

Councillor Kyle Fegan on Behalf of the Canada Day Festival Committee  
203 Main Street East, Shelburne Ontario  
5/24/2022

RECEIVED

MAY 26 2022

The Honorable Mayor Wade Mills  
203 Main Street East  
Shelburne, Ontario  
L9V 3K7

TOWN OF SHELBURNE

Dear Mayor, Deputy Mayor and members of council,

We are writing to you today to inform you that plans for this year's Canada Day festivities have been going well. It looks like finally after 2 years of COVID-19 protocols which prevented us from holding our traditional large-scale celebrations, we are finally back on track and are planning quite the day!

For part of the days celebrations, we are pleased to advise that we have partnered with a local car group who are very interested in spearheading a car show this year. The group has advised the Canada Day Committee of a few different categories / qualifications that could be used for awards. This could involve revving or idling engines. These events could bring crowds and entertain anyone interested in the car industry or even just a fascination with engines.

We are aware of 2 by-laws that may prohibit these events:

- By-law # 30-2011 – Idling Control By-law

In this by-law, Section 4, sub section (g) addresses an exemption that reads as follows:

“Vehicles engaged in the course of a parade or race or any other event authorized by Council”

- By-law # 45-2004 – A By-law to Prohibit and Regulate Noise

This By-law also provides the ability for anyone to request an exemption from council for varied reasons.

We would like to request an exemption from council on both of these by-laws for the purpose of running competitions on the day of the event (July 1, 2022). We would recommend to the committee that we schedule these events and restrict the timeframe to not exceed one hour during the day.

Thank you for your consideration in this manner.

Councilor Kyle Fegan  
Chair of the Canada Day Festival Committee

CC Shelburne Canada Committee Members  
Councillor Lindsay Wegener (Vice-Chair)  
Brian McBride  
Jay Wagstaff  
Kurt Neilson  
Noni Thoma

**THE CORPORATION OF THE TOWN OF SHELBURNE**

**BY-LAW NUMBER 30 -2011**

**BEING A BY-LAW TO CONTROL THE IDLING OF VEHICLES IN THE  
TOWN OF SHELBURNE**

**WHEREAS** Section 9 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising its authority under this or any other Act;

**AND WHEREAS** Section 425 of the *Municipal Act*, 2001, S.O. 2001 c.25, as amended, authorizes municipalities to pass by-laws providing that a person who contravenes a by-law of the municipality be guilty of an offence;

**AND WHEREAS** Section 2 of the *Municipal Act*, 2001, S.O. 2001 c.25, as amended, provides that municipalities are created to be responsible and accountable governments for matters within their jurisdiction and are given powers and duties by statute for purposes which include fostering the current and future environmental well-being of the municipality;

**AND WHEREAS** Subsection 11(2) of the *Municipal Act*, 2001 S.O. 2001 c. 25, as amended, enables a municipality to regulate matters not specifically provided for in the *Municipal Act*, or any other Act for purposes related to the health, safety and well-being of the inhabitants of the municipality;

**AND WHEREAS** motor vehicles are sources of particulate matter, nitrogen oxide, carbon monoxide, sulphur dioxide, volatile organic compounds, greenhouse gas emissions and fine particulate matter emitted into the outdoor air in the Town of Shelburne;

**AND WHEREAS** air pollution in the Town of Shelburne is associated with adverse health effects, including deleterious effects on respiratory and cardiovascular health;

**AND WHEREAS** the unnecessary idling of motor vehicles produces excess amounts of airborne pollutants that can otherwise be avoided;

**AND WHEREAS** the Town of Shelburne has committed to introducing more environmentally responsible and sustainable practices within the Town of Shelburne;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE  
TOWN OF SHELBURNE ENACTS THE FOLLOWING BY-LAW:**

**1. Title of By-Law**

This by-law may be referred to as the “Idling Control By-law.”

**2. Definitions.**

"Council" means the council of The Corporation of the Town of Shelburne;

“Idle” means the operation of the engine of a vehicle engine while the vehicle is not in motion and not being used to operate auxiliary equipment that is essential to the basic function of the vehicle and “idling” has a corresponding meaning;

"Town" means The Corporation of the Town of Shelburne;

“Person” includes an operator of a motor vehicle, and includes the owner, lessee or renter of a motor vehicle, including commercial vehicles, whether an individual, corporation, association, firm or partnership;

“Vehicle” means a motor vehicle as defined by the *Highway Traffic Act*, R.S.O.

