

THE CORPORATION OF THE
MUNICIPALITY OF NORTHERN BRUCE PENINSULA

BY-LAW NO. 2018-37

A BY-LAW TO REGULATE OR PROHIBIT NOISE WITHIN THE MUNICIPALITY
OF NORTHERN BRUCE PENINSULA

WHEREAS Section 9 of the Municipal Act, 2001, R.S.O. 2001, 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, R.S.O. 2001, c. 25, as amended, 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, R.S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws respectively in:

Section 10(2)(5) – economic, social and environmental well-being of the municipality, and

Section 10(2)(6) – health, safety and well-being of persons, and

Section 10(2)(8) protection of persons and property, and

Section 10(2)(9) – animals;

AND WHEREAS Section 129(a) of the Municipal Act, 2001, R.S.O. 2001, as amended, provides that, without limiting Sections 9, 10 and 11 of the Act, a municipality may prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination;

NOW THEREFORE the Council of the Corporation of the Municipality of Northern Bruce Peninsula enacts as follows:

SECTION 1 - DEFINITIONS

For the purpose of this by-law, the following definitions shall apply:

“Agricultural Operation” means as contained in the Farming and Food Production Protection Act, 1998, S.O 1998 c.1 as amended, or any successor legislation.

“Animal” means any member of the animal kingdom, other than a human, and without limiting the generality of the foregoing, includes dogs, cats and birds.

“By-law Enforcement Officer/Provincial Offences Officer” means a person appointed to enforce the by-laws of the Municipality.

“Council” means the Council of the Corporation of the Municipality of Northern Bruce Peninsula.

“Construction” mean the erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, logging, the laying of pipe and conduit whether above or below ground level, street and highway building, concreting, equipment installation and alteration and structural installation of construction components and material in any for or for any purpose and includes any work in connection therewith.

“Construction Equipment” means any equipment or device designed and intended for the use in construction work or material handling including, but not limited to, a bulldozer, excavator, trencher, jack hammer, crane, loader, scraper, paver, compactor, roller, grader, concrete mix, grader, off-highway haulers or trucks, tractors, ditchers, air compressors, pile drivers, pneumatic or hydraulic tools, generators and pumps.

“Holiday” means any holiday as set out as a holiday in the Retail Business Holidays Act, R.S.O. 1990, c. R.30 or any successor thereof.

“Idling” means the operation of a combustion engine of a vehicle while the vehicle is not moving forward or in reverse and not being used to operate auxiliary equipment essential to basic operation of the vehicle.

“Noise” means sound that is of such a volume or nature that it is likely to disturb the inhabitants of the Municipality.

“Municipality” means the Corporation of the Municipality of Northern Bruce Peninsula.

“Zoning By-law” means the Comprehensive Zoning By-law as adopted by Council and as amended from time to time.

SECTION 2 – GENERAL PROVISIONS

- 1) Without the express permission of the Council of the Municipality and/or to warn of danger or emergency, no person shall ring any bell, blow or sound any horn, shout or make any unusual noise(s) likely to disturb the inhabitants of the Municipality allow or permit such noises to be made.
- 2) Any person who owns property in the Municipality is liable for allowing noise to be made by person(s) on said premises, providing the owner of said premises has been notified that said noise is taking place and has taken no action to remedy the situation.

SECTION 3 – GENERAL PROHIBITIONS

- 1) Without limiting the generality of this by-law, the following noises are deemed to be noises likely to disturb the inhabitants of the Municipality:
 - (a) Persistent noise made by a pet or harboured animal, mammal, bird or reptile except an animal used for the guarding of livestock and located on a property of an agricultural or livestock based use as set out in the Municipality’s Zoning By-Law.
 - (b) Loud playing of any radio, public address system, amplified sound producing device or other sound device which can be heard by any other person(s) within the Municipality between the hours of 11:00 p.m. through to 8:00 a.m.
 - (c) Noise caused by excessive acceleration of a combustion engine or squealing of vehicle tires.
 - (d) Noise caused by a defective or improperly installed muffler system on a combustion engine.
 - (e) Noise caused by construction and use of construction equipment between 9:00 p.m. of any day and 7:00 a.m. of the next following day (or 9:00 a.m. if the following day is a Sunday or holiday)
 - (f) Noise caused by the detonation of fireworks except when authorized by the Fire Chief or his/her designate.
 - (g) The idling of an engine whether in a motor vehicle or not for a period longer than twenty (20) minutes.
 - (h) Shouting or loud speaking in or adjacent to any public street or place.
 - (i) The sound caused by the use or operation of a lawnmower, chain saw, leaf blower or any other such noise generating tool or device that is

clearly audible between 10:00 p.m. and 7:00 a.m. of the next following day (or 9:00 a.m. if the following day is a Sunday or holiday).

