

Corporation of the Township of

Algonquin Highlands

By-Law 2013-30

BEING A BY-LAW TO REGULATE NOISE WITHIN THE BOUNDARIES OF THE TOWNSHIP OF ALGONQUIN HIGHLANDS.

WHEREAS the Council for the Township of Algonquin Highlands is empowered to pass By-laws to regulate noise within the boundaries of the Township of Algonquin Highlands, pursuant to Section 129 (1), of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended;

AND WHEREAS Council deems it expedient to enact a by-law to regulate noise within the boundaries of the Township of Algonquin Highlands;

NOW THEREFORE the Council for the Township of Algonquin Highlands enacts as follows:

1. DEFINITIONS:

In this By-law;

- a) **“Agricultural Property”** means a property that is zoned for agricultural use in the zoning by-law that applies to the property;
- b) **“Construction”** includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavation, blasting and detonation of explosive devices other than fireworks, 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 associated or related work;
- c) **“Council”** means the elected Municipal Council of the Township of Algonquin Highlands;
- d) **“Emergency”** means a situation or an impending situation, often dangerous, caused by the forces of nature, an accident, and intentional act or otherwise, which arises suddenly and calls for prompt action;
- e) **“Emergency vehicle”** includes a land ambulance, an air ambulance, a fire department vehicle, and a motor vehicle being used to respond to an emergency;
- f) **“Fireworks”** means a class of explosive pyrotechnic devices;
- g) **“Motor Vehicle”** includes an automobile, bus, truck, motorcycle, motor assisted bicycle and any other vehicle propelled or driven other than by a muscular power, but does not include a motorized snow vehicle, traction engine, farm tractor, other farm vehicle or road-building machine;
- h) **“Municipality”** means the Township of Algonquin Highlands;
- i) **“Noise”** means sounds that is unusual or excessive, or that is unwanted by or disturbing to persons;
- j) **“Owner”** includes:
 - i) the person, for the time being, managing or receiving the rent of the land or premises, in connection with which the word is used, whether on the person’s own account or as an agent or trustee of any other person, or who would so receive the rent if such land and premises were let, and;

- ii) a leasee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property
- k) **“Person”** includes a corporation as well as an individual;
- l) **“Premises”** means a piece of land and any buildings and structures on it, and includes a place of business, road, and any other location of place;
- m) **“Provincial Offences Officer”** includes any person who is employed or who has entered into a contract with the Corporation and who has been appointed by by-law by Council to control dogs or any Municipal Law Enforcement Officer engaged to enforce by-laws of the Corporation or any Police Officer or Police Cadet Officer employed and/or appointed by the Ontario Provincial Police;
- n) **“Residence”** means a room, suite or rooms, or dwelling, including a mobile trailer, operated as a housekeeping unit that is used or intended to be used as a separate domicile by one or more persons, and that normally contains cooking, eating, living, sleeping, and sanitary facilities;
- o) **“Road”** includes a public highway, private road, lane, pathway, and sidewalk;
- p) **“Utility”** means a system that is used to provide a utility service to the public, including water, sewage, electricity, gas, communications networks and cable services;
- q) **“Vehicle”** includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, and other vehicle propelled or driven other than by muscular power;
- r) **“Zoning By-Law”** means a by-law passed under section 34 of the *Planning Act* that restricts the use of land.

2. GENERAL NOISE REGULATIONS

- 2.1 No person shall make, cause or permit to be made, either on a highway or elsewhere in the Municipality, any unnecessary noise or unnecessary sounds which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of any person or is the result of any activities described in Schedule “A” and that is audible to:
- a) a person in a premises or vehicle other than the premises or vehicle from which the noise is originating; or
 - b) a person in a residence other than the residence from which the noise is originating.
- 2.2 No fireworks shall be discharged between the hours of 12 am and 7 am.

3. EXEMPTIONS

Emergency Vehicles

- 3.1 The Provisions of this By-law shall not apply to police, fire, ambulance or other emergency vehicle proceeding to an emergency.

Special Events

- 3.2 The prohibitions described in Schedule “A” do not apply if the noise is the result of measures undertaken in an emergency for the:
- a) immediate health, safety, or welfare of the inhabitants; or
 - b) preservation or restoration of property, unless the noise is clearly of the longer duration or of a more disturbing nature than is reasonably necessary to deal with the emergency.

3.3 The Prohibitions described in Schedule “A” do not apply if the noise is the result of any of the activities described in Schedule “B.”