1990, c. H.8, as amended, and shall include a traction engine, farm tractor, road building machine, motorized snow vehicle and any vehicle or conveyance drawn, propelled, or driven by any kind of non-muscular power or combustion engine, but does not include cars of electric or diesel electric railways running exclusively upon rails;

“Vehicle with Power Take-off” means a vehicle containing work equipment that must be powered by the vehicle’s engine.

### **3. General Prohibitions**

No person shall cause or permit a vehicle to idle anywhere within the Town of Shelburne for more than three (3) continuous minutes in a 60-minute period.

### **4. Exemptions**

Section 3 does not apply to any of the following:

- (a) Police, fire or ambulance vehicles or boats while engaged in operational activities, except where idling is substantially for the convenience of the operator of the vehicle;
- (b) Vehicles assisting in an emergency activity, including tow trucks while engaged in hooking up to or moving another vehicle;
- (c) Vehicles with Power Take-off while they are in the course of being used for their basic function;
- (d) Vehicles for which idling is required to service the engine or conduct repairs;
- (e) Armoured vehicles in which a person remains inside the vehicle while guarding the contents, or while the vehicle is being loaded or unloaded;
- (f) Vehicles remaining motionless because of an emergency, traffic (including congestion and signals), weather conditions or mechanical difficulties over which the driver has no control;
- (g) Vehicles engaged in the course of a parade or race or any other event authorized by Council;
- (h) Vehicles idling while passengers are embarking or disembarking;
- (i) Vehicles when the ambient outside temperature is more than 30°C or less than 0°C.

### **5. Administration and Enforcement**

This by-law shall be administered and enforced by a Parking Enforcement Officer or By-law Enforcement Officer of the Town or by an Officer of the Town Police.

### **6. Penalties**

Any person who contravenes any provision of this by-law is guilty of an offence. The owner or lessee of a vehicle that is permitted to idle in contravention of this by-law is guilty of an offence.

Every person guilty of an offence under this By-law may pay a set fine of \$100, in

accordance with By-law 30-2011

**THIS BY-LAW SHALL TAKE EFFECT AND COME INTO FORCE ON THE PASSING THEREOF**

**READ A FIRST TIME, this the 20<sup>th</sup> of June , 2011**

**READ A SECOND AND THIRD TIME** in Open Council, and finally passed this the 11<sup>th</sup> day of July 2011.

---

J. Ed Crewson  
Mayor

---

John Telfer  
CAO/Clerk

# **THE CORPORTION OF THE TOWN OF SHELBURNE**

## **BY-LAW No. 45-2004**

### **A By-Law to Prohibit and Regulate Noise**

Be it enacted and it is hereby enacted as a by-law of The Corporation of the Town of Shelburne

**WHEREAS** the Council of The Corporation of the Town is empowered pursuant to the provisions of the Municipal Act, 2001 S.O. 2001, s. 129 to regulate and prohibit noise;

**WHEREAS** it is expedient to exercise the power conferred upon the Council;

**NOW THEREFORE** the Council of The Corporation of the Town of Shelburne enacts as follows:

#### **1. Interpretation**

In this by-law the following definitions shall govern.

##### **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 of construction, of 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 livestock 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 Shelburne;

##### **e. Highway**

"Highway" includes a common and public highway, unopened road allowance, 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. **Industrial Zone and Commercial Zone**

"Industrial and Commercial Zone" means those areas of the municipality specified as follows:

- i. all areas within the municipality that are designated or zoned Industrial or Commercial in the Official Plan or the Zoning By-Law or used for industrial or commercial purposes on a non-conforming basis;

g. **Motor Vehicle**

"Motor Vehicle" includes an automobile, motorcycle, motorized snow vehicle, 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, traction engine, farm tractor, self-propelled implement of husbandry, or road-building machine within the meaning of The Highway Traffic Act;

h. **Municipality**

"Municipality" means the land within the geographic limit of The Corporation of the Town of Shelburne;

i. **Noise** "Noise" means

- i. sounds or vibrations likely to disturb the inhabitants by adversely affecting their comfort, repose, health, peace or safety;
- ii. sounds or vibration emitted contrary to the provisions of this by-law;

j. **Persistent**

"Persistent" means continuously for 10 minutes or intermittently, totaling 10 minutes over a period of one hour;

k. **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.

