

THE CORPORATION OF THE TOWNSHIP OF HILTON

BY-LAW NO. 1328-22

Being a by-law to control noise within the *Township of Hilton*.

WHEREAS, the *Municipal Act*, 2001, S.O. 2001, C.25, s. 129, as amended, authorizes Municipal Councils to pass by-laws to prohibit and regulate noise;

AND WHEREAS citizens have a right to and should be ensured an environment free from unusual, unnecessary, or excessive sound or vibration which may degrade the quality and tranquility of their life or cause nuisance; and

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Township of Hilton hereby enacts as follows:

1. DEFINITIONS:

In this By-Law:

“Construction” includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavation, 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;

“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;

“Inhabitants” means one or more persons who reside in the Corporation of the Township of Hilton;

“Motor Vehicle” includes an automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power; but does not include the carts 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;

“Municipality” means the land within the geographical limit of the *Township of Hilton*;

“Nuisance Noise” means any loud, unnecessary or unusual sound or any sounds whatsoever which annoys, disturbs, injures, endangers or distracts from the comfort, repose, health, peace and/or safety of any reasonable person as determined by an officer;

“Officer” means any member of the Ontario Provincial Police force and any other police force, police constable, or By-law Enforcement Officer, designated officer or other person appointed and employed by the Township of Hilton for preservation and maintenance of public peace;

“Owner” includes:

- i. The person who for the time being, manages or receives the rent for the land or premises in connection with which the land is used, whether on the person’s own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let; and
- ii. A lessee or occupant of the property;

“Person” includes any individual and includes firm, partnership, association, corporation, company or groups of persons;

“Point of Reception” means any point on the premises of a person where noise originating from other than those premises is received;

“Property” means a building or structure or part of a building or structure, the lands appurtenant to the building or structure, all mobile homes, mobile buildings or mobile structures and includes vacant land;

“Residential Area” means any area designated as residential, shoreline residential or limited service residential in the Zoning By-law of the Corporation of the Township of Hilton.

2. GENERAL PROHIBITIONS:

No person shall create, or cause to permit the emission of sound resulting from an act listed herein, and which sound is clearly audible at a point of reception:

In any residential area:

- a) racing of any motorized conveyance other than in a racing event regulated by law;
- b) the operation of a motor vehicle or recreation vehicle in such a way that nuisance noise results including:
 - i) the squealing of tires when accelerating or changing direction;
 - ii) a roaring or explosive sound;
 - iii) excessive noise from the engine, exhaust, brakes or tire contact;
- c) the operation of any combustion engine or pneumatic device without an effective exhaust muffling device in good working order and in constant operation;
- d) the operation of a motor vehicle horn or other warning device except where required or authorized by law, or in accordance with good safety practice;
- e) the operation of any item of construction equipment without effective muffling devices in good working order and in constant operation;
- f) the sound or noise from or created by any radio, phonograph, stereo equipment, television set, or any musical or sound-producing instrument of whatsoever kind, when played or operated in such a manner or with such volume as to annoy or disturb the peace, quiet, comfort or repose of any individual in any dwelling house, apartment house, hotel, motel, lodging house or other type of residence between the hours of 11:00 p.m. and 7:00 a.m.;
- g) allowing the persistent barking, calling, whining or other similar persistent noise-making by any domestic pet or other animal kept or used for any purpose other than agriculture;
- h) any loud, abusive, obscene language or singing or shouting likely to disturb any inhabitant;
- i) any unnecessary noise arising between the hour of 11:00 p.m. of any day and 7:00 a.m. of the next following day from any excavation or construction work whatsoever including the erection, demolition, alteration or repair of any building, authorized by the *Township* except in the case of urgent necessity;
- j) noises arising out of any manufacturing industry between the hour of 11:00 p.m. of any day and 7:00 a.m. of the next following day and which has the effect of disturbing the repose of any *Township* inhabitant;
- k) noises created by any vehicle including cement trucks which bear material or by articles or things loaded on any vehicle if such noises are likely to disturb the repose of any *Township* inhabitant between the hours of 11:00 p.m. and 7:00 a.m. of the next following day;
- l) the operation of any tool for domestic purposes other than snow removal which is run by electricity or gasoline, between the hours of 11:00 p.m. on any given day and 7:00 a.m. on the next following day.

3. OWNER/OCCUPIER RESPONSIBILITIES:

The property owner, lessee, occupier or person in control of a premises is responsible for nuisance noise created by invitees, guests or other persons on the premises in the same manner as the person actually creating the nuisance noise unless the property owner, lessee, occupier or person in control of the premises establishes that due diligence has been exercised in a bona fide effort to control and abate such nuisance noise.

4. PERMITTED NOISES:

None of the provisions of this By-law shall apply to:

1. Agricultural farming operation including and/or the use of implements of husbandry in the operation of agricultural endeavours;
2. Sound emanating from any community festival, street festival, block party or wedding reception;
3. Snow clearing, road maintenance and road construction vehicles and equipment operated by the Municipality or its agents and/or contractors;
4. Sound emanating from the clearing of snow from private parking lots and/or driveways;
5. Grass and field of play maintenance vehicles and equipment operated by the Municipality and or its agents and/or contractors;
6. Sound emanating from the Fire Hall alarm, or the sirens of any emergency vehicle while engaged in providing emergency work or responding to an emergency
7. The use of any bell, chime or similar sound for the purpose of calling persons to church and/or similar school services;
8. The use, in reasonable manner, of any apparatus, mechanism or device for the amplification of the human voice or of music on public property in connection with any duly approved public meeting, celebration or other public gathering;
9. Noise or emission of sound emanating from activity conducted by the Municipality, the Province of Ontario, the Government of Canada or any agents authorized thereof, when undertaking measures for the:
 - a) Immediate health, safety or welfare of the inhabitants of the Municipality, or
 - b) Preservation, restoration or demolition of any highway.

5. VEXATIOUS COMPLAINTS:

Where an officer has determined that a complaint has been filed for a malicious or vexatious reason, or as part of an ongoing pattern of harassment, and does not involve a matter of serious health, safety, or breach of the Noise By-law, the office may cease the investigation and close the file with no further action being taken.

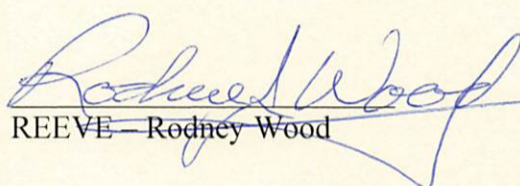
6. PENALTY:

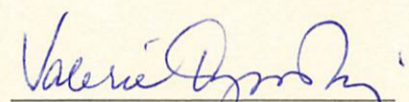
1. Every person who contravenes any of the provisions of this By-Law is guilty of an offence and shall, upon conviction be subject to penalty pursuant to *The Provincial Offences Act, as amended*.
2. Fines pursuant to Item 1 above are recoverable under the Provincial Offences Act, as amended.

3. Should any section, subsection, clause, paragraph or provision of this By-law be declared by a court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity of enforceability of any other provision of this by-law or the by-law as a whole.
4. This By-Law shall repeal any existing By-Laws respecting the regulation and prohibition of Noise in the *Township of Hilton*.
5. That this By-law shall take effect on the day of final passing.

Read a first and second time this 6th day of April, 2022.

Read a third and final time and passed this 1st day of June, 2022.


REEVE – Rodney Wood


CLERK – Valerie Obarymskyj