

CORPORATION OF THE TOWNSHIP OF HAVELOCK-BELMONT-METHUEN

BY-LAW NO. 2004-02

**BEING A BY-LAW TO PROHIBIT OR REGULATE NOISES WITHIN
THE TOWNSHIP OF HAVELOCK-BELMONT-METHUEN**

WHEREAS Sections 9 and 129 of the Municipal Act, 2001, S.O. 2001, as amended, provides that the Councils of local municipalities may pass by-laws to prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors.

NOW THEREFORE the Council of the Corporation of the Township of Havelock-Belmont-Methuen enacts as follows:

1. In this by-law:
 - (i) a “**dwelling house**” includes an apartment house, hotel or any other type of residence.
 - (ii) a “**person**” includes a corporation.
2. No person shall within the limits of the Corporation of the Township of Havelock-Belmont-Methuen make or permit any noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors, likely to disturb the inhabitants thereof.
3. Without limiting the generality of Section 2, the following noises or sounds shall be deemed to be noises likely to disturb the inhabitants of the Corporation:
 - (a) the noises or sound made or created by any radio, phonograph, public address system, sound equipment, loud speaker, musical instrument, or other sound producing equipment, when the equipment is played or operated in such a manner that the sound or noise made or created thereby disturbs the peace, comfort, or repose of any person in a dwelling house.
 - (b) the noise or sound caused or made by an amplifier or loud speaker carried in or attached to a motor vehicle being operated or standing on a public highway.
 - (c) the sound made by an animal or bird under the care of an individual and/or individuals which disturbs the peace, comfort, or repose of any person in a dwelling house.
 - (d) the noise or sound caused by the discharge into the open air of the exhaust from any steam engine, boiler or stationary internal combustion engine, otherwise than through a muffler or other device which effectively prevents unnecessary noise.

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- (e) the wheel or tire noise caused by the deliberate and unnecessary acceleration, rapid turning or rapid braking of a motor vehicle.
- (f) the noise caused by the unnecessary racing of the motor of a standing motor vehicle.
- (g) the noise caused by the erection, demolition, alteration or repair of a building or by the construction of earth-moving equipment working upon such site situated within 500 feet of an occupied dwelling house on any day, between the hours of 9:00 o'clock in the evening and 5:00 o'clock in the forenoon of the following day, excepting Sundays, when no such noise shall be created before the hour of 12:00 noon.
- (h) the noise made by a power lawn mower within 100 feet of an occupied dwelling house on any day between the hours of 10:00 o'clock in the evening and 8:00 o'clock in the forenoon of the following day.

4. Restrictions:

This by-law shall not:

- (a) require light fixtures used in conjunction with commercial, industrial, institutional, agricultural or recreational uses to be turned off at any time the use is actually being conducted;
- (b) require an illuminated outdoor advertising sign, on the premises of a business, to be turned off at any time the business is open to the public; or
- (c) require light fixtures used to illuminate any area for emergency, security or public safety purposes to be turned off at any time the illumination is necessary for those purposes.

5. None of the provisions of this by-law shall apply to prevent:

- (a) any machines of husbandry, corn dryers or farm machinery, being used to put in crops or remove crops.
- (b) a parade or any of the traditional festive religious and other activities.
- (c) an outdoor hymn sing or caroling performance.
- (d) the sound of a church bell or chime.
- (e) the sound of a train whistle.

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- (f) the noise caused by works done upon a site or highway when such work is undertaken by forces of the Corporation of the Township of Havelock-Belmont-Methuen, the County of Peterborough, Hydro One, or any other public utility, or any Contractor providing services on their behalf, within the Corporation.

6. Grant of Exceptions by Council:

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 sources of sound for which he/she might be prosecuted and Council, by resolution, may refuse to grant any exemption or may grant the exception applied for or any exemption of lesser effect and any exemption granted shall specify the time period, not in excess of 6 months, during which it is effective and may contain such terms and conditions as Council sees fit.

Breach by the applicant of any of the terms or conditions of any exemption shall Render the exemption nil and void.

- 7. Any charge proceeded under this by-law must be laid by the person annoyed by the noise, and must be processed under the Provincial Offences Act.
- 8. Any person who contravenes any provision of this by-law is guilty of an offence and is liable upon summary conviction to a fine of not more than \$5,000.00, exclusive of costs, and every such fine is recoverable under the Provincial Offences Act.
- 9. That by-law No. 1998-31 is hereby repealed in its entirety.

Read a FIRST, SECOND and THIRD time and finally passed in open Council this _____ day of _____, 2004.

Reeve

Clerk

CORPORATION OF THE TOWNSHIP OF HAVELOCK-BELMONT-METHUEN

PART 1 PROVINCIAL OFFENCES ACT

BY-LAW NO. 2004-02

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HAVELOCK-BELMONT-METHUEN**

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision or Defining Offence	COLUMN 3 Set Fine (including costs)
1.	Making a noise likely to disturb the inhabitants	Section 2	\$125.00
2.	While on a highway cause unnecessary noise from a motor vehicle by amplifier or speaker	Section 2	\$125.00
3.	Having care of an animal or bird and permit it's continuous noise	Section 2	\$125.00
4.	Permit unnecessary noise Combustion engine	Section 2	\$125.00
5.	Unnecessary noise Squealing tires Motor vehicle	Section 2	\$125.00
6.	Unnecessary noise racing motor of a standing motor vehicle	Section 2	\$125.00
7.	Make noise from machinery or construction outside prescribed hours	Section 2	\$125.00
8.	Make noise from a power lawnmower outside prescribed hours	Section 2	\$125.00

NOTE: The penalty provision(s) for the offence (s) indicated above is Section 8 of By-Law Number 2004-02.