

The Corporation
of the
Municipality of Huron East
By-law No. 076 for 2022

Being a By-law to Provide for the Regulation
and Prohibition of Noise and Sound for the
Municipality of Huron East

Whereas Section 9 of the Municipal Act, 2001, S.O. 20001, c.25, as amended provides that a Municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

And Whereas Section 10(1) of the Municipal Act, 2001 provides that a Municipality may provide any service or thing that the Municipality considers necessary or desirable for the public;

And Whereas Section 10(2) of the Municipal Act, 2001 provides that a municipality may pass by-laws respecting the health, safety and well-being of persons;

And Whereas Section 129 of the Municipal Act, 2001 provides that, without limiting Sections 9 and 10 of the Act, a municipality may prohibit and regulate with respect to noise;

Now therefore, the Council of the Corporation of the Municipality of Huron East enacts as follows:

1. Definitions

1.1 For the purpose of this this By-law:

“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.

“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 truckers, ditchers, compactors and rollers, pumps, concrete mixers, graders, or other material handling equipment.

“Conveyance” includes a vehicle and any other device employed to transport a person or person or goods from place to place but does not include any such device or vehicle if operated only within the premises of a person.

“Council” means the Council of the Municipality.

“Excessive Noise” means any unusual noise, or any noise likely to disturb the inhabitants, and without limiting the generality of the foregoing, includes the following:

- a) The sound or noise from or created by any radio, phonograph, or television, or any musical or sound-producing instrument when such device is played or operated in such a manner or with such volume as to disturb the inhabitants of any dwelling.
- b) Any noise made by a domestic animal that disturbs the inhabitants of any dwelling.

- c) Any noise arising between the hours of 9:00 p.m. one day until 7:00 a.m. of the next day (9:00 a.m. on Sunday) from excavation or construction work, lawn mowers or other power tools.

“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.

“Motor Vehicle” includes any 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.

“Motorized Conveyance” means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power.

“Municipality” means the Corporation of the Municipality of Huron East.

“Noise” means any unwanted sound and/or vibration.

“Point of Reception” means any point on the premises where sound originating from other than those premises is received;

“Settlement Area” means any area of the Municipality that has been designated a Settlement Area within the Official Plan of the Municipality;

2. Qualitative Noise Prohibitions

2.1 No person shall cause or permit any excessive noise.

2.2 No person shall emit or cause or permit the emission of sound from an act listed herein, and which sound is clearly audible at a point of reception:

- a) Noise from racing any motorized conveyance other than in a racing event regulated by law.
- b) Noise from the operation of any motor vehicle in such a way that the tires squeal.
- c) Noise from 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) Noise from the operation of vehicle with a trailer resulting in banging, clanking, squealing, or other like sounds, due to improperly secured load or equipment, or inadequate maintenance.
- e) Noise from 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 (5) minutes, while such vehicle is stationary in Settlement 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 the fuel system, carburetor or the like, when such work is performed other than for profit.
- f) Noise from 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) Noise from the operation of any item of construction equipment in a Settlement Area or without effective muffling devices in good working order and constant operation.
- h) Noise from ringing any bell, blowing or sounding any horn, shouting or making unusual noises or noises likely to disturb the inhabitants of the Municipality or allow or permit such noises without the express permission of Council or to warn of danger or emergency.
- i) Noise from persistent noise made by a pet or harbored animal, except noise from animals used for agricultural purposes.
- j) Noise from loud playing of any radio, public address system or other sound device that can be heard up to or over fifty feet (50') from the source of the sound, in residential zones including multi-residential complexes.
- k) Noise caused by construction equipment, industrial or similar equipment between 9:00 p.m. and 7:00 a.m. except during an emergency or with express permission of Council.
- l) Noise caused by a discharge of a firearm or explosive devices except under the authority of a permit, or noise caused by detonation of fireworks between 11:00 p.m. and 7:00 a.m.

3. Enforcement

- 3.1 The Municipal By-law Enforcement officer is authorized to enforce this By-law and, for that purpose may enter at all reasonable times upon any real property in order to ascertain whether the provisions of this By-law are being observed.

