

# THE CORPORATION OF THE TOWNSHIP OF EAST HAWKESBURY

## BY-LAW NUMBER 2002-59

**BEING** a By-Law to control noise in the Municipality pursuant to Section 210 Subsections 138 and 143 of *The Municipal Act*, 2001 Chap.M.45 and amendments thereto.

**WHEREAS** Councils may pass by-laws for prohibiting or regulating and governing within the Municipality or within any defined area or areas thereof, the ringing of bells, the blowing of horns, shouting and other unusual noises, or noises likely to disturb the inhabitants, and for regulating the hours of operation of Pits and Quarries.

**AND WHEREAS** the people 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 tranquillity of their life or cause nuisance; and

**AND WHEREAS** it is the policy of Council to reduce and control such sound or vibration;

**NOW THEREFORE**, the Council of the Corporation of the Township of East Hawkesbury **ENACTS AS FOLLOWS**;

### 1. GENERAL PROVISIONS

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

- 1.1 Racing of any motorized conveyance other than in a racing event regulated by-law.
- 1.2 The operation of a motor vehicle in such a way that the tires squeal.
- 1.3 The operation of any combustion engine or pneumatic device without effective exhaust or intake muffling devices in good working order and in constant operation.
- 1.4 The operation of a vehicle or a vehicle with a trailer resulting in banging, clanking, squealing or other like sounds due to improperly secured load or equipment, or inadequate maintenance.
- 1.5 The operation of an engine or motor in, or on, any motor vehicle or item of attached auxiliary equipment for a continuous period exceeding ten (10) minutes, while such vehicle is stationary in a Residential Area unless:
  - (i) the original equipment manufacturer specifically recommends a longer idling period for normal and efficient operation of the motor vehicle in which case such case recommended period shall not be exceeded;

- (ii) operation of such engine or motor is essential to a basic function of the vehicle or equipment, including but not limited to, operation of ready-mix concrete trucks, lift platforms and refuse compactors; or
  - (iii) weather conditions justify the use of heating or refrigerating systems powered by the motor or engine for the safety and welfare of the operator, passengers or animals, or the preservation of perishable cargo, and the vehicle is stationary for the purposes of delivery or loading; or
  - (iv) prevailing low temperatures make longer idling periods necessary immediately after starting the motor or engine; or
  - (v) the idling is for the purpose of cleaning and flushing the radiator and associated circulation system for seasonal change of antifreeze, cleaning of the fuel system, carburetor or the like, when such work is performed other than for profit.
- 1.7 The operation of a motor vehicle horn or other warning device except where required or authorized by law or in accordance with good safety practices.
- 1.8 The operation of any item of construction equipment in a Residential Area without effective muffling devices in good working order and in constant operation.
- 1.9 The installation of a Heat Pump, Heating System or Ventilation System, which produces noise and needs to be installed on the outside of any building, should be installed in such a manner as to reduce the possibility of such a system disturbing the peace of the neighbours.

## 2. PROHIBITIONS BY TIME AND PLACE

- 2.1 No person shall emit or cause or permit the emission of sound resulting from any act between the hours 9:00 p.m. and 7:00 a.m., every day, in the Villages of the Municipality AND between the hours of 11:00 p.m. and 7:00 a.m., every day, in the rest of the Municipality EXCEPT for Saturdays between the hours of 12:00 a.m.(midnight) and 9:00 a.m. Sunday morning throughout the municipality.
- 2.2 Pits and/or Quarries located in the municipality shall be allowed to drill, crush, or carry-on operations between the hours of 6:00 a.m. and 9:00 p.m. only.
- 2.3 Pits and/or Quarries located in the municipality shall be allowed to blast between the hours of 9:00 a.m. and 6:00 p.m. only.
- 2.4 NO Pit or Quarry shall drill, blast, crush or carry-on operations on Sunday.

### 3. EXEMPTION

#### Public Safety

Notwithstanding any other provision of this by-law, it shall be lawful during an emergency to emit or cause or permit the emission of sound or vibration in connection with emergency measures;

- (a) for the immediate health, safety or welfare of the inhabitants or any of them, or,
- (b) for the preservation or restoration of property, 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.

### 4. GRANT OF EXEMPTION BY COUNCIL

#### Application to Council

- a) Notwithstanding anything contained in this by-law, any person may make application to the Council to be granted an exemption from any of the provisions of this by-law 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.

#### Decision

- b) In deciding whether to grant the exemption, Council shall consider the application and any written submission then received by Council and made by the applicant and the Council may consider such other matters as it sees fit.

#### Breach

- c) Breach by the applicant of any of the terms or conditions of any exemption granted by Council shall render the exemption null and void.

### 5. EXEMPTION OF TRADITIONAL, FESTIVE OR RELIGIOUS ACTIVITIES

Notwithstanding any other provision of this by-law, this by-law 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. This By-Law shall come into force on the passing thereof.

7. THAT By-Law 41/84, By-Law 91-13 and By-Law 2000-47 are hereby repealed.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THE 9<sup>th</sup> DAY OF  
SEPTEMBER, 2002**

Michel Lalonde

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Mayor

Réjeanne Clermont

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Clerk