

Bylaw 16 -2006
Corporation of the Municipality of Central Huron

Being a bylaw to control noise within the Corporation of the Municipality of Central Huron.

WHEREAS the Municipal Act, 2001, S.O. 2001, chapter 25, Section 129 (1) provides that bylaws may be passed by the Councils of local municipalities for prohibiting or regulating noise and vibration within the municipality;

AND WHEREAS it is deemed expedient and necessary to provide an environment free from unusual, unnecessary or excessive noises or vibrations which may disturb the inhabitants of the Municipality of Central Huron;

NOW THEREFORE the Council of the Municipality of Central Huron **ENACTS AS FOLLOWS:**

SHORT TITLE
NOISE CONTROL BYLAW

1. INTERPRETATION:

1.1 In this bylaw,

1.1.1 Activity Zone

“activity zone” includes every area of the municipality, which is not specifically designated as a quiet area in Schedule “A” which is attached to and forms part of this Bylaw;

1.1.2 Bylaw Enforcement Officer

“Bylaw Enforcement Officer” for the purposes of this bylaw means those persons appointed from time to time by Council or an officer of the Ontario Provincial Police;

1.1.3 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;

1.1.4 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, pneumatics 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;

1.1.5 Continuous Noise

“continuous noise” means any sound occurring for a duration of more than three minutes, or occurring continually, sporadically or erratically, but totaling more than three minutes in any fifteen minute period of time;

1.1.6 Council

“Council” means the Council of the Municipality of Central Huron;

1.17 Daytime

“daytime” means the time from 7:01 a.m. to 9:59 p.m., local time;

1.1.8 dB

“dB” for the purposes of the bylaw dB shall mean “decibel”

1.1.9 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;

1.1.10 Municipality

“municipality” means the lands within the geographic limit of the Corporation of the Municipality of Central Huron;

1.1.11 Nighttime

“nighttime” means that period from 10:00 p.m. to 7:00 a.m., local time;

1.1.12 Noise

“noise” means unwanted sound including;

- a) any sound, continuous sound or non-continuous sound which disturbs or tends to disturb the peace, quiet, rest, enjoyment, comfort or convenience of the neighbourhood in which such sound is received, or, of any reasonable person in the vicinity of the source of such sound who receives such sound; or,
- b) any sound, continuous sound or non-continuous sound, which exceeds a sound level permitted by this bylaw at the point of reception of such sound.

1.1.13 Noise Level

“noise level” means the level of noise or sound measured in dBs on the “A” Scale, which is to say the “A” weighted network and Slow response of a sound level meter;

1.1.14 Non-continuous Noise

“non-continuous noise “ means any sound, which is not defined as a continuous noise;

1.1.15 Point of Reception

“point of reception” means

- a) any place on a real property where sound originating from any source, other than a source on such real property, is received; or
- b) any place on a highway sound is received;

1.1.16 Quiet Zone

“quiet zone” means those areas within the municipality, which are so designated for time to time in Schedule “A” which is attached to and forms part of this Bylaw;

1.1.17 Real Property

“real property” does not include highways but does include all other land and all improvements which have been affixed to the land;

1.1.18 Sound Level Meter

“sound level meter” means a device which meets the “C.S.A. Standard Z107.1-1973”; or, International Electro-Technical Commission Standard No. 123; or, the British Standard No. 3539 Part 1; or the United States of America Standard A.N.S.I. S1.4-1971

1.2 Zones

In this bylaw, Quiet Zone and Activity Zone are as set out and described in Schedule “A” attached hereto.

2. PROHIBITION

- A) Except as specifically permitted in this Bylaw, no person shall:
 - i. make, cause or permit any noise or sound to be made in or on a highway, real property or elsewhere in the Municipality which disturbs, or tends to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood, or of persons in the vicinity; or
 - ii. make, cause or permit any noise or sound to be made in or on a highway, real property or elsewhere in the Municipality that exceeds the noise levels authorized by this Bylaw.

- B) Except as specifically permitted in this bylaw, no owner or occupier of real property shall allow or permit by any other person, or by any animal, or by any bird or fowl, if any of the same are in the control of such first-mentioned person, any noise or sound which disturbs, or tends to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood, or of persons in the vicinity, or which exceeds the noise levels authorized by this Bylaw to emanate from such real property.

