

CORPORATION OF THE TOWN OF HAWKESBURY

By-law N° 59-2010

A by-law to prohibit and control noises

WHEREAS section 129 of the Municipal Act, 2001 allows council to adopt by-laws to prohibit and regulate noise, vibration, odour, dust and outdoor illumination, and;

WHEREAS council feels expedient to update the provisions of By-law N° 21-94 to control noise adopted back in 1994;

NOW THEREFORE the council of the Corporation of the Town of Hawkesbury enacts as follows:

1. **DEFINITIONS:**

“By-law Enforcement Officer” means a peace officer appointed by the municipal council to enforce the present by-law, the whole in conformity with section 15 of the *Police Services Act*;

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

“Emergency” means a situation or an impending situation, often dangerous, caused by the forces of nature, an accident, an intentional act or otherwise, which arises suddenly and calls for prompt action;

“Excessive noise” means any unusual noise, vibrations or activities likely to disturb, annoy and harass the inhabitants including noise made by the owner or occupant of a place of business during unusual hours;

“Conveyance” means a vehicle and any other device used to transport a person or persons or goods from place to place;

“**Official Plan**” means the Official Plan By-law N° 8-2010 of the town of Hawkesbury, as amended from time to time and its successors;

“**Point of reception**” means any point on the premises of a person where sound or vibration originating from other than those premises is received;

“**Town**” means the Corporation of the Town of Hawkesbury.

2. **TERRITORY**

Residential area: shall include all properties located within residential designations, all residential dwellings, apartment buildings or any other type of residences that are located within other designations, as described in the Official Plan.

Other area: all properties located within Community commercial, Downtown core, Trade & industry transition and Waterfront designations as described in the Official Plan. Industries within the Trade and industry areas are excluded.

3. **GENERAL PROHIBITIONS**

Within residential and other areas, no person shall make, cause or permit the emission of excessive noise that is audible at a point of reception.

4. **SPECIFIC LIMITATIONS**

Notwithstanding section 3 of this by-law, no person shall make, cause or permit the emission of noise resulting from the following activities except as permitted within the time frame specified in the chart below.

| Activity | Permitted period of time | |
|---|---|--|
| | Residential area | Other area |
| 4.1 Operation of any construction equipment or undergoing construction activities | Monday to Friday: 7:00 a.m. to 7:00 p.m. Saturday: 9:00 a.m. to 6:00 p.m. Sunday & public holiday: 10:00 a.m. to 4:00 p.m. | Monday to Friday: 7:00 a.m. to 9:00 p.m. Saturday: 8:00 a.m. to 6:00 p.m. Sunday & public holiday: 9:00 a.m. to 6:00 p.m. |

| | | |
|---|---|--|
| <p>4.2 Operation or use of powered or non-powered tools for domestic purposes other than snow removal (lawn mower, edge cutter, chain saw, etc.)</p> | <p>Monday to Friday: 7:00 a.m. to 7:00 p.m. Saturday: 9:00 a.m. to 6:00 p.m. Sunday & public holiday: 10:00 a.m. to 4:00 p.m.</p> | <p>Monday to Friday: 7:00 a.m. to 9:00 p.m. Saturday: 8:00 a.m. to 6:00 p.m. Sunday & public holiday: 9:00 a.m. to 6:00 p.m.</p> |
| <p>4.3 Sound or noise from or created by a radio, sound system, television or any musical or sound-producing instrument played in such 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 or any other type of residence other than the premises where the sound or noise originates</p> | <p>At all times</p> | <p>Monday to Friday: 9:00 a.m. to 10:00 p.m. Saturday: 9:00 a.m. to 10:00 p.m. Sunday & public holiday: 10:00 a.m. to 10:00 p.m.</p> |
| <p>4.4 Ringing of bells, except for church bells or carillons, the blowing of horns or sounding of sirens on any motor vehicle except from vehicles of the police department or the fire department or an ambulance or any public service or emergency vehicle while answering a call</p> | <p>At all times</p> | <p>At all times</p> |
| <p>4.5 Any noise, barking or whining made by a domestic animal</p> | <p>At all times</p> | <p>At all times</p> |
| <p>4.6 Lighting or exploding of firecrackers or similar explosive noisemakers, except for the events authorized by the municipal council or in conformity with By-law N° 31-96 respecting fireworks</p> | <p>At all times</p> | <p>At all times</p> |

| | | |
|---|--------------|---|
| and firecrackers or its successors | | |
| 4.7 Discharging of a gun or any other similar type of firearms, unless discharged by a municipal law enforcement officer or any members of a police force while performing their respective duties | At all times | At all times |
| 4.8 Noise made by power motors, engine motors, motor vehicles or motorcycles that are not equipped with the proper exhaust muffler preventing loud or explosive noises, whether from the inside of a building or outside | At all times | At all times |
| 4.9 Unnecessary motor vehicle noise such as the sounding of the horn, revving of engine and the squealing of tires of any motor vehicle on any property | At all times | At all times |
| 4.10 Noise or sound created by the repairing, wrecking, dismantling or modifying of any vehicle, motor, machine or any part or parts thereof | At all times | Monday to Friday: 7:00 a.m. to 7:00 p.m. Saturday: 8:00 a.m. to 5:00 p.m. Sunday & public holiday: 10:00 a.m. to 4:00 p.m. |
| 4.11 Any unusual noise, shouting, yelling, hooting, whistling or singing at all times and clearly audible at a point of reception | At all times | At all times |
| | | |

