

THE MUNICIPALITY OF HARRISON PARK

BY-LAW NO. 123

BEING A BY-LAW OF THE MUNICIPALITY OF HARRISON PARK TO REGULATE AND PROHIBIT NOISE NUISANCE IN THE MUNICIPALITY

WHEREAS the Municipal Act provides authority to The Municipality of Harrison Park to pass by-laws respecting regulating noise nuisances and the enforcement of by-laws.

AND WHEREAS it is deemed expedient to pass a by-law for the purpose of exercising the powers as set out in the Municipal Act, as excessive noise and sound disrupts peace, threatens order and is a serious hazard to the public health and welfare, safety and quality of life and the public has the right to and should be ensured an environment free from excessive sound that may be prejudicial to their health or diminishes the quality of life.

NOW THEREFORE the Council of The Municipality of Harrison Park, in Council assembled, enacts the following by-law which shall govern the inspection, remedy, enforcement and action respecting noise nuisances.

1. Definitions

“A’ weighted sound level” means the sound pressure level in decibels as measured on a precision sound level meter using the “A” weighting network and “slow” meter response. The level so read is designated dBA.

“ambient sound level” means the ‘A’ weighted sound level at a location where it is heard, excluding the sound made by a thing mentioned in section 7.

“by-law enforcement officer” means a person appointed as a by-law enforcement officer by the Municipality.

“noise nuisance” means any loud, unnecessary or unusual sound or any sound whatsoever which either annoys, disturbs, injures, endangers or distracts from the comfort, repose, health, peace or safety of any person.

“decibel (dB)” means a unit for measuring the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of pressure of the sound measured to the reference pressure, which is 20 micro pascals.

“precision sound level meter” means an instrument used to measure sound levels and specified as Type 1 or Type 2 Precision Sound Level Meter in CSA specification, Z107, 1-1973, or the American National Standards Institute specification, ANSI S1.4-1971 (R1976), as amended from time to time.

2. Purpose

The purpose of this By-law is to regulate sound creating a noise nuisance. This By-law may be referred to as the Noise Nuisance By-law.

3. General prohibition

No person may make, cause or allow to be made, or keep an animal that makes:

- a. an unreasonably loud or excessive sound;
- b. a sound which unreasonably disturbs, injures or endangers the comfort, health, peace or safety of an individual; or

- c. a sound which is so harsh, prolonged, unnatural or unusual in time and place so as to cause an unreasonable discomfort to an individual.

In determining whether a person violates section 3, the following factors shall be taken into account the:

- a. time of day and day of the week;
- b. nature and use of the area from which the sound emanates;
- c. nature and use of the area at which it is received;
- d. nature of the event or activity producing the sound; and
- e. volume, duration and nature of the sound, including whether it is recurrent, intermittent or constant.

5. Activities prohibited by the time of day

No person may do, cause to be carried out or allow the following activities outdoors within 150 metres of a dwelling before 7:00 a.m. and after 11:00 p.m. on weekdays or before 8:00 a.m. and after 12:00 a.m. on Saturdays, Sundays and holidays:

- a. no person shall shout, sing, yell or indulge in any other noise-producing activity so as to annoy or disturb the quiet, comfort or repose of any person in the vicinity;
- b. operation of the following: mechanical tools or equipment used in construction, drilling, or demolition work, such as a power saw, drill, sander, grinder;
- c. operation of lawn or garden tools, snow blower, or similar device used outdoors
- d. operation of a powered model;
- e. repair, rebuild, modify or test a motor vehicle, motorcycle, motor boat, outboard motor, recreational vehicle, or off-road vehicle;
- f. operation of motorized recreational vehicles or off-road vehicles on a property other than within the municipal right of way;
- g. operation of an engine or motor on a motor vehicle or attached auxiliary equipment for a continuous period exceeding 10 minutes;
- h. no person shall fire, set off, or otherwise ignite any fireworks.

6. Prohibited activities

No person may do, cause to be carried out or allow the following activities:

- a. operate, apply or otherwise use an engine retarder brake on a vehicle unless the vehicle is driven on a highway permitting the operation of vehicles and the usage retarder breaks, or in an emergency where it is necessary to use such brakes.
- b. offer for sale or sell anything by shouting, or amplified sound within an area zoned for residential or commercial uses in the Municipality's zoning by-law passed under the Planning Act,

7. Exemptions

This By-law does not apply to:

- a. emergency sirens and signals used during an emergency by an ambulance, fire vehicle, police vehicle or any public service or emergency vehicle;
- b. work performed in respect of the maintenance, construction demolition or otherwise working on a public right-of-way or public space;
- c. military or other bands or parade, operating under a permit from the Municipality;
- d. the ringing of places of worship or school bells and activities normally associated with places of worship and schools.
- e. operating sound producing devices during the month of December for playing Christmas carols;
- f. concerts, circuses, fair, parades or any like activity under a permit

- issued by the Municipality;
- g. an activity, work or undertaking performed by or through the Municipality in respect of public services, facilities or installations;
- h. any person operating a snow clearing device powered by an engine for the purpose of commercial and non-commercial removals of snow and ice from streets, parking lots and sidewalks.
- i. aircraft, railway rolling stock, and farm equipment used for agricultural uses.

8. Enforcement

A by-law enforcement officer acting under this By-law has all the powers, duties and functions of a designated officer set out in the Municipal Act:

- a. Section 242 for the purpose of making orders requiring persons responsible for the contravention of a by-law, the Act, any other Act the Municipality is authorized to enforce, and any permits, approvals, orders and agreements made or issued under this By-law, and to remedy the contravention; and
- b. Section 249 for the purpose of enforcing a contravention through an offence.

The by-law enforcement officer may carry out inspections to determine what actions or measures a person must take in connection with any matter under this By-law, whether the actions or measures set out in the order have been taken, and to prevent a re-occurrence of a contravention.

9. Penalty

A person who contravenes this by-law, commits an offence and is liable to an administrative penalty under the Municipal By-law Enforcement Act.

Any costs of enforcing this by-law are, in addition to an administrative penalty, an amount owing to the Municipality by the person who caused the enforcement action to be taken, as well as an owner of the land and may be collected in the same manner as a tax may be collected or enforced under the Municipal Act.

10. Repeal

That By-law No. 57 is hereby repealed.

DONE AND PASSED AS A BY-LAW OF THE MUNICIPALITY OF HARRISON PARK, IN COUNCIL DULY ASSEMBLED, AT ONANOLE, THIS 10th DAY OF AUGUST, A.D. 2022.

THE MUNICIPALITY OF HARRISON PARK



Craig Atkinson
Deputy Reeve



Chad Davies
Chief Administrative Officer



Read a first time the 20th day of July, A.D. 2022.
Read a second time the 10th day of August, A.D. 2022.
Read a third time the 10th day of August, A.D. 2022.