

Corporation of the Township of Minden Hills

By-Law No. 20-61

**Being a By-law to Regulate Noise within
the Boundaries of the Township of Minden**

WHEREAS Council acknowledges that fireworks have the potential to pollute air and water, negatively impact wildlife in the vicinity and diminish quality of life for some residents;

AND WHEREAS Council wishes to take action to mitigate the risk to human, animal and environmental health;

AND WHEREAS Section 121 (a) of the Municipal Act, 2001, S.O. 2001, c.25 provides that the Council may prohibit and regulate the sale of fireworks and the setting off of fireworks;

AND WHEREAS Council deems it expedient to enact a by-law to regulate noise within the boundaries of the Township of Minden Hills;

NOW THEREFORE the Council for the Township of Minden Hills enacts as follows:

1. DEFINITIONS:

In this By-law;

- a) **“Agricultural Property”** means a property that is zoned for agricultural use in the zoning by-law that applies to the property;
- b) **“Construction”** includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavation, blasting and detonation of explosive devices other than fireworks, 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 associated or related work;
- c) **“Council”** means the elected Municipal Council of the Township of Minden Hills;
- d) **“Emergency”** means a situation or an impending situation, often dangerous, caused by the forces of nature, an accident, and intentional act or otherwise, which arises suddenly and calls for prompt action;
- e) **“Emergency vehicle”** includes a land ambulance, an air ambulance, a fire department vehicle, and a motor vehicle being used to respond to an emergency;
- f) **“Fire Ban”** means a temporary measure put in place by the Municipality or Ministry of Natural Resources and Forestry (MNRF) to restrict open air fires when extreme fire conditions may exist. This measure is put in place in order to help prevent human caused fires.
- g) **“Fireworks”** means a class of explosive pyrotechnic devices;
- h) **“Motor Vehicle”** includes an automobile, bus, truck, motorcycle, motor assisted bicycle and any other vehicle propelled or driven other than by a muscular power, but does not include a motorized snow vehicle, traction engine, farm tractor, other farm vehicle or road-building machine;
- i) **“Municipality”** means the Township of Minden Hills;
- j) **“Noise”** means sounds that is unusual or excessive, or that is unwanted by or disturbing to persons;
- k) **“Owner”** includes:
 - i) the person, for the time being, managing or receiving the rent of the land or premises, in connection with which the word is used, whether on the person’s own account or as an agent or trustee of any other person, or who would so receive the rent if such land and premises were let, and;
 - ii) a leasee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property
- l) **“Person”** includes a corporation as well as an individual;
- m) **“Premises”** means a piece of land and any buildings and structures on it, and includes a place of business, road, and any other location of place;

- n) **“Provincial Offences Officer”** includes any person who is employed or who has entered into a contract with the Corporation and who has been appointed by by-law by Council to control dogs or any Municipal Law Enforcement Officer engaged to enforce by-laws of the Corporation or any Police Officer or Police Cadet Officer employed and/or appointed by the Ontario Provincial Police;
- o) **“Residence”** means a room, suite or rooms, or dwelling, including a mobile trailer, operated as a housekeeping unit that is used or intended to be used as a separate domicile by one or more persons, and that normally contains cooking, eating, living, sleeping, and sanitary facilities;
- p) **“Road”** includes a public highway, private road, lane, pathway, and sidewalk;
- q) **“Utility”** means a system that is used to provide a utility service to the public, including water, sewage, electricity, gas, communications networks and cable services;
- r) **“Vehicle”** includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, and other vehicle propelled or driven other than by muscular power;
- s) **“Zoning By-Law”** means a by-law passed under section 34 of the *Planning Act* that restricts the use of land.
- t) **“Public Fireworks Display”** means an exhibition of low or high hazard recreational Fireworks in an open air assembly, occupancy to which the public is invited or admitted, with or without a fee being charged.
- u) **“Consumer fireworks”** means an outdoor, low hazard, recreational firework that is classed as a subdivision 1 of Division 2 of Class 7 Fireworks under the Act and includes fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, and volcanoes, but does not include sparklers, Christmas crackers, and caps for toy guns containing not in excess of twenty-five one-hundredths of a grain of explosive used per cap;
- v) **“Display Fireworks”** means high-hazard firework articles designed for use by professionals. These articles include items such as aerial shells, cakes, roman candles, waterfalls, lances and wheels.