4. Exemptions

- 4.1 Despite any provision of this By-law, this By-law shall not apply to the following:
- a) Noise for the immediate health, safety or welfare of the inhabitants of the Municipality.
 - b) A matter of public necessity or public emergency.
 - c) The operation of machines and equipment by or on behalf of the Municipality, including but not limited to snow removal equipment, road cleaning equipment, grass cutting or field maintenance equipment, tree and shrub pruning and mulching equipment, painting machines for crosswalks and highways.
 - d) The collection or disposal of garbage, waste or recyclable material by or on behalf of the Municipality.
 - e) The operation of equipment in conjunction with Municipal construction projects, Municipal general maintenance projects, and Municipal emergency maintenance projects.
 - f) Activities from industrial uses located in lands zoned for industrial use if sound is

in accordance with the terms and conditions of a valid Certificate of Approval, provisional Certificate of Approval or other approval issued under the Environmental Protection Act, R.S.O. 1990, c. E.19, where such approval addresses sound as a source of contamination.

g) Operation of machinery by or on behalf of a public utility where work needs to be done to minimize service interruptions.

h) Any noise resulting in an exemption authorized by Council.

4.2 Notwithstanding anything contained in this By-law, any person may make an application to Council to be granted an exemption from any other provisions of this By-law with respect to any source of sound or vibration for which they might be prosecuted. Council may approve or deny any application, by resolution, and specify the terms of conditions of the exemption.

4.3 Any breach by the applicant of the terms and conditions of an exemption authorized under Section 4.2 shall render the exemption null and void.

5. Penalty

5.1 Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a penalty provided for in the Provincial Offences Act R.S.O. 1990 C. P.33 as amended from time to time.

5.2 All penalties imposed by a judicial official are recoverable under the provisions of the Provincial Offences Act together with such costs and expenses as are imposed there under.

6. Force and Effect

6.1 This By-law shall be known as the "Noise By-law".

6.2 That By-law 26-1985 of the Former Town of Seaforth is repealed.

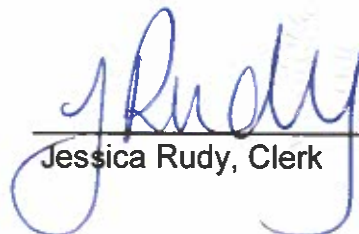
6.3 That this By-law shall be in force and effect on the final date of final passage thereof.

Read a first and second time this 20th day of September 2022

Read a third time and finally passed this 20th day of September 2022.



Robert Fisher, Deputy Mayor



Jessica Rudy, Clerk

**The Corporation
of the
Municipality of Huron East**

**Schedule “A” of By-law No. 076- 2022: Prohibition and Regulation of Noise
Set Fine Schedule - Part 1 Provincial Offences**

Item	Short Form Wording	Provisions creating or defining offence	Set Fine
1.	Cause or permit excessive noise	2.1	\$750.00
2.	Noise from racing any motorized conveyance	2.2(a)	\$750.00
3.	Noise from squealing tires of any motor vehicle	2.2(b)	\$750.00
4.	Noise from an engine without an exhaust	2.2(c)	\$750.00
5.	Noise from insecure load	2.2(d)	\$750.00
6.	Noise from operation of an engine or motor for a continuous period exceeding five minutes when prohibited	2.2(e)	\$750.00
7.	Noise from a vehicle horn or warning device	2.2(f)	\$750.00
8.	Noise from construction equipment in a Settlement Area	2.2(g)	\$750.00
9.	Noise from ringing of any bell, blowing or sounding of any horn, shouting or unusual noises	2.2(h)	\$750.00
10.	Noise from a pet or harbored animal	2.2(i)	\$750.00
11.	Noise from loud radio, public address system or other sound device up to over 50 feet from source	2.2(j)	\$750.00
12.	Noise from construction between 9:00 p.m. and 7:00 a.m.	2.2(k)	\$750.00
13.	Nose from discharge of a firearm or explosive devices when prohibited	2.2(l)	\$750.00

Note: The penalty provisions for the offences indicated above is Section 5.1 of By-law 076-2022, a certified true copy of which has been filed.