4. SCHEDULES

4.1 The Following Schedule are attached and form part of this by-law:

- a) Schedule “A” – General Noise Prohibitions;
- b) Schedule “B” – Exemptions from Noise Prohibitions;
- c) Schedule “C” – Short form wording & set fines under The Provincial Offences Act Part I.

5. PENALTY PROVISIONS

5.1 Any person who contravenes the provisions of this by-law is guilty of an offence and, upon conviction, is subject to a fine as provided in the *Provincial Offences Act* and to any other applicable penalties.

5.2 If this by-law has been contravened and a conviction entered, the court in which the conviction has been entered and any other court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an Order prohibiting the continuation or repetition of the offence by the person convicted.

6. ENFORCEMENT

6.1 This By-law shall be enforced by a Police Officer, Police Cadet, Municipal Law Enforcement Officer, Provincial Offences Officer or any other person Appointed by Municipal Council.

7. SEVERABILITY

7.1 If a court of competent jurisdiction declares any provisions, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, is the intention of council in enacting this by-law that each and every provision of this by-law authorized by law by applied and enforced in accordance with the terms to the extent possible according to law.

8. REPEALS

8.1 THAT By-law number 02-12 is hereby repealed and all amendments thereto.

9. EFFECTIVE DATE

9.1 This By-law shall come into force and effect on the date of passing.

READ A FIRST, Second and Third time and finally passed this 2nd day of May, 2013.

Reeve Carol Moffatt

Seal

Clerk Dawn Newhook

Schedule "A"
to By-law 2013-30

General Noise Prohibitions

- A1. Operations of a motor vehicle or motorized snow vehicle in a race.
- A2. Operation of a motor vehicle in such a way that the tires squeal.
- A3. Operation of a combustion engine or pneumatic device without a muffler.
- A4. Operation of any item of construction equipment without a muffler.
- A5. Operation of a vehicle in a manner that results in banging, clanking, squealing or similar sounds.
- A6. Operation of the horn of a vehicle or other warning device except where required or authorized, or in accordance with good safety practice.
- A7. Operation of any outdoor auditory signaling device, including but not limited to outdoor paging systems, the ringing of bells or gongs, the use of sirens, whistles or chimes, 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 practice.
- A8. Persistent barking or calling made by household animals and birds.
- A9. Unusual, excessive, unwanted, disturbing noise by shouting, yelling or amplified sound.
- A10. Discharge of fireworks between 12:00 a.m. and 7:00 a.m.

**Schedule “B”
to By-law 2013-30**

Exemptions from the Noise Prohibitions

1. Operation of emergency vehicles.
2. Operation of municipal service vehicles and related equipment.
3. Operation of utility service vehicles and related equipment.
4. Bicycle races.
5. Midways that have been authorized by the Municipality.
6. Circuses that have been authorized by the Municipality.
7. Races, parades, processions, and events for ceremonial, religious or traditional purposes that have been authorized by the police.
8. Operation of bells, chimes, carillons and clocks in churches and public buildings.
9. Cultural, recreational, educational and political events in parks and other public places.
10. Neighborhood events on municipal highways and other municipal property that have been authorized by the Municipality.
11. Agricultural activities on agricultural properties.

**Schedule "C" to
By-law 2013-30**

Set Fine Schedule

THE CORPORATION OF THE TOWNSHIP OF ALGONQUIN HIGHLANDS

PART I Provincial Offences Act

By-law # 2013-30, to Regulate Noise within the Township of Algonquin Highlands

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Permitting unusual, excessive unwanted, disturbing noise from combustion engine, no muffler	s. 2.1 Sch A-3	\$300.00
2	Permitting unusual, excessive unwanted, disturbing noise from construction equipment, no muffler	s. 2.1.Sch A-4	\$300.00
3	Permitting unusual, excessive unwanted, disturbing noise from horn of vehicle or warning device	s. 2.1. Sch A-6	\$300.00
4	Permitting unusual, excessive unwanted, disturbing noise from ringing bells, gongs, sirens, whistles	s.2.1 Sch A-7	\$300.00
5	Permitting unusual, excessive unwanted, disturbing noise from barking dogs	s. 2.1 Sch A-8	\$300.00
6	Permitting unusual, excessive unwanted, disturbing noise from shouting, yelling or amplified sound	s. 2.1 Sch A-9	\$300.00
7	Permitting unusual, excessive unwanted, disturbing noise from the discharge of fireworks between 12:00 a.m. and 7:00 a.m.	s. 2.2 Sch A-10	\$300.00

Note: The penalty provision for the offences indicated above is Section 5 of By-law 2013-30, a certified copy of which has been filed.