3. NOISE LEVELS

- 3.1 The noise level of continuous noise emanating from real property within an activity zone or from a stationary source on a highway adjoining such real property in an activity zone shall not exceed 60 dBs during the daytime and 55 dBs at night.
- 3.2 The noise level of continuous noise emanating from real property within a quiet zone or from a stationary source on a highway adjoining such real property in a quiet zone, shall not exceed 55 dBs during the daytime and 45 dBs at night.
- 3.3 The noise level of non-continuous noise emanating from real property in either an activity zone or a quiet zone or from a stationary source situated on a highway in either an activity zone or a quiet zone, shall not exceed 80 dBs during the daytime or 75 dBs at night.

4. MEASUREMENT OF NOISE LEVELS

- 4.1 Every Bylaw Enforcement Officer of the Corporation is authorized to measure noise levels with sound level meters in substantial accordance with the procedures set out in Schedule "A" of this Bylaw.
- 4.2 The noise levels measured by a Bylaw Enforcement Officer shall be a conclusive statement of whether the noise or sound emanating from real property or a highway exceeds the noise levels authorized by this bylaw.

5. EXEMPTION

5.1 Public Safety

Notwithstanding any other provision of this bylaw, it shall be lawful to emit or cause to permit the emission of sound or vibration in connection with emergency measures undertaken:

- 5.1.1 for the immediate health, safety or welfare of the inhabitants; or
- 5.1.2 for the preservation or restoration of property; or
- 5.1.3 for the sounds of any bell, horn, siren or other signaling device associated with any emergency or law enforcement vehicle; or
- 5.1.4 for any noise arising from emergency road work or road improvements undertaken by or on behalf of the Municipality of Central Huron, the County of Huron, or the Ministry of Transportation of Ontario; or
- 5.1.5 for the operation of snow plowing or snow removal equipment or for the cleaning of streets or sidewalks;
- 5.1.6 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.

5.2 Agricultural Activity

Notwithstanding any other provisions of this bylaw, it shall be lawful to emit or cause or permit the emission of sound or vibration in connection with any agriculture or farm activity such as food crop seeding, chemical spraying or harvesting, carried on by a farmer in relation to normal farm practices, but not including the use of sound bangers and other similar equipment or devices;

5.3 Educational Institutions

Notwithstanding any other provision of this bylaw, it shall be lawful to emit or cause or permit the emission of sound or vibrations in connection with the normal operation of educational institutions during regular business hours and/or during school authorized activities.

5.4 Wind Turbines / Energy

Notwithstanding any other provisions of this bylaw and subject to the requirements of the Municipal Site Plan Control and Ministry of the Environment Certificate of Approval, it shall be lawful to emit or cause or permit the emission of sound or vibration in connection with the generation of Wind Energy.

6. EXEMPTION OF TRADITIONAL, FESTIVE CULTURAL, RELIGIOUS OR OTHER ACTIVITIES

Notwithstanding any other provisions of this bylaw, this bylaw does not apply to a person who emits or causes or permits the emission of sound or vibration in connection with any of the listed traditional, festive, religious and other activities:

- 6.1 Any annual fairs, parades, events or Community Festival duly authorized by Council;
- 6.2 the lawful use and detonation of fireworks on the two statutory holidays referred to as Victoria Day, and Dominion Day or Canada Day as per existing bylaws within the Municipality of Central Huron, or any successor legislation thereto;
- 6.3 For the ringing or sounding of church bells or chimes;
- 6.4 Sporting and recreational activities lawfully carried on in a public or private park, playground, schoolyard, or recreational centre during the daytime.
- 6.5 Discharge of firearms:
 - i. during a period authorized as a hunting season; or
 - ii. activities lawfully sponsored or carried on during the daytime on any day, by licenced Gun Clubs situated in rural areas; or
 - iii. to carry out normal day to day farm/agricultural practices.
- 6.6 Live Racing, related activities and special events as carried out by Clinton Raceway Inc. at the Clinton Community Park.
- 6.7 Use of a lawn mower or power garden tools during the daytime, provided that the noise level shall not exceed 77 dB.
- 6.8 Construction Hours:

The sound generated by construction activity or the activity of construction equipment, is permitted during the following times only:

 - i. During the daytime hours, Monday through Friday;
 - ii. Between the hours of 9:00 a.m. to 9:59 p.m. on Saturdays, Sundays and Statutory Holidays;

7. GRANT OF EXEMPTION BY COUNCIL

7.1 Application to Council

Notwithstanding anything contained in this bylaw, any person may make application to Council to be granted an exemption from any of the provisions of this bylaw 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 granted shall specify the time period, during which it is effective and may contain such terms and conditions as Council sees fit.

