

The Corporation of the Municipality of South Huron

By-Law 36-2004 as amended

A by-law to control noise and vibration within the Corporation of the Municipality of South Huron

Office Consolidation of By-Laws 36-2004, 30-2006 and 24-2010

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# The Corporation of the Municipality of South Huron

## By-Law 36- 2004

### “Being a by-law to control noise and vibration within the Corporation of the Municipality of South Huron”

Whereas the Municipal Act R.S.O. 2001, Chapter 25, Section 129 (1) provides that a local municipality may prohibit and regulate with respect to noise and vibration;

And Whereas Council of the Corporation of the Municipality of South Huron deem it expedient to reduce and control noise and sound vibration;

Now Therefore, Council of the Corporation of the Municipality of South Huron enacts as follows:

Interpretation:

1. In this By-law,
  - 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 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;

- c) Conveyance

“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;

- d) Council

“Council” means the Council of the Corporation of Municipality of South Huron.

e) Highway

“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;

f) Motor Vehicle

“Motor Vehicle” includes an 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;

g) Motorized Conveyance

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

h) Municipality

“Municipality” means the land within the geographic limit of the Corporation of the Municipality of South Huron.

i) Noise

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

j) 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.

k) Excessive Noise

“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. Lighting or exploding fireworks or similar explosive noisemakers, except as part of a display for community purposes, sanctioned by Council.

d. **Amended by By-Law 30-2006**

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.

2. Zones:

In this By-law:

a) Urban Area

“Urban Area” means those areas of the municipality specified as such on the Official Plan for the Municipality of South Huron as adopted by By-law No. #30-2003.

3. General Prohibitions:

1. No person shall cause or permit any excessive noise.

2. **Amended by By-Law 24-2010**

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) Noise from racing of any motorized conveyance other than in a racing event regulated by law.
- b) Noise from the operation of a 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 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) 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 an Urban 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. 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 an Urban Zone or without effective muffling devices in good working order and in constant operation.
  - h) Noise from ringing any bell, blowing or sounding any horn, shouting or making unusual noise or noises likely to disturb the inhabitants of the Municipality of South Huron or allow or permit such noises without the express permission of the Council of the Municipality of South Huron 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, or
- l) Noise caused by discharge of a firearm or explosive devices except under the authority of a permit, or noise caused by detonation of fireworks except by the approval of council.

4. Prohibitions by Time and Place:

Within the prohibited time shown on Schedule 'A', no person shall emit or cause or permit the emission of sound resulting from any action listed in Schedule 'A' if it is clearly audible at a point of reception location anywhere in the municipality.

5. Exemption - Public Safety: - **Amended by By-Law 24-2010**

Notwithstanding any other provisions of this by-law, it shall be lawful to emit or cause or permit the emission of sound or vibration in connection with an emergency measures undertaking:

- (a) Noise for the immediate health, safety or welfare of the inhabitants or any of them; or,
- (b) Noise 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.
- (c) Noise for necessary work being performed by the municipality or its agents or contractors.

6. Grant of Exemption by Council:

(1) Application to Council

Notwithstanding anything contained in this by-law, any person may make 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 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 shall specify which it is effective and may contain such terms and conditions as Council sees fit.

(2) 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.

(3) 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.

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. Penalty:

1 **Amended by By-Law 24-2010**

Every person who contravenes any provision of this by-law is guilty of an offence and on conviction thereof is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P33.

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.

9. By-law #43-1990 of the former Township of Stephen and By-law #61-1989 of the former Town of Exeter are hereby repealed.

**Amended by By-Law 24-2010**

**Schedule 'A'**  
**By-law # 36 - 2004**  
**Prohibitions by Time and Place**

	Prohibited Period of Time
1. The detonation of fireworks or explosive devices not used in construction.	Urban Area - At all times.
2. The discharge of firearms.	Urban Area - At all times.
3. 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.	Urban Area - At all times.
4. The 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.	11:00 p.m. one day to 8:00 a.m. the next day (9:00 a.m. Sunday)
5. 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.	11:00 p.m. one day to 8:00 a.m. the next day (9:00 a.m. Sunday) and All day Sunday and Statutory Holidays.
6. The operation of any motorized conveyance other than on a highway or other place intended for its operation.	11:00 p.m. one day to 8:00 a.m. the next day (9:00 a.m. Sunday)
7. 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.	11:00 p.m. one day to 8:00 a.m. the next day (9:00 a.m. Sunday)
8. Persistent barking, calling or whining or other similar persistent noise made by any domestic pet or any other animal kept or used for any purpose other than agriculture.	At all times.

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|------|---|---|
| 9.   | Yelling, shouting, hooting, whistling or singing.   | 11:00 p.m. one day to<br>8:00 a.m. the next day<br>(9:00 a.m. Sunday)                                 |
| 10.  | All selling or advertising by shouting or outcry or amplified sound.                            | At all times, except by<br>Permission from Officer<br>in Charge of O.P.P for<br>the area in question. |
| *11. | The operation of any equipment in connection with construction.<br>a.m. Sunday)                 | 9:00 p.m. one day to 7:00<br>a.m. the next day ( 9:00   |
| 12.  | The operation or use of any tool for domestic purposes other than snow removal.<br>a.m. Sunday) | 8:00 p.m. one day to 6:00<br>a.m. the next day ( 9:00   |
| 13.  | The operation of solid waste bulk lift or refuse compacting equipment.<br>a.m. Sunday)          | 8:00 p.m. one day to 6:00<br>a.m. the next day ( 9:00   |
| 14.  | The operation of a commercial car wash of a type Other than mentioned in item 9.                | 11:00 p.m. one day to 8:00<br>a.m. the next day (9:00<br>a.m. Sunday)                                 |

**\*Amended by By-Law 30-2006**