

**CORPORATION OF THE TOWNSHIP OF HOWICK**

**BY-LAW NO. 19 – 2004**

**A BY-LAW TO REGULATE AND/OR PROHIBIT WITH RESPECT TO NOISES IN THE TOWNSHIP OF HOWICK.**

**WHEREAS** the *Ontario Municipal Act, 2001, Section 129 (1)* provides that a local municipality may prohibit and regulate with respect to noises and vibrations;

**AND WHEREAS** the residents of Howick Township have a right to and should be ensured an environment free from unusual, unnecessary or excessive sounds or vibrations, which may degrade the quality and tranquility of their life or cause nuisance;

**AND WHEREAS** it is deemed expedient and necessary to regulate or prohibit noises and vibrations likely to disturb the inhabitants of the Township of Howick

**NOW THEREFORE** the Council of the Corporation of the Township of Howick enacts as follows:

**PART I – GENERAL PROHIBITIONS**

THAT no person shall cause or emit or permit the emission of sound resulting from any act listed herein, and which sound is clearly audible at any point of reception within the geographical limits of the Township of Howick:

- 1.1 Racing of any motorized conveyance, other than in a racing event regulated by law;
- 1.2 Operation of a motor vehicle in such a way that the tires squeal;
- 1.3 Operation of any combustion engine or pneumatic equipment without an effective exhaust or intake muffling device in good working order and in constant operation;
- 1.4 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 Operation of any vehicle including snowmobiles and all-terrain vehicles, or of an engine or motor in or on any vehicle or auxiliary equipment for a continuous period exceeding five minutes, while in a residential zone, except in cases that:
  - a) such operation is essential to the basic function of the vehicle or equipment  
ie. a ready-mix concrete truck, refuse compactor;
  - b) weather conditions dictate the use of heating or refrigeration systems powered by motor/engine for the safety of people, animals, perishable cargo, etc., and the vehicle is delivering or loading;
  - c) low temperatures make longer idling necessary;
  - d) idling is for the purpose of cleaning and flushing circulation or fuel systems;
- 1.6 Operation of a motor vehicle horn or other warning device, except where authorized by law or in accordance with good safety practices;
- 1.7 Discharging of fireworks, except during specified public holidays;
- 1.8 Detonation of explosive devices not used for construction purposes;
- 1.9 Operation of any electronic device or group of connected devices incorporating one or more loudspeakers or other electro-mechanical transducers and intended for the production, reproduction or amplification of sound;
- 1.10 Operation of any auditory signaling device, including but not limited to the ringing of bells or gongs, the blowing of horns, sirens or whistles, or the production, reproduction or amplification of any similar sounds by electronic means, except where required or authorized by law or in accordance with good safety practices;
- 1.11 Persistent barking, calling, whining, or other similar persistent noise made by any domestic pet or animal kept or used for any purpose other than agriculture.

**PART II - EXEMPTIONS**

**2.1 Public Safety**

THAT notwithstanding any other provision of this by-law, it shall be lawful to emit or cause or permit the emission of sound or vibration in connection with emergency measures undertaken in the Township of Howick:

- a) for the immediate health, safety or welfare of the inhabitants;
- b) for the preservation of property.

2.2 **Exempt Activities**

THAT notwithstanding any other provision of this by-law, a person who emits or causes or permits the emission of sound or vibration in connection with any of the activities listed below, shall not be deemed to be in contravention of the by-law:

- i) **Parades** – Noise from an organized parade is permissible;
- ii) **Church Bells/Chimes** – Noise from the use of church bells/chimes associated with church activities is permissible;
- iii) **Events / Performances** – Noise from any sporting, recreational, musical, entertainment or other event or performance which has been duly authorized, such noise or vibration as would be reasonably associated with the event and occurring only for the duration of the event, is permissible;
- iv) **Agricultural Activities** – Noise from any equipment, apparatus or device being used for agricultural purposes is permissible;
- v) **Fireworks on Public Holidays** – Detonation of fireworks is permissible on these Public Holidays - New Year's Eve / Day; Victoria Day; July 1<sup>st</sup> Canada Day; Civic Day; and Labour Day.