7.2 Decision

In deciding whether to grant the exemption, Council shall consider the application, the report of the Bylaw Enforcement Officer and any written submission received by Council and made by the applicant after receipt of the report of the Bylaw Enforcement Officer and Council may consider such other matters as it sees fit.

7.3 Breach

Breach by the applicant of any of the terms or conditions of the exemption shall render the exemption null and void.

8. SEVERABILITY

If a court of competent jurisdiction should declare any section or part of a section of this bylaw 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 bylaw and it is hereby declared that the remainder of the bylaw shall be valid and shall remain in force.

9. ENFORCEMENT / PENALTY

i. Enforcement and Right of Entry:

Every Bylaw Enforcement Officer is authorized to enforce this Bylaw and, for that purpose may enter at all reasonable times upon any real property in order to ascertain whether the provisions of this Bylaw are being observed.

ii. Complaints:

The Bylaw Enforcement Officer will investigate a noise complaint according to the Municipality of Central Huron Enforcement of Noise Complaint Policy PR100 approved and attached as Schedule "D" to this Bylaw.

iii. Penalty

Every person who contravenes any of the provisions of this bylaw is guilty of an offence and upon conviction is liable to a penalty provided in Section 61 of the Provincial Offences Act R.S.O. 1990 C. P.33 as amended from time to time.

iv. Set Fine Ticket

This Bylaw may be enforced by means of a ticket in the form prescribed in the Set Fine Schedule attached hereto as Schedule "C" to this Bylaw.

10. BYLAWS – REPEALED

- a) The following bylaws are hereby repealed: Bylaw 19-1985 and Bylaw 15-1976 for the former Town of Clinton and Bylaw 19 for the former Township of Goderich.
- b) Bylaws of the former municipalities now comprising the Corporation of the Municipality of Central Huron, which are inconsistent with this bylaw, shall hereby be repealed.

11. This Bylaw shall come into effect upon passing.

Read a First and second time this 18th day of April 2006.

Read a third time and finally passed this 18th day of April 2006.

Reeve, Bert Dykstra

Clerk Administrator, Richard Harding

**Schedule “A” to Noise Bylaw 16- 2006
Municipality of Central Huron
ZONES 1-2**

1.2.1. QUIET AREAS:

“Quiet Zones” means those areas of the municipality specified as follows:

A) East Ward

Pursuant to Town of Clinton Zoning Bylaw 7-1985, as amended

- (R1) Residential Low Density Zone; (R2) Residential Medium Density Zone; (R3) Residential High Density Zone; (R4) Mobile Home Park Zone
- (CF1) Community Facility Zone

Pursuant to Township of Hullett Zoning Bylaw 16-1987, as amended

- (VR1) Village Residential Low Density Zone; (VR2) Village Residential Medium Density Zone; (VR3) Village Residential High Density Zone
- (I1) Institutional Zone

B) West Ward

Pursuant to Township of Goderich Zoning Bylaw 6-1984

- (RR1) Rural Residential Zone; (RC1) Recreational Residential Zone; (RC2) Recreational Trailer Park & Campground Zone; (RC3) Recreational Commercial; (R4) Mobile Home Park Zone
- (VR1) Village Residential Low Density Zone; (VR2) Village Residential Medium Density Zone; (VR3) Village Residential High Density Zone
- (I1) Institutional Zone

1.2.2 ACTIVITY AREAS

“Activity Zones” means those areas of the Municipality specified as follows:

A) East Ward

Pursuant to Town of Clinton Zoning Bylaw 7-1985, as amended:

