



**BY-LAW NUMBER 2008-33
OF THE CORPORATION OF
THE TOWN OF HUNTSVILLE**

BEING A BY-LAW TO CONTROL NOISE

WHEREAS it is expedient to exercise the power conferred upon the Council by The Environmental Protection Act, R.S.O. 1990, chap. E.19, as amended, and other statutory authority; and

WHEREAS Section 129(1) of the Municipal Act 2001, S.O. c. 25 as amended authorizes the municipality to prohibit, regulate and otherwise control 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 tranquility of their life or cause nuisance; and

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

NOW THEREFORE the Council of The Corporation of the Town of Huntsville ENACTS AS FOLLOWS:

1.0 DEFINITIONS

In this by-law,

- 1.1 "**appliance**" means a household device whether fixed or portable;
- 1.2 "**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;
- 1.3 "**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, 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;
- 1.4 "**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 a building;
- 1.5 "**Council**" means the Council of The Corporation of the Town of Huntsville;

- 1.6 "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;
- 1.7 "motorized conveyance" means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power;
- 1.8 "noise" means unwanted sound and vibrations;
- 1.9 "owner" means the registered owner of the land from which noise originates, and includes a trustee acting on behalf of the registered owner, the estate of a registered owner and a person with a leasehold interest in the land;
- 1.10 "point of reception" means any place where sound or vibration originating from other than that place is received;
- 1.11 "public park" means any open space or recreational area, owned or controlled by The Corporation of the Town of Huntsville or any board, commission or other authority established under any statute of the Province of Ontario and may include one or more athletic fields, field houses, community centers, bleachers, swimming pools, bandstands, skating rinks, tennis courts, bowling greens, boat liveries, bathing stations, curling rinks, refreshment rooms, fair grounds, arenas or similar uses;

2.0 **PROHIBITIONS**

- 2.1 No person or owner shall emit, cause or permit the emission of noise, which is clearly audible to a person at a point of reception, resulting from an act listed in Schedule 1 – Prohibitions within the prohibited time shown for such an act.
- 2.2 No person or owner shall emit, cause or permit the emission of noise, which by its unreasonably long duration and/or intensity disrupts the normal living or working environment of a person at a point of reception, resulting from an act listed in Schedule 1 – Prohibitions, regardless of the prohibited time as listed.

3.0 **PUBLIC SAFETY EXEMPTION**

- 3.1 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.

4.0 **GRANT OF EXEMPTION BY COUNCIL**

- 4.1 Notwithstanding anything 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 (6) months during which it is effective and may contain such terms and conditions as council sees fit.
- 4.2 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.
- 4.3 Breach by the applicant of any of the terms or conditions of the exemption shall render the exemption null and void.

5.0 **EXEMPTION OF TRADITIONAL, FESTIVE OR RELIGIOUS ACTIVITIES**

- 5.1 Notwithstanding any other provision of this by-law, this by-law does not apply to a person or owner who emits or causes or permits the emission of sound or vibration in connection with any of the traditional, festive, religious and other activities listed below:
- (a) The use of an apparatus or mechanism for the amplification of the human voice or of music in a public park in connection with any public election meeting, public celebration or other lawful gathering, provided that written permission of Council to hold such meeting, celebration or gathering has been first obtained under any applicable by-law of the Town of Huntsville.
 - (b) Any band or parade, provided that written permission of Council to operate such band or hold such parade has been first obtained under any applicable by-law of the Corporation of the Town of Huntsville.
 - (c) The use of church bells or chimes normally associated with church activities.
 - (d) All activities permitted by Council associated with an event authorized by Council.

6.0 **SEVERABILITY**

- 6.1 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 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.

7.0 **PENALTIES**

- 7.1 Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act R.S.O. 1990, c. P.33.

7.2 Every person guilty of an offence under this by-law may, if permitted under the Provincial Offences Act, pay a set fine and the Chief Judge of the Ontario Court Provincial division, shall be requested to establish set fines in accordance with Schedule 2 attached to this by-law.

8.0 **REPEAL OF BY-LAWS**

8.1 By-law 95-20 is hereby repealed.

9.0 **ENFORCEMENT**

9.1 Nothing herein shall be deemed to limit the ability of the Ontario Provincial Police to enforce this by-law at any time.

READ a first time this 31st d

Mayor (Claude Doughty)

Clerk (Kathleen Gilchrist)

READ a second and third time and finally passed this 31st day of March A.D., 2008.

