

The Corporation of the Township of

Algonquin Highlands

By-Law 2023-88

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 Section 425 of the Municipal Act, 2001, S.O. 2001, c.25, as amended authorizes municipalities to pass by-laws providing that any person who contravenes a By-law of the municipality passed under said Act is guilty of an offence;

And Whereas Section 426 of the Municipal Act, 2001, S.O. 2001, c.25, as amended no person shall hinder or obstruct, or attempt to hinder or obstruct any person who is exercising a power or performing a duty under a By-law passed under this Act;

And Whereas Section 429 of the Municipal Act, 2001, S.O. 2001, c.25, a municipality may establish a system of fines for offences under a By-law of the municipality passed under this Act;

And Whereas Section 436 of the Municipal Act, 2001 S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out inspections to determine compliance with a by-law, or an order made under a by-law, or court order made under this Act;

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. Short Title

1.1 The short title of this By-law is the "Noise By-law."

2. Definition

In this By-law;

- a) **"Agricultural Property"** means a property that is zones 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) **"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;

- d) **“Council”** means the elected Municipal Council of the Township of Algonquin Highlands;
- e) **"Electronic Device"** means a device intended primarily for the production, reproduction or amplification of sound, including, but not limited to, any musical instrument, radio receiver, television receiver, recorder, phonograph, loudspeakers, amplifiers, microphones or reproducers or any combination of such equipment, including devices used in the reproduction of music, speech or other sounds;
- f) **“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;
- g) **“Emergency Vehicle”** includes a land ambulance, an air ambulance, a fire department vehicle, and a motor vehicle being used to respond to an emergency;
- h) **“Fireworks”** defined and regulated within The Township of Algonquin Highlands Fireworks By-law 2020-72, as amended;
- i) **“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;
- j) **“Municipality”** means the Corporation of the Township of Algonquin Highlands;
- k) **“Noise”** means sounds that is unusual or excessive, or that is unwanted by or disturbing to persons;
- l) **“Owner”** includes:
 - i) any person or corporation who is the registered owner on title of a parcel of land from which noise originates;
 - ii) 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 is such land and premises were let, and;
 - iii) 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.
- m) **“Person”** includes a corporation as well as an individual;
- n) **“Persistent Noise”** means any noise that is continuously heard for a period of ten minutes or more or intermittently over a period of one hour or more;
- o) **"Point of Reception"** means any point on the premises where sound or vibration is heard or received other than the place from which it originated;

- p) **“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;
- q) **“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;
- r) **“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;
- s) **“Road”** includes a public highway, private road, lane, pathway, and sidewalk;
- t) **“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;
- u) **“Unreasonable Noise”** means any noise that is likely to disturb the peace, rest, enjoyment, comfort or convenience of a reasonable person in the circumstances. Unreasonable noise does not include commonplace household or workplace sounds such as sound from furniture being moved, children playing or people engaging in conversation.
- v) **“Vehicle”** includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, and other vehicle propelled or driven other than by muscular power;
- w) **“Zoning By-Law”** means the Comprehensive Zoning By-law, as amended, of the Township of Algonquin Highlands.

3. General Noise Regulations

- 3.1 No person shall emit or cause or permit the emission of unreasonable noise that is clearly audible at a point of reception.
- 3.2 Without limiting the generality of Section 3.1 of this By-law, noise is deemed to be unreasonable if resulting from:
 - 3.2.1 Construction or the operation of any construction equipment between the hours of 11:00 PM and 7:00 AM of the next day;
 - 3.2.2 Amplified sound – operation of any electronic device including but not limited to radio, television, sound equipment, loudspeaker and/or musical instrument between the hours of 11:00 PM and 7:00 AM of the next day;
 - 3.2.3 Yelling, shouting, hooting or similar noise made by a human between the hours of 11:00 PM and 7:00 AM of the next day; or
 - 3.2.4 Persistent or continuous barking, whining or similar sound made by a dog that causes a nuisance, at any time.

4. Exemptions

The emission of noise in connection with the following activities are considered exempt from the provisions of this By-law:

- 4.1 Police, Fire, Ambulance or other emergency vehicles or any measures undertaken in an emergency for the immediate health, safety, or welfare of the inhabitants;
- 4.2 Measures undertaken as a result of an unforeseen circumstance requiring immediate action for the preservation or restoration of property; reasonably necessary to deal with such circumstance and no longer;
- 4.3 The operation of Township service vehicles and related equipment;
- 4.4 The operation of utility service vehicles and related equipment;
- 4.5 Construction or demolition being conducted under a permit issued by the Township of Algonquin Highlands during permitted times;
- 4.6 Persons or organizations who have received permission for an event from the Township of Algonquin Highlands;
- 4.7 Operation of snow plowing or snow removal on public or private property;
- 4.8 Agricultural, Commercial, Institutional, or Industrial activities recognized as normal operating practice or under site plan approvals.

5. Powers of Entry

- 5.1 An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with this By-law.

6. Penalty Provisions

- 6.1 Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction be liable to fines as provided for in the Provincial Offences Act R.S.O. 1990, c. P. 33, as amended.
- 6.2 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.

7. Enforcement

- 7.1 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.

8. Obstruction

- 8.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law.
- 8.2 Any person who is alleged to have contravened any of the provisions of this By-law shall identify themselves to an officer upon request. Failure to identify upon request shall be deemed as obstruction of the officer.

9. Validity & Severability

- 9.1 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.
- 9.2 Where a provision of this By-law conflicts with the provision of another By-law in force within the Township, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

10. Repeals

- 10.1 That By-law number 2013-30 is hereby repealed.

11. Effective Date

- 11.1 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 05 day of October 2023.

Mayor Liz Danielsen

Clerk Dawn Newhook

The Corporation of the Township of Algonquin Highlands

Part 1 Provincial Offences Act – Set Fines Schedule “A”

By-law # 2023-88 – Noise By-law

Ite	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1	Emit, cause or permit unreasonable noise	Section 3.1	\$300.00
2	Cause or permit noise from construction during prohibited times	Section 3.2.1	\$300.00
3	Cause or permit noise from electronic devices during prohibited times	Section 3.2.2	\$300.00
4	Cause or permit noise from yelling, shouting or hooting during prohibited times	Section 3.2.3	\$300.00
5	Permit dog to emit noise	Section 3.2.4	\$300.00
6	Obstruct/hinder or attempt to obstruct officer	Section 8.1	\$500.00

“Note: The penalty provision for the offences indicated above is Section 6.1 of the By-law No. 2023-88, a certified copy of which has been filed”.