



# THE CORPORATION OF THE TOWNSHIP OF HURON-KINLOSS

## Consolidated Noise Control By-Law

Effective Date: March 6<sup>th</sup>, 2014

### CONSOLIDATED FOR CONVENIENCE ONLY

The amending by-laws have been combined with the original by-law for convenience only. This consolidation is not a legal document. Certified copies of the original by-laws should be consulted for interpretations and applications of the by-laws on this subject.

The by-law numbers referenced in this consolidation refer to the by-laws that amended the principal by-law number 2005-101.

2005 – 101 as amended by the following amendments		
By-Law Number	Section Affected	Date By-Law Passed
2006-113	3.3	September 18 <sup>th</sup> , 2006

## 2005-101

### A BY-LAW TO CONTROL NOISE

**WHEREAS** the Municipal Act 2001, c.25, s.129 (1) provides that a Municipal Council may pass by-laws to prohibit or regulate noise;

**AND WHEREAS** the people have a right to and should be ensured an environment free from unusual, unnecessary, or excessive noise which may degrade the quality and tranquillity of their life or cause nuisance;

**NOW THEREFORE** the Council of The Corporation of the Township of Huron-Kinloss enacts as follows:

#### 1.0 DEFINITIONS

- 1.1 "by-law enforcement officer" means a person duly appointed by the Corporation to enforce the provisions of this By-law;
- 1.2 "construction" includes erection, alteration, repair, dismantling, demolition, structural maintenance, mechanically assisted painting, 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;
- 1.3 "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, bulldozer, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders, or other material handling equipment;
- 1.4 "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;
- 1.5 "Council" means the Council of the Corporation of the Township of Huron-Kinloss;
- 1.6 "highway" includes a common 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;
- 1.7 "motor vehicle" includes an automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power; but does not include 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;
- 1.8 "motorized conveyance" means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power;
- 1.9 "municipality" means that area within the boundaries of the Corporation of the Township of Huron-Kinloss;
- 1.10 "noise" means unwanted sound;
- 1.11 "point of reception" means any point on the premises of a person where sound or vibration originating from other than those premises is received;

- 1.12 "police officer" means a member of the Ontario Police Force and shall also include all other duly appointed Police Officers;
- 1.13 "residential area" means those areas of the municipality zoned residential;

## **2.0 General Prohibitions**

2.1 No person shall invite or permit others to be on

- (a) his property
- (b) property of which he is a tenant
- (c) property of which he is a temporary or permanent occupant, or
- (d) property of which he has temporary or permanent custody or control,

and encourage or allow them to act singularly or collectively in such a manner that the resulting noise level is likely to disturb and actually disturbs the quiet, peace, rest, comfort or convenience of the neighbourhood.

2.2 No person shall emit, cause, permit or encourage noise which is likely to disturb and actually disturbs the quiet, peace, rest, comfort, or convenience of the neighbourhood.

2.3 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 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 or a vehicle with a trailer resulting in banging, clanking, squealing, or other like sounds, having an 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 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; for,
  - (iii) weather conditions justify the use of heating or refrigeration 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 the fuel system, carburettor 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 Residential Area without effective muffling devices in good working order and in constant operation.
  - (h) 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.

### **3.0 Prohibitions by Time and Place**

- 3.1 No person shall emit or cause or permit the emission of sound resulting from any act listed below if clearly audible at a point of reception located in any residentially zoned area of the municipality within a prohibited time shown for such an area.
- 3.2 The detonation of fireworks or explosive devices not used in construction shall be prohibited at all times.
- 3.3 The lawful discharge of firearms between one half hour after sundown one day and one half hour prior to sunrise the next day (10:00) Sundays. (2006-113)
- 3.4 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 21 00 one day to 07 00 next day (09 00 Sundays)
- 3.5 The operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electromechanical transducers, and intended for the production, reproduction or amplification of sound between the hours of 23 00 one day to 07 00 next day (09 00 Sundays).
- 3.6 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 between the hours of 23 00 one day to 07 00 next day (09 00 Sundays).
- 3.7 The operation of any motorized conveyance other than on a highway or other place intended for its operation between the hours of 23 00 one day to 07 00 next day (09 00 Sundays).
- 3.8 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 between the hours of 23 00 one day to 07 00 next day (09 00 Sundays).
- 3.9 The operation of any equipment in connection with construction between the hours of 21 00 one day to 07 00 next day (09 00 Sundays).
- 3.10 The operation or use of any tool for domestic purposes other than snow removal between the hours of 21 00 one day to 07 00 next day (09 00 Sundays).

