY NOISE PERMIT

9.1 Any Person may make application to the Town and/or its Special Event Resource Team requesting the granting of an exemption from any of the provisions of this By-Law by the issuance of a Temporary Noise Permit.

9.2 The application for the issuance of a Temporary Noise Permit shall be sent to the attention of the Clerk and shall be made using the application form provided at least thirty (30) days prior to the commencement of the requested exemption and shall contain:

- a) the name and address of the applicant;
- b) a description of the source of sound in respect of the sought exemption;

- c) a statement of the particular provision or provisions of this By-Law from which exemption is sought;
 - d) the period of time for which the exemption is sought; and
 - e) the reason why the exemption should be granted and the sound mitigation measures that are being taken to limit the noise.
- 9.3 The Town and/or its Special Event Resource Team may impose such conditions on the Temporary Noise Permits as may be appropriate including but not limited to:
 - a) the type and volume of sounds that may be made;
 - b) the times during which sounds may be made;
 - c) the date of expiry of the Temporary Noise Permit;
 - d) requiring the posting of security prior to the activity; and
 - e) requiring that the applicant, Town staff or a professional engineer monitor the sound levels resulting from the event or activity and requiring a report of the findings of the engineer to be filed with the Town of Essex within 30 days of the event or activity, all at the applicant's expense.
- 9.4 Any Temporary Noise Permit issued under this By-Law shall expire on the date set out on the Temporary Noise Permit, or if no date is set out on the Temporary Noise Permit, the permit shall expire forty-eight (48) hours after its issuance.
- 9.5 Any breach by the holder of the Temporary Noise Permit of any of its terms or conditions shall render the Temporary Noise Permit null and void.
- 9.6 No holder of a Temporary Noise Permit shall fail to comply with the terms and conditions of the Temporary Noise Permit.

10.0 VALIDITY AND SEVERABILITY

- 10.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of this By-Law to be invalid, or to be of no force and effect, the validity of the remainder of this By-Law shall not be affected and shall remain in full force.

11.0 ENFORCEMENT

- 11.1 This By-Law may be enforced by a Municipal Law Enforcement Officer or Police Officer, as defined in this By-Law.
- 11.2 A Municipal Law Enforcement Officer or Police Officer may at all reasonable times enter upon any Premises other than dwellings in order to ascertain whether the provisions of this By-Law are being observed or to enforce this By-Law.
- 11.3 No Person shall obstruct or attempt to obstruct any Person having authority for the enforcement of this By-Law.

12.0 CONFLICT WITH OTHER BY-LAWS

- 12.1 If there is a conflict between a provision of this By-Law and a provision of any other By-Law of the Town of Essex, the more restrictive provision shall prevail.

13.0 OFFENCES AND PENALTIES PROVISION

- 13.1 Every Person who contravenes any of the provisions of this By-Law is guilty of an offence and, upon conviction, is liable to fine as provided for under the *Provincial Offences Act, R.S.O. 1990, c. P.33*, as amended:
 - a) any Person, other than a corporation, convicted under this By-Law is liable upon a first conviction, to a minimum fine of \$100.00 and a maximum fine

of \$5,000.00, and upon a subsequent conviction, to a minimum fine of \$500.00 and a maximum fine of \$10,000.00.

- b) any corporation convicted under this By-Law is liable upon a first conviction, to a minimum fine of \$100.00 and a maximum fine of \$10,000.00, and upon a subsequent conviction, to a minimum fine of \$1,000.00 and a maximum fine of not more than \$25,000.00.

13.2 Where a Person contravenes any provision of this By-Law, each day or part of a day that the contravention continues is a separate offence.

14.0 REPEAL

14.1 Upon the passage of this By-Law and an issued order approving the applicable set fines thereto, By-Law No. 690 and all amendments thereto, shall be repealed.

14.2 Every act taken pursuant to the predecessor to this By-Law shall, as necessary, be deemed to have been taken pursuant to this By-Law and every such act may be carried to its conclusion pursuant to the authority granted by this By-Law.