- (j) The noise associated with unloading, loading, packing, delivering or otherwise handling any container, product or material unless necessary for the maintenance of essential services or the moving of a private household between 11:00 p.m. of any day and 7:00 a.m. of the next following day (or 9:00 a.m. if the following day is a Sunday or holiday).
- (k) The noise associated with the operation of waste and refuse collection machinery, waste and refuse storage equipment/facilities/containers or waste and refuse compacting equipment between 11:00 p.m. of any day and 7:00 a.m. of the next following day (or 9:00 a.m. if the following day is a Sunday or holiday).

SECTION 4 – GENERAL EXEMPTIONS

- 1) This By-law does not apply to:
 - (a) during an emergency jeopardizing the health, safety or welfare of the public.
 - (b) when the Municipality, its servants, employees, contractors or agents are carrying out Municipal operations or operating, maintaining or installing Municipally-owned infrastructure, facilities or the like, except for the detonation of explosives.
 - (c) noise created by the activity of snow removal.
 - (d) the use of implements of husbandry in the operation of agricultural endeavors.
 - (e) the operation of excavation when used in a cemetery in conjunction with interment services.
 - (f) in all areas of the Municipality designated as agricultural in its Comprehensive Zoning By-law.
 - (g) the ringing or sounding of church bells or chimes.
 - (h) auditory safety or warning by church bells or chimes.
 - (i) working service animals such as hearing ear dogs, seeing eye dogs or other similar working animals from allowing those animals to make the sounds required in the course of their working duties.
 - (j) the authorized use of fireworks pursuant to existing by-laws with the Municipality.
 - (k) any activity or function approved by the Municipality.

SECTION 5 – SHORT TITLE

This By-law may also be known as the Noise By-law

SECTION 6 - PENALTY

- 1) Every person who contravenes any provision of the By-law is guilty of an offence and upon conviction, is liable to the penalty specified by the Provincial Offences Act, R.S.O 1990, c. P.33, as amended.

SECTION 7 – REPEAL

- 1) This By-law shall supersede and rescind any other by-laws inconsistent with this by-law.

SECTION 8 – EFFECTIVE DATE

- 1) This by-law shall come into full force and effect upon the final passage thereof.

READ A FIRST AND SECOND TIME THIS 14th DAY OF MAY, 2018.

READ A THIRD TIME AND FINALLY PASSED THIS 14th DAY OF MAY, 2018.

Original Signed by Mayor, Milt Mclver and Deputy Clerk, Cathy Addison.

The signed By-law is available upon request.

Municipality of Northern Bruce Peninsula

By-law No. 2018-37

Noise Regulation – Part I Provincial Offences Act

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provisions Creating or Defining Offence	COLUMN 3 Set Fines
1	Persistent Noise By a Pet	s.3 (1)(a)	\$ 300.00
2	Noise made between 11:00 p.m. and 8:00 a.m.	s.3 (1)(b)	\$ 300.00
3	Noise from combustion engine	s.3 (1)(c)	\$ 300.00
4	Noise from defective Combustion engine	s.3 (1)(d)	\$ 300.00
5	Noise caused from construction equipment	s.3 (1)(e)	\$ 300.00
6	Noise caused by fireworks	s.3 (1)(f)	\$ 300.00
7	Noise caused by idling engine	s.3 (1)(g)	\$ 300.00
8	Noise caused by shouting	s.3 (1)(h)	\$ 300.00
9	Sounds by lawn mower, chain saw, leaf blower or other noise generating tool or device when prohibited	s. 3 (1)(i)	\$300.00
10	Noise associated with the operation of waste and refuse collection machinery	s. 3 (1)(k)	\$300.00

NOTE: The penalty provisions for the offence indicated above is contained in Section 6 of By-law No. 2018-37. A certified copy of which has been filed.

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. 2018-37, of the Municipality of Northern Bruce Peninsula, attached hereto are the set fines for those offences. This Order is to take effect June 15, 2018.

Dated at London this 15th day of June, 2018.



Stephen J. Fuerth
Regional Senior Justice
West Region

Municipality of Northern Bruce Peninsula

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