- 3.11 The operation of solid waste bulk lift or refuse compacting equipment between the hours of 23 00 one day to 07 00 next day (09 00 Sundays).
- 3.12 The operation of any commercial or industrial enterprise not covered by the above items between the hours of 21 00 one day to 07 00 next day (09 00 Sundays).

#### **4.0 Exemption**

- 4.1 Notwithstanding any other provision of this by-law, it shall be lawful to emit or cause or permit the emission or sound or vibration in connection with emergency measures undertaken;
  - (a) for the immediate health, safety or welfare of the inhabitants; 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.

#### **5.0 Grant-of-Exemption by Council**

- 5.1 Notwithstanding any provisions 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.
- 5.2 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.
- 5.3 Breach by the applicant of any of the terms or conditions of any exemption granted by Council shall render the exemption null and void.

#### **6.0 Exemption of Traditional, Festive or Religious Activities**

- 6.1 Notwithstanding any other provisions of 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) The operation of a motor vehicle horn in connection with or recognition of a procession of vehicles to or from a wedding;
  - b) The singing of Christmas Carols;
  - c) Parades, celebrations or other special events authorized by Council.
  - d) Fireworks in association with Canada Day or Victoria Day celebrations.
  - e) The discharge of firearms in conjunction with a funeral rite.

#### **7.0 Severability**

- 7.1 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 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.

- 8.0 Any person who contravenes any of the provisions described above shall be guilty of an offence and upon conviction shall be subject to a fine as prescribed in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.
- 9.0 This By-Law shall come into full force and effect upon its final passage.
- 10.0 This by-law may be cited as the "Noise Control By-Law"

**READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED** this 24<sup>th</sup> day of October, 2005.

Original Signed by Mitch Twolan  
Mayor

Original Signed by Mary Rose Walden  
Deputy Clerk

## ONTARIO COURT OF JUSTICE

## PROVINCIAL OFFENCES ACT

## PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 2005-101, of the Township of Huron-Kinloss, attached hereto are the set fines for those offences. This Order is to take effect June 20th, 2006.

Dated at London this 20th day of June, 2006.



Alexander M. Graham  
Regional Senior Justice  
West Region



## PART I - PROVINCIAL OFFENCES ACT

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence (Section(s))	COLUMN 3 Set Fine
1.	Permitting disturbance of peace	s. 2.1	\$120
2.	Disturbing peace of neighbourhood	s. 2.2	\$120
3.	Racing a motorized conveyance	s. 2.3(a)	\$120
4.	Squealing of tires	s. 2.3(b)	\$120
5.	Noise from ineffective muffling device	s. 2.3(c)	\$120
6.	Operation of vehicle resulting in noise	s. 2.3(d)	\$120
7.	Noise from operation of engine for more than 5 minutes while stationary	s. 2.3(e)	\$120
8.	Noise from improper use of a horn or other warning device	s. 2.3(f)	\$120
9.	Noise from operation of construction equipment without effective muffling devices	s. 2.3(g)	\$120
10.	Persistent noise-making by animal not used for agriculture	s. 2.3(h)	\$120
11.	Noise from detonation of fireworks	s. 3.2	\$120
12.	Noise from discharge of firearms	s. 3.3	\$120
13.	Noise from unauthorized operation of a combustion engine in model toy or replica	s. 3.4	\$120
14.	Noise from unauthorized operation of electrical device incorporating loudspeakers	s. 3.5	\$120
15.	Noise from unauthorized operation of auditory signalling device	s. 3.6	\$120
16.	Noise from unauthorized operation of a motorized conveyance	s. 3.7	\$120
17.	Noise from release of gaseous material	s. 3.8	\$120

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence (Section(s))	COLUMN 3 Set Fine
18.	Noise from unauthorized operation of construction equipment	s. 3.9	\$120
19.	Noise from unauthorized operation or use of any tool for domestic purposes	s. 3.10	\$120
20.	Noise from unauthorized operation of solid waste lift or compacting equipment	s. 3.11	\$120
21.	Noise from unauthorized operation of any commercial or industrial enterprise	s. 3.12	\$120

NOTE: Penalty provision for the offences indicated above is s. 8.0 of By-Law 2005-101, a certified copy of which has been filed.