14.3 If an act has been validly commenced pursuant to the predecessor to this By-Law and authority for such act does not exist pursuant to this By-Law then such act may be continued to its conclusion and the portions of the predecessor to this By-Law necessary to permit such act to be concluded shall be deemed to remain in effect for the purposes of bringing such act to a conclusion.

15.0 ENACTMENT

15.1 The short title of this By-Law shall be the “Noise Control By-Law”.

15.2 This By-Law shall come into full force and effect upon the final passing thereof.

Read a first and a second time and provisionally adopted on August 23, 2021

Mayor

Clerk

Read a third time and finally passed on September 7, 2021

Mayor

Clerk

SCHEDULE "A"
TO BY-LAW NO. 2038
A BY-LAW TO PROHIBIT AND REGULATE NOISE IN THE TOWN OF ESSEX

PROHIBITIONS BY TIME AND PLACE

Item	Prohibition	Residential Area	Agricultural Area	Commercial Area
1.	The operation of a combustion engine which - is, or - is use in, or - 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.
2.	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	9:00 p.m. to 8:00 a.m.	11:00 p.m. to 8:00 a.m.
3.	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	10:00 p.m. to 8:00 a.m.	11:00 p.m. to 7:00 a.m.
4.	The operation of any Motorized Conveyance other than on a Highway or other place intended for its operation.	At all times	N/A	11:00 p.m. to 7:00 a.m.
5.	The venting, release or pressure relief of air, steam or other gaseous material, product or compound form any autoclave, boiler pressure vessel, pipe, valve, machine device or system.	9:00 p.m. to 8:00 a.m.	N/A	11:00 p.m. to 7:00 a.m.
6.	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.

Item	Prohibition	Residential Area	Agricultural Area	Commercial Area
7.	Yelling, shouting and hooting	At all times	N/A	11:00 p.m. to 7:00 a.m.
8.	The operation of a power assisted hang glider or parafoil.	At all times	N/A	11:00 p.m. to 7:00 a.m.
9.	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.
10.	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.
11.	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.
12.	The operation or use of any tool for domestic purposes other than snow removal.	9:00 p.m. to 8:00 a.m.	N/A	N/A
13.	The operation of power lawn mowers.	10:00 p.m. to 7:00 a.m.	N/A	N/A
14.	The operation of a commercial car wash of a type other than mentioned in item 6.	At all times	N/A	N/A

SCHEDULE “B”
TO BY-LAW NO. 2038
A BY-LAW TO PROHIBIT AND REGULATE
NOISE IN THE TOWN OF ESSEX

DETERMINING MINIMUM SETBACKS OF BIRD BANGERS TO NEIGHBOURS’ HOMES

Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA)

It is impractical to create setbacks based on site-specific measured sound levels in decibels (dBA) from every bird banger. The emitted sound level is the same as it leaves the barrel of a bird banger, but it varies greatly after release depending on localized weather conditions, wind speed and direction, topography, ground cover, direction of firing, obstructions like buildings, etc.

Under most circumstances, the Best Management Practice setback is 125 m (410 ft) from neighbours for normal operation of a bird banger when it is operated:

- during the regular grape season, ceasing about the end of October (**not** the extended season for ice wine, which could go well into winter some years)
- with proper levelling of the bird banger so it spins uniformly 360° in all directions (**not** when set to fire only in 180° plane away from a neighbour’s home)
- with the “B–loud volume” setting (**not** the “A–quiet volume” setting, available on some bird bangers)
- on Frequency 2 setting, 4 to 8min. sequence interval (**not** Frequency 1, 2 to 4 min. interval)

The 125 m (410 ft) setback is based upon field sound level measurements at varying distances from a bird banger and under different bird banger settings. Other setbacks also make sense if practices are used that **increase** sound levels (requiring **greater** setbacks), or **decrease** sound levels (requiring **lesser** setbacks).