- (OS1) Open Space Zone
- (C3) Highway Commercial Zone; (C4) Core Area Commercial Zone
- (M1) Light Industrial Zone; (M2) General Industrial Zone
- (RC1) Recreational Commercial Zone

Pursuant to Township of Hullett Zoning Bylaw 16-1987, as amended

- (AG1) General Agriculture Zone; (AG2) Restricted Agriculture Uses Zone; (AG4) Agricultural Small Holding
- (NE1) Natural Environment Zone; (NE4) Natural Environment Zone; (ER1) Extractive Resources Zone
- (AG3) Agricultural Commercial Industrial Zone; (ER2) Extractive Industrial Zone
- (VC1) Village Commercial – General Zone; (VC2) Village Commercial – Highway Zone
- (VM1) Village Industrial Zone
- (DS) Disposal Zone; (U) Communications and Utility Zone
- (C4) Salvage Yard Zone

B) West Ward

Pursuant to Township of Goderich Zoning Bylaw 6-1984 as amended

- (AG1) General Agriculture Zone; (AG2) Restricted Agriculture Uses Zone; (AG4) Agricultural Small Holding Zone; (AG3) Agricultural Commercial – Industrial Zone
- (NE1) Natural Environment Zone
- (ER1) Extractive Resource Zone
- (OS1) Open Space – Hazard Land; (OS2) Open Space - Parkland
- (ER2) Extractive Industrial Zone
- (VM1) Village Industrial Zone; (VC1) Village Commercial Zone; (HC1) Highway Commercial Zone
- (C4) Salvage Yard; (DS) Disposal Zone; (U) Communications and Utility

Schedule “B”
Noise Control Bylaw 16–2006
For the Municipality of Central Huron

1. All noise or sound levels shall be determined using a sound level meter on the “A” scale and “slow” reading.
2. Every sound level meter shall be used and operated in accordance with manufacturer’s instructions and shall be calibrated before and after each reading.
3. When determining the noise or sound level from a source, the ambient or background noise or sound level shall be established at the appropriate position and during the relevant period of time wherever possible before taking sound measurements from the source.
4. Noise or sound measurements should, wherever possible, be made at a height of approximately three (3) feet and a distance of 10 feet from any wall, buildings, or other reflecting structures with the microphone appropriately oriented.
5. Precautions shall be taken to ensure that the values recorded correspond to the noise or sound being investigated and are not due to wind or extraneous sources.
6. When the wind velocity exceeds five (5) miles per hour, a wind screen shall be used. No test should be attempted when the wind velocity is above 25 miles per hour.
7. The noise level of noise or sound emanating from a stationary source situated on a highway in the Municipality shall be measured within six (6) metres of the nearest portion of the stationary source.
8. The noise level of noise or sound emanating from real property shall be measured from a point within six (6) metres of either the source of the noise or sound or a boundary lot line of the real property from which the noise or sound emanates, whichever is more convenient to the person measuring the noise level of the noise or sound.
9. Sound levels emanating from or impinging upon real property should not exceed values prescribed by the following tables:

QUIET ZONE	Continuous Noise	Non-Continuous Noise
Daytime	55 dBA	80 dBA
Nighttime	45 dBA	75 dBA
ACTIVITY ZONE	Continuous Noise	Non-Continuous Noise
Daytime	65 dBA	80 dBA
Nighttime	60 dBA	75 dBA

SCHEDULE “C “
Bylaw 16-2006
Short Form Ticketing – Title: Noise Control Bylaw

Item	COLUMN 1 Short Form Wording Description of Offence	COLUMN 2 Provision creating or Defining Offence	COLUMN 3 Set fines (including costs)
1	Make or cause or permit to be made noise likely to disturb the inhabitants.	Section (2a)	\$205.00
2	Allow, cause or permit to be made – noise likely to disturb the inhabitants by person/Animal/Bird or fowl	Section (2b)	\$205.00
3.	Use of lawnmower or power garden tools after hour prescribed or exceeding the noise level prescribed.	Section (6.7)	\$205.00
4.	Make or cause or permit to be made noise likely to disturb the inhabitants the sound generated by construction activity.	Section (6.8)	\$205.00
5	Sound level emanating from or impinging upon real property exceeding value	Schedule B Section (9)	\$205.00