Mayor (Claude Doughty)

Clerk (Kathleen Gilchrist)

THE CORPORATION OF THE TOWN OF HUNTSVILLE

By-Law # 2008 - 33

SCHEDULE 1

Prohibitions

Prohibited Period of Time

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| 1. | The operation of any electronic devices intended for the production, reproduction or amplification of sound. | 23 00 one day to 07 00 the next day |
| 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. | 23 00 one day to 07 00 the next day |
| 3. | All selling or advertising by shouting, outcry or amplified sound. | 21 00 one day to 07 00 the next day |
| 4. | The operation of any construction equipment or in connection with construction. | 21 00 one day to 07 00 the next day
(12 00 on Sundays) |
| 5. | The operation of combustion engine which is used in, or is intended for use in a toy or model or replica of a larger device, which model or replica has no function other than amusement and which is not a conveyance. | 23 00 one day to 07 00 the next day |
| 6. | The operation of any motorized conveyance other than on a highway or authorized snowmobile trail. | 23 00 one day to 07 00 the next day |
| 7. | Persistent barking, whining or other similar persistent noise making by a domestic pet. | 19 00 one day to 07 00 the next day |
| 8. | The operation of any powered or non-powered tool, equipment or appliance for domestic purposes other than snow removal. | 23 00 one day to 07 00 the next day |
| 9. | The operation of solid waste bulk lift or refuse compacting equipment. | 19 00 one day to 07 00 the next day |
| 10. | Yelling, shouting, hooting or hollering. | 23 00 one day to 07 00 the next day |
| 11. | Loud playing of musical instruments. | 21 00 one day to 09 00 the next day |
| 12. | The detonation of fireworks or explosive devices not used in construction. | 23 00 one day to 18 00 the next day |

THE CORPORATION OF THE TOWN OF HUNTSVILLE

**PART I PROVINCIAL OFFENCES ACT
 By-Law # 2008 - 33**

SCHEDULE 2

Item	Offence	Section	Set Fine
1.	Permitting noise from electronic device during prohibited time	Section 2.1 and Schedule 1, section 1	\$125.00
2.	Permitting noise from auditory signaling device during prohibited time	Section 2.1 and Schedule 1, section 2	\$125.00
3.	Permitting noise from advertising during prohibited time	Section 2.1 and Schedule 1, Section 3	\$125.00
4.	Permitting noise from construction equipment during prohibited time	Section 2.1 and Schedule 1 Section 4	\$125.00
5.	Permitting noise from a toy, model or replica during prohibited time	Section 2.1 and Schedule 1, Section 5	\$125.00
6.	Permitting noise from a motorized conveyance during prohibited time	Section 2.1 and Schedule 1, Section 6	\$125.00
7.	Permitting persistent noise from a domestic pet during prohibited time	Section 2.1 and Schedule 1, Section 7	\$125.00
8.	Permitting noise from any tool, equipment or appliance during prohibited time	Section 2.1 and Schedule 1, Section 8	\$125.00
9.	Permitting noise from solid waste bulk lift or refuse compacting equipment during prohibited time	Section 2.1 and Schedule 1, Section 9	\$125.00
10.	Making or permitting noise by vocal during prohibited time	Section 2.1 and Schedule 1, Section 10	\$125.00
11.	Permitting noise from loud playing of musical instruments during prohibited time	Section 2.1 and Schedule 1, Section 11	\$125.00
12.	Permitting noise by detonating fireworks or explosive devices during prohibited time	Section 2.1 and Schedule 1, Section 12	\$125.00
13.	Permitting noise from of electronic device that is unreasonably long/or intense	Section 2.2 and Schedule 1, section 1	\$250.00
14.	Permitting noise from auditory signaling device that is unreasonably long/or intense	Section 2.2 and Schedule 1, section 2	\$250.00
15.	Permitting noise resulting from advertising that is unreasonably long/or intense	Section 2.2 and Schedule 1, Section 3	\$250.00
16.	Permitting noise of construction equipment that is unreasonably long/or intense	Section 2.2 and Schedule 1 Section 4	\$250.00
17.	Permitting noise from a combustion engine that is unreasonably long/or intense	Section 2.2 and Schedule 1, Section 5	\$250.00
18.	Permitting noise of any motorized conveyance that is unreasonably long/or intense	Section 2.2 and Schedule 1, Section 6	\$250.00
19.	Permitting persistent noise from a domestic pet that is unreasonably long/or intense	Section 2.2 and Schedule 1, Section 7	\$250.00

20.	Permitting noise of any tool, equipment or appliance that is unreasonably long/or intense	Section 2.2 and Schedule 1, Section 8	\$250.00
21.	Permitting noise from solid waste bulk lift or refuse compacting equipment that is unreasonably long/or intense	Section 2.2 and Schedule 1, Section 9	\$250.00
22.	Making or permitting vocal noise that is unreasonably long/or intense	Section 2.2 and Schedule 1, Section 10	\$250.00
23.	Permitting noise from loud playing of musical instruments that is unreasonably long/or intense	Section 2.2 and Schedule 1, Section 11	\$250.00
24.	Emitting or permitting noise by detonating fireworks or explosive devices that is unreasonably long/or intense	Section 2.2 and Schedule 1, Section 12	\$250.00

NOTE: *The general penalty provision for the offences listed above is Section 2 of the By-law 2008-33, a certified copy of which has been filed.*