2. GENERAL NOISE REGULATIONS

- (2.1) No person shall make, cause or permit to be made, either on a highway or elsewhere in the Municipality, any unnecessary noise or unnecessary sounds which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of any person or is the result of any activities described in Schedule “A” and that is audible to:
- a) a person in a premises or vehicle other than the premises or vehicle from which the noise is originating; or
 - b) a person in a residence other than the residence from which the noise is originating.
- (2.2) No person shall set off any **Fireworks** on any public street or roadway within the Township of Minden Hills at any time.
- (2.3) **Consumer fireworks** within the geographical Township of Minden Hills do not require a permit and are only permitted on the following:
- (a) New Years Eve - between dusk and 1 AM;
 - (b) Canada Day - between dusk and 11 p.m. the weekend prior to Canada Day, the weekend directly following Canada Day or on the day of Canada Day.
 - (c) Victoria Day and Labour Day - between dusk and 11 p.m. on the weekend in which the holiday falls.
- (2.4) Despite Subsection 2.3, no person shall set off any Fireworks when there is a Fire Ban in effect or when open air burning is prohibited.

3. PERMITS FOR THE DISCHARGE OF PUBLIC AND DISPLAY FIREWORKS

- (3.1) No person shall discharge or permit the discharging of display or public fireworks on prohibited days without a permit.
- (3.2) Every application for a Permit to discharge **Public or Display fireworks**, for days other than those stated in Section 2.3, shall be made to the Fire Chief upon such application form as may be issued by the Fire Chief from time to time.

4. VENDORS SELLING CONSUMER, DISPLAY OR PUBLIC FIREWORKS - POSTED – CONSPICUOUS PLACE

- (4.1) A copy of Section 2, General Regulations of this by-law, shall be posted in a conspicuous place upon any Premises where fireworks are sold.

5. PUBLIC COMPLAINT PROCESS/ENFORCEMENT

- (5.1) A complaint form, supplied by the Municipal by-law department, must be completed, in full, by any member of the public who has witnessed a general noise violation
- (5.2) Any complaint form, not completed in their entirety, will be considered to be incomplete.
- (5.3) Any member of the public completing a complaint forms acknowledges that their presence in court may be required.
- (5.4) Nothing herein shall be deemed to limit the ability of the Ontario Provincial Police to enforce this by-law at any time.

6. EXEMPTIONS

- (6.1) The Provisions of this By-law shall not apply to police, fire, ambulance or other emergency vehicle proceeding to an emergency.
- (6.2) The prohibitions described in Schedule “A” do not apply if the noise is the result of measures undertaken in an emergency for the:
- a) immediate health, safety, or welfare or the inhabitants; or
 - b) preservation or restoration of property, unless the noise is clearly of the longer duration or of a more disturbing nature than is reasonably necessary to deal with the emergency.
- (6.3) The Prohibitions described in Schedule “A” do not apply if the noise is the result of any of the activities described in Schedule “B.”

7. SCHEDULES

- (7.1) The Following Schedule are attached and form part of this by-law:
- a) Schedule “A” – General Noise Prohibitions;
 - b) Schedule “B” – Exemptions from Noise Prohibitions;
 - c) Schedule “C” – Short form wording & set fines under The Provincial Offences Act Part I.

8. PENALTY PROVISIONS

- (8.1) Any person who contravenes the provisions of this by-law is guilty of an offence and, upon conviction, is subject to a fine as provided in the *Provincial Offences Act* and to any other applicable penalties.
- (8.2) If this by-law has been contravened and a conviction entered, the court in which the conviction has been entered and any other court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an Order prohibiting the continuation or repetition of the offence by the person convicted.

9. PERMITS FOR THE DISCHARGE OF PUBLIC AND DISPLAY FIREWORKS

- (9.1) Every application for a Permit to discharge Public or Display fireworks, for days other than those stated in Section 2.3, shall be made to the Fire Chief upon such application form as may be issued by the Fire Chief from time to time.