Schedule “D”
Noise Control Bylaw 16–2006
For the Municipality of Central Huron

STATEMENT of POLICY and PROCEDURE			
Chapter:	PROTECTIVE SERVICES	SPP No.	PR 100
Section:	PROTECTIVE SERVICES GENERAL	Issued:	April 3, 2006
Subject:	Enforcement of Noise Control Bylaw	Effective:	April 18, 2006
Issued to:	All Manual Holders	Page:	1 of 1
		Replaces:	
Approved by:	Council – Bylaw 16-2006	Dated:	April 18, 2006

PURPOSE:

1. To provide for the enforcement of the Noise Control Bylaw.

POLICY:

1. Except in extenuating circumstances, as determined by a Bylaw Enforcement Officer, all complaints regarding excessive noise shall only be acted upon where there are at least two complaints from the residents of separate neighbouring properties.

2. **Written Complaints:**

Where a Bylaw Enforcement Officer issues a Municipal Short Form Ticket based on a written Municipal Noise Complaint Form, at least two written complaints, each from a different property owner or occupier, shall first be required. The complainants are to be advised that they will be required to appear as a witness if the matter proceeds to court. If the complainants are unwilling to testify the ticket shall not be issued.

3. **Verbal or Extenuating Circumstance Complaints:**

- i. Where these complaints are received regarding excessive noise occurring during or after regular business hours, complainants are to be advised to also contact the O.P.P. when the offence is occurring for more immediate assistance.
- ii. Where a Bylaw Enforcement Officer attends in this situation and determines that the noise level exceeds the standards of the Noise Control Bylaw a short form ticket may be issued at the time the offence is occurring.

4. Where appropriate, complaints regarding excessive noise from commercial or industrial properties or outdoor assemblies shall be investigated using a sound level meter to determine the level of noise emanating from the property.

5. Where a complainant resided in a multi-family housing unit, and makes a complaint regarding noise within the property, they are to be advised to forward the complaint to the registered owner of the property, the property manager, or landlord, as the case may be.



NOISE INFORMATION /COMPLAINT FORM

My peace and quiet was disturbed by a:

(type/nature of noise)

At the time of the noise, I was at:

(Complainant's address)

The noise came from:

(street address and/or name of person where offence occurred)

Noise Disturbed my peace and quiet on following occasions:

FROM: _____ **TO:** _____ **DATE:** _____

FROM: _____ **TO:** _____ **DATE:** _____

FROM: _____ **TO:** _____ **DATE:** _____

FROM: _____ **TO:** _____ **DATE:** _____

FROM: _____ **TO:** _____ **DATE:** _____

FROM: _____ **TO:** _____ **DATE:** _____

FROM: _____ **TO:** _____ **DATE:** _____

FROM: _____ **TO:** _____ **DATE:** _____

I _____ verify this information to be accurate to the best of my ability and I am aware that I may be required to appear as a witness to testify if the matter proceeds to court.

Signature of Complainant

Sworn before me at the Municipality of Central Huron
this _____ day of _____, _____.

Signature Commissioner of Oaths
Municipality of Central Huron
23 Albert St. CLINTON, ONT. N0M 1L0
Phone: (519) 482-3997 Fax: (519) 482-9183
Email: info@centralhuron.com

GUIDELINE / SUMMARY OF MAXIMUM PERMISSIBLE SOUND LEVELS
As Provided In The Noise Control Bylaw 16 -2006
of The Municipality Of Central Huron

Bylaw Section	Description	Maximum Sound level
	Quiet Zone – Nighttime	45
	Quiet Zone – Daytime	55
	Activity Zone – Nighttime	55
	Activity Zone – Daytime	60
	Non-continuous Sound – Nighttime	75
	Non-continuous Sound – Daytime	80
	Lawnmower / Power Garden Tools – Daytime	77

Sound levels noted in the table are dB(A) measured at the “point of reception”.

Nighttime - from 10:00 p.m. to 7:00 a.m., local time.
Daytime - from 7:01 a.m. to 9:59 p.m., local time.

This is a guideline only for information purposes. For further information or clarification, you are required to refer to the Bylaw.