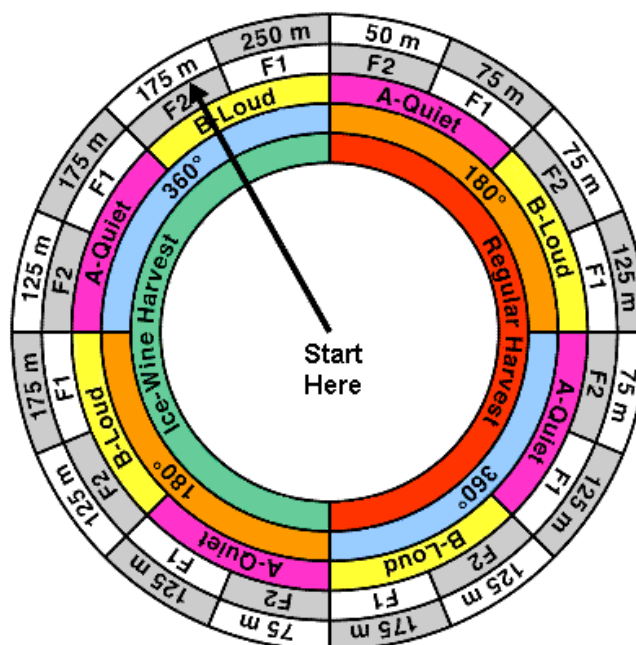


FIGURE 1

Sound levels and annoyance for neighbours are:

- increased if the harvest season is extended for ice wine, as no vegetation is present to muffle sounds and the long season extends the annoyance period. This effectively adds 5 dBA compared to regular season use.
- reduced if a bird banger is physically prevented from firing directly at or within the 180° plane of home(s). This can be accomplished using springs or stops. This

effectively drops sound levels 5 dBA compared to bird bangers that can fire in all directions, including sometimes in the direction of home(s).

- reduced if the bird bangers are set on the “A–quiet volume” setting, which effectively drops sound levels 5 dBA compared to the “B–loud volume” setting.
- increased if bird bangers are set on the faster Frequency 1 (2 to 4 min.) sequence interval, which effectively adds 5 dBA compared to Frequency 2 (4 to 8 min.) sequence interval. (Note: Few grape growers operate bird bangers on Frequency 3 (8 to 16 min.) or Frequency 4 (16 to 32 min.) because the firing interval is too long.)

Example

A grower with ice-wine grapes fires a bird banger in all directions on “B–loud volume” setting, with Frequency 2 (4 to 8 min.) firing sequence. Using Figure 1, what setback is recommended to neighbours’ homes?

- Enter Figure 1 from centre, moving through layers: **Ice-Wine Harvest; 360°** (meaning bird banger fires in all directions; **B–Loud**; and **F2** (4-8 min.) to a **175 m** setback.
- To reduce the setback to 125 m, one could set the bird banger on **A–Quiet** or restrict it to fire only in the **180°** plane away from a neighbouring home.