2.3 **Application to Council for Exemption**

THAT notwithstanding any provision of this by-law, any person may make application to the Council of the Township of Howick to be granted an exemption from any provision of the by-law with respect to any source of sound or vibration for which he/she might be prosecuted. Council may, by resolution, grant or refuse the requested exemption, or may grant an exemption of lesser effect. Any exemption granted shall specify a time period, not to exceed six months, for which it will be effective, and may contain such terms and conditions as Council deems necessary. Breach of any of the terms and conditions shall render the exemption null and void.

**PART III - SEVERABILITY**

THAT should a court of competent jurisdiction declare any section or part of a section of this by-law to be invalid, such section or part of a section shall be deemed to be severable and all other sections or parts of this by-law are separate and independent therefrom and shall be valid and remain in force.

**PART IV - PENALTY**

THAT any person who contravenes any of the provisions described herein shall be guilty of an offence and, upon conviction thereof, shall be subject to a fine of **\$50.00**. Such fines may be remitted voluntarily to the Clerk-Treasurer of the Township of Howick within fifteen (15) days of the date of the Notice of Infraction. If such voluntary payment is not made, the fine shall be recoverable under the *Provincial Offences Act*.

**PART V - ENFORCEMENT**

THAT the provisions of this by-law shall be enforced by the By-Law Enforcement Officer for the Township of Howick.

**PART VI - ENACTMENT**

THAT this By-Law shall come into force and take effect upon passing thereof and shall remain in force until amended or repealed by the Council of the Corporation of the Township of Howick, and shall be cited as the **"NOISE CONTROL BY-LAW"** for the Township of Howick.

READ A FIRST AND SECOND TIME AND PROVISIONALLY PASSED THIS 15th DAY OF JUNE, 2004.

READ A THIRD TIME AND FINALLY PASSED THIS        DAY OF        , 2004.

\_\_\_\_\_  
REEVE

\_\_\_\_\_  
CLERK

**CORPORATION OF THE TOWNSHIP OF HOWICK**

**SCHEDULE 'A' of BY-LAW NO. 19-2004**

**Noise Control By-Law**

***Part I Provincial Offences Act***

<b><u>Item</u></b>	<b><u>Column 1</u> <u>Short Form Wording</u> <u>Description of Offence</u></b>	<b><u>Column 2</u> <u>Provision Creating</u> <u>or Defining Offence</u></b>	<b><u>Column 3</u> <u>Set Fines</u> <u>(includes costs)</u></b>
1.	Cause noise by racing any motorized conveyance	<i>Part I, Clause 1.1</i>	\$50.00
2.	Create noise by operating equipment with poor or no muffler	<i>Part I, Clause 1.3</i>	\$50.00
3.	Vehicle causing clanging/banging/etc	<i>Part I, Clause 1.4</i>	\$50.00
4.	Create noise by unnecessary operation of any vehicle or equipment in residential zone in excess of 5 minutes	<i>Part I, Clause 1.5</i>	\$50.00
5.	Create noise by sounding vehicle horn or similar device	<i>Part I, Clause 1.6</i>	\$50.00
6.	Create noise by discharging fireworks	<i>Part I, Clause 1.7</i>	\$50.00
7.	Create noise by detonating explosives	<i>Part I, Clause 1.8</i>	\$50.00
8.	Create noise by operating excessively amplified electronic device(s)	<i>Part I, Clause 1.9</i>	\$50.00
9.	Create noise by operating auditory device(s) such as bells, sirens, horns, whistles, gongs	<i>Part I, Clause 1.10</i>	\$50.00
10.	Permitting persistent barking, calling, whining of pets	<i>Part I, Clause 1.11</i>	\$50.00

**NOTE: The general penalty provision for the offences listed above is  
*Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33***