| | | |
|--|---|---|
| <p>4.12 Noise made by any malfunctioning electric or self-powered devices such as air conditioning, thermo pump system, turbine, pool or hot-tub filtration system</p> | <p>At all times</p> | <p>At all times</p> |
| <p>4.13 Operation of any conveyance other than on a highway</p> | <p>Monday to Friday: 7:00 a.m. to 7:00 p.m. Saturday: 9:00 a.m. to 6:00 p.m. Sunday & public holiday: 10:00 a.m. to 4:00 p.m.</p> | <p>Monday to Friday: 7:00 a.m. to 7:00 p.m. Saturday: 8:00 a.m. to 5:00 p.m. Sunday & public holiday: 10:00 a.m. to 4:00 p.m.</p> |
| <p>4.14 Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, products, materials, or refuse, whatsoever, unless necessary for the maintenance of essential services or the moving of private household effects</p> | <p>Monday to Friday: 7:00 a.m. to 7:00 p.m. Saturday: 9:00 a.m. to 6:00 p.m. Sunday & public holiday: 10:00 a.m. to 4:00 p.m.</p> | <p>Monday to Friday: 7:00 a.m. to 7:00 p.m. Saturday: 8:00 a.m. to 5:00 p.m. Sunday & public holiday: 10:00 a.m. to 4:00 p.m.</p> |
| <p>4.15 Loading or unloading any transport truck, moving van or motor vehicle so as to make or cause noises that disturb, or tend to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity</p> | <p>Monday to Friday: 7:00 a.m. to 7:00 p.m. Saturday: 9:00 a.m. to 6:00 p.m. Sunday & public holiday: 10:00 a.m. to 4:00 p.m.</p> | <p>Monday to Friday: 7:00 a.m. to 7:00 p.m. Saturday: 8:00 a.m. to 5:00 p.m. Sunday & public holiday: 10:00 a.m. to 4:00 p.m.</p> |
| <p>4.16 Delivering any goods, wares, merchandise or commodities from any vehicle to the owner, lessee, tenant or occupier of any premises and which delivery disturbs or tends</p> | <p>Monday to Friday: 7:00 a.m. to 7:00 p.m. Saturday: 9:00 a.m. to 6:00 p.m. Sunday & public holiday: 10:00 a.m. to 4:00 p.m.</p> | <p>Monday to Friday: 7:00 a.m. to 7:00 p.m. Saturday: 8:00 a.m. to 5:00 p.m. Sunday & public holiday: 10:00 a.m. to 4:00 p.m.</p> |

| | | |
|---|--|--|
| to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity | | |
|---|--|--|

5. RESTAURANTS AND BEVERAGE ROOMS

All owners/operators/managers of any outside terraces of restaurants and/or beverage rooms, as described in the Zoning By-law N° 84-94 consolidated May 2004, as amended from time to time and its successors, shall ensure that the outside terrace is closed from 11:00 p.m. to 6:00 a.m. the next day. All owners/operators/managers of any restaurants and/or beverage rooms shall ensure that all accesses to outside terraces from the inside shall be closed from 11:00 p.m. to 6:00 a.m. the next day to avoid any noise audible within 50 meters from the restaurant or beverage room.

6. EXCEPTION

The provisions of this by-law do not apply to noise arising from work being performed by the municipality or its authorized contractors.

7. SPECIAL EVENTS

The dispositions of this by-law do not apply to any activity, demonstration, festival, and celebration of religious nature or other authorized by the municipal council or its delegate.

8. SPECIFIC AUTHORIZATION

Notwithstanding the provisions of this by-law, the municipal council or its delegate may grant a specific authorization by resolution to deviate from this by-law for a certain period of time to execute a special project or contract. However, this special authorization may be withdrawn at any time without further notice if complaints or new facts arise in the meantime.

9. PENALTY

Every person who contravenes any of the provisions of the present by-law is guilty of an offence and is liable to the penalty provided for under the Provincial Offences Act, R.S.O. 1990, chapter 33, as amended.

10. ENFORCEMENT

The provisions of the present by-law shall be administered and enforced by the by-law enforcement officers duly appointed by the municipal council or a provincial police officer.

No person shall hinder or obstruct, or attempt to hinder or obstruct a by-law enforcement officer or provincial police officer while exercising a power, performing a duty under or enforcing this by-law.

11. VALIDITY

If a court of competent jurisdiction declares any provision, or any part of a provision of this by-law to be invalid, or to be of no force and effect, the provision shall be deemed conclusively to be severable from this by-law.

No part of this by-law not declared by a court of competent jurisdiction to be invalid shall be affected by the provision severable from this by-law.

12. FORCE AND EFFECT

This by-law shall come into force and take effect on the date of its passing thereof and repeals By-law N° 21-94.

**READ A FIRST, SECOND AND ADOPTED UPON THIRD READING
THIS 16th DAY OF AUGUST 2010.**

Mayor

Clerk