THE CORPORATION OF THE TOWN OF ESSEX
SCHEDULE "C" TO BY-LAW NUMBER 2038
PART 1 PROVINCIAL OFFENCES ACT

By-Law Number 2038: To prohibit and regulate noise in the Town of Essex

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1.	Emit, cause or permit sound from the detonation of fireworks or explosive device, save and except the Fireworks By-Law	Section 2.1 a)	\$150.00
2.	Emit, cause or permit sound from the discharge of firearms, save and except the Discharge of Firearms By-Law	Section 2.1 b)	\$150.00
3.	Emit, cause or permit sound from any electronic device, loud speaker or musical instrument	Section 2.1 c)	\$150.00
4.	Emit, cause or permit sound from the barking, calling or whining of a domestic pet	Section 2.1 d)	\$150.00
5.	Emit, cause or permit sound from any Motorized Conveyance by racing	Section 2.1 e)	\$150.00
6.	Emit, cause or permit sound from the squealing of tires	Section 2.1 f)	\$150.00
7.	Emit, cause or permit sound from a combustion engine or pneumatic device without exhaust or intake muffling device	Section 2.1 g)	\$150.00
8.	Emit, cause or permit sound from a Motor Vehicle due to improperly secured load or inadequate maintenance	Section 2.1 h)	\$150.00
9.	Emit, cause or permit sound from a motor or Motor Vehicle while stationary in a Residential Area exceeding 5 minutes	Section 2.1 i)	\$150.00
10.	Emit, cause or permit sound from a Motor Vehicle horn or other warning device	Section 2.1 j)	\$150.00
11.	Emit, cause or permit sound from Construction Equipment without an effective muffling device	Section 2.1 k)	\$150.00
12.	Emit, cause or permit sound from dynamic or engine breaking or engine retarding	Section 2.1 l)	\$150.00
13.	Emit, cause or permit sound from a combustion engine in use in, or intended for use in a toy or model	Section 3.1 – Schedule "A" Item 1	\$150.00
14.	Emit, cause or permit sound from any auditory signalling device or amplification of sound	Section 3.1 – Schedule "A" Item 2	\$150.00
15.	Emit, cause or permit sound from the operation of any powered rail car or refrigeration car	Section 3.1 – Schedule "A" Item 3	\$150.00
16.	Emit, cause or permit sound from any Motorized Conveyance in an area not intended for its operation	Section 3.1 – Schedule "A" Item 4	\$150.00
17.	Emit, cause or permit sound from the venting, releasing or pressure relief of air, steam or other material	Section 3.1 – Schedule "A" Item 5	\$150.00
18.	Emit, cause or permit sound from the operation of a commercial car wash with air drying equipment	Section 3.1 – Schedule "A" Item 6	\$150.00
19.	Emit, cause or permit sound from yelling, shouting or hooting	Section 3.1 – Schedule "A" Item 7	\$150.00
20.	Emit, cause or permit sound from operating a power assisted hang glider or parafoil	Section 3.1 – Schedule "A" Item 8	\$150.00
21.	Emit, cause or permit sound from selling or advertising by shouting or outcry or amplified sound	Section 3.1 – Schedule "A" Item 9	\$150.00
22.	Emit, cause or permit sound from loading, unloading, delivering or handling of materials or products	Section 3.1 – Schedule "A" Item 10	\$150.00
23.	Emit, cause or permit sound from the operation of waste bulk lift or refuse compacting equipment	Section 3.1 – Schedule "A" Item 10	\$150.00
24.	Emit, cause or permit sound from the operation of any construction equipment	Section 3.1 – Schedule "A" item 11	\$150.00

THE CORPORATION OF THE TOWN OF ESSEX
SCHEDULE "C" TO BY-LAW NUMBER 2038
PART 1 PROVINCIAL OFFENCES ACT

By-Law Number 2038: To prohibit and regulate noise in the Town of Essex

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
25.	Emit, cause or permit sound from the operation of any tool, other than snow removal	Section 3.1 – Schedule "A" Item 12	\$150.00
26.	Emit, cause or permit sound from the operation of a power lawn mower	Section 3.1 – Schedule "A" Item 13	\$150.00
27.	Emit, cause or permit sound from a commercial car wash, other than one with air drying equipment	Section 3.1 – Schedule "A" Item 14	\$150.00
28.	Operate a Bird Banger on land that is not an Agricultural Operation	Section 8.1	\$150.00
29.	Fail to follow setbacks for Bird Bangers to neighbours' homes	Section 8.2 a)	\$150.00
30.	Operate Bird Bangers earlier than three to four weeks prior to veraison	Section 8.2 b)	\$150.00
31.	Operate Bird Bangers after harvest	Section 8.2 b)	\$150.00
32.	Operate Bird Bangers outside of daylight hours	Section 8.2 c)	\$150.00
33.	Fail to place Bird Bangers the required distance apart	Section 8.2 d)	\$150.00
34.	Fail to adjust timers to account for changes in sunrise and sunset times	Section 8.2 e)	\$150.00
35.	Place a Bird Banger within a grape row directly in line with a neighbour's house	Section 8.2 f)	\$150.00
36.	Fail to monitor Bird Bangers for proper operation	Section 8.2 g)	\$150.00
37.	Fail to use light sensor over-ride devices to ensure Bird Bangers cannot operate at night	Section 8.2 h)	\$150.00
38.	Obstruct or attempt to obstruct any Person having enforcement authority	Section 11.3	\$150.00

Note: The general penalty provision for the offences indication above is Section 13.1 of By-Law Number 2038, a certified copy of which has been filed.