Schedule "A" to By-law No. 20-61

General Noise Prohibitions

1. Operations of a motor vehicle or motorized snow vehicle in a race.
2. Operation of a motor vehicle in such a way that the tires squeal.
3. Operation of a combustion engine or pneumatic device without a muffler.
4. Operation of any item of construction equipment without a muffler.
5. Operation of a vehicle in a manner that results in banging, clanking, squealing or similar sounds.
6. Operation of the horn of a vehicle or other warning device except where required or authorized, or in accordance with good safety practice.
7. Operation of any outdoor auditory signaling device, including but not limited to outdoor paging systems, the ringing of bells or gongs, the use of sirens, whistles or chimes, 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 practice.
8. Persistent barking or calling made by household animals and birds.
9. Unusual, excessive, unwanted, disturbing noise by shouting, yelling or amplified sound.
10. Loud music that is of such a volume or nature that it is likely to disturb; or can easily be heard by an individual who is not on the same premises.
11. Permitting unusual, excessive unwanted, disturbing noise from the discharge of fireworks.
12. Setting off Fireworks on days other than permitted.
13. Setting off Fireworks during a fire ban.

Schedule "B" to By-law No. 20-61

Exemptions from the Noise Prohibitions

1. Operation of emergency vehicles.
2. Operation of municipal service vehicles and related equipment.
3. Operation of utility service vehicles and related equipment.
4. Bicycle races.
5. Midways that have been authorized by the Municipality.
6. Circuses that have been authorized by the Municipality.
7. Races, parades, processions, and events for ceremonial, religious or traditional purposes that have been authorized by the police.
8. Operation of bells, chimes, carillons and clocks in churches and public buildings.
9. Cultural, recreational, educational and political events in parks and other public places.
10. Neighborhood events on municipal highways and other municipal property that have been authorized by the Municipality.
11. Agricultural activities on agricultural properties.
12. The provisions of this by-law shall not apply to Municipal Events
13. "**Construction**" work, which includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavation, blasting and detonation of explosive devices other than fireworks, 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 associated or related work, is exempt between the hours of 7 AM until 7 PM.

Schedule "C" to By-law No. 20-61

Set Fine Schedule

THE CORPORATION OF THE TOWNSHIP OF MINDEN HILLS

PART I Provincial Offences Act

By-law #20-61, to Regulate Noise within the Township of Minden Hills

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Noise from combustion engine, no muffler	Section 2.1, Schedule A(3)	\$500.00
2	Noise from construction equipment, no muffler	Section 2.1, Schedule A(4)	\$500.00
3	Noise from horn of vehicle or warning device	Section 2.1, Schedule A(6)	\$500.00
4	Noise from ringing bells, gongs, sirens, whistles	Section 2.1, Schedule A(7)	\$500.00
5	Noise from barking dogs	Section 2.1, Schedule A(8)	\$500.00
6	Noise from shouting, yelling or amplified sound	Section 2.1, Schedule A(9)	\$500.00
7	Permitting loud music at volume or nature likely to disturb; or be heard by a person not on the same premises.	Section 2.1, Schedule A(10)	\$500.00
8	Noise from the discharge of fireworks.	Section 2.1, Schedule A(11)	\$500.00
9	Setting off of Consumer Fireworks on days other than permitted.	Section 2.3, Schedule A(12)	\$500.00
10	Vendor Failed to post General Regulations	Section 4	\$500.00
11	Fail to obtain a permit for the discharge of display or public fireworks	Section 3	\$500.00
12	Cause or permit fireworks to be set off during a Fire Ban	Section 2.4	\$500.00

Note: The penalty provision for the offences indicated above is Section 8 of By-Law No. 20-61, a certified copy of which has been filed.

Noise Complaint Form

DATE RECEIVED IN OFFICE: _____

Witness:

Name: _____

911 Address: _____

Mailing Address: _____

Phone Number: _____

Cell Phone Number: _____

Did witness violation of General Noise Regulations:

Name: _____

911 Address: _____

Location at the above 911 address:

Type of occurrence:

Date of occurrence: _____

Time of occurrence: _____

Declaration:

I, _____ hereby declare that the above information is true and genuine to the best of my knowledge. I understand that any false content will lead to cancellation of the complaint.

Print Name of Complainant

Print Mailing Address & Phone Number

Signature of Complainant

10. SEVERABILITY

(10.1) If a court of competent jurisdiction declares any provisions, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of council in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with the terms to the extent possible according to law.

11. REPEALS

(11.1) THAT By-laws 13-54 and 14-10 of the Corporation of the Township of Minden Hills are hereby rescinded.

12. EFFECTIVE DATE

(12.1) This By-law shall come into force and effect on the date of passing.

READ A FIRST, Second and Third time and finally passed this 28 day of May, 2020.



Brent Devolin, Mayor



Victoria Bull, Clerk