l. **Quiet Zone**

"Quiet Zone" means those areas of the municipality specified as follows:

- i. the area of the municipality known as "Dufferin Oaks Home for the Aged";
- ii. that area of the municipality known as "Shelburne District Hospital"; and
- iii. that area of the municipality known as "Shelburne Residence"

m. **Residential Area**

"Residential Area" means those areas of the municipality specified as follows:

- i. all areas within the municipality that are designated Low, Medium or high Density Residential in the Official Plan or zoned Single Family or Multiple Family in the Zoning By-Law or used for residential purposes; and
- ii. all areas within the municipality that are designated or zoned Institutional or Open Space - Recreation in the Official Plan or in the Town's Comprehensive Zoning By-Law.

n. **Vibration**

"Vibration" means pulsing, throbbing or periodic motion transmitted to the ground.

## 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:

- a. Racing of any motorized Conveyance other than in a racing event regulated by law.
- b. The operation of a Motor Vehicle in such a way that the tires squeal.
- c. 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.
- d. The operation of a vehicle with a trailer, resulting in banging, clanking, squealing or other like sounds due to improperly secured load or equipment, or inadequate maintenance.
- e. 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. the 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-mix 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 the 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 system for seasonal change of antifreeze, cleaning of the fuel system, carburetor or the like, when such work is performed other than for profit.
- f. 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.
- g. 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.

## 3. **Prohibition by Time and Place**

No person shall emit or cause or permit the emission of sound resulting from an act listed in Table 3 if clearly audible at a point of reception located in an area of the Municipality within a prohibited time shown for such an area.

Table 3  
**PROHIBITIONS BY TIME AND PLACE**

Prohibited Periods of Time

A - 23:00 one day to 7:00 next day  
B - 01:00 to 07:00 next day

Prohibited Activity	Prohibited Period of Time		
	Quiet Zone	Residential Area	Commercial/Industrial Zone
1. The detonation of fireworks or explosive devices not used in construction	At all times	At all times	At all times
2. The discharge of firearms	At all times	At all times	At all times
3. The operation of a combustion engine which is, used 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	At all times	At all times	A
4. The excessive 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 or auditory signaling device.	At all times	A	A
5. The operation of any motorized Conveyance other than on a highway or other place intended for its operation. This includes all Commercial Vehicles over one ton except for limited designated deliveries.	At all times	A	N/A
6. The venting, release or pressure relief of air, steam or other gaseous material product or compound from autoclave, boiler pressure vessel, pipe, valve machine, device or system	At all times	A	N/A
7. Persistent barking, calling or whining or other similar persistent noisemaking 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
8. The operation of a commercial car wash with air drying equipment	At all times	A	N/A
9. Excessive yelling, shouting, hooting, whistling or singing	At all times	A	B



10.	Loading, unloading, delivering, packing, un-packing, 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	A	A	N/A
11.	The operation of any equipment in connection with construction.	A	A	N/A
12.	The operation of solid waste bulk lift or refuse compacting equipment.	A	A	A
13.	The operation of domestic machinery and equipment.	A	A	N/A

4. **Public Safety Exemption**

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 more disturbing than is reasonably necessary for the accomplishment of such emergency purpose.

5. **Grant of Exemption by Council**

- a. **Application to Council**  
Notwithstanding anything contained in this by-law, any person may make application to Council to be granted an exception 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.
- b. **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.
- c. **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 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: Victoria Day, Canada Day, and Fiddle Weekend.

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.     Offences

Every person contravening any provision of this by-law shall be guilty of an offence under the Provincial Offences Act.

**This By-Law repeals By-Law 24-1978**

**READ A FIRST, SECOND and THIRD time in Open Council, and finally passed this the 27<sup>th</sup> day of September 2004.**

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
TOWN CLERK