



CONSOLIDATION
BY-LAW NO. 2010-0030

A By-law to prohibit or regulate noise in the Town of Halton Hills

WHEREAS Section 9 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under that or any other Act;

AND WHEREAS Section 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that municipalities may provide any service or thing that the municipality considers necessary or desirable for the public, and authorizes municipalities to pass by-laws within their respective spheres of jurisdiction;

AND WHEREAS Sections 23.1, 23.2, 23.3 and 23.5 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorize a municipality to delegate certain powers and duties;

AND WHEREAS Section 128 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorizes a local municipality to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS excessive Sound and inadequately controlled Noise may impair public health, safety and welfare, and may become a nuisance;

AND WHEREAS Section 129 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorizes a local municipality to prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination;

AND WHEREAS the present technical and scientific knowledge on the subjects of acoustics, Sound and Noise control is at an advanced stage, through which Sound may be reasonably and accurately measured, predicted, assessed and substantially reduced;

AND WHEREAS Section 425 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorizes a municipality to pass by-laws providing that a Person who contravenes a by-law of the municipality passed under that Act is guilty of an offence;

AND WHEREAS Section 429 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorizes a municipality to establish a system of fines for offences under a by-law passed under that Act;

AND WHEREAS Section 436 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorizes a municipality to pass by-laws providing that the municipality may enter on land for the purpose of carrying out inspections, to determine compliance with a by-law, direction, order, or condition of a license passed or made under that Act;

AND WHEREAS Sections 444 and 445 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provide that, where a municipality is satisfied that a contravention of a by-law has occurred, the municipality may make an order to discontinue or correct the contravention of the by-law;

AND WHEREAS Section 446 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that, where a municipality has authority to direct or require that a matter or thing be done, in default of it being done by the person directed or required to do it, such matter or thing may be done at the person's expense, and that the municipality may recover the cost of doing such thing or matter by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:

SHORT TITLE

The short title of this By-law is the *Noise By-law*.

Purpose

- (1) Council has determined that the quantitative and qualitative provisions of this By-law provide for the reasonable control of all sources of Sound within the municipality, in consideration of the number of people, the size of the geographic area and the time period affected by the provisions of this By-law to protect against Noise pollution.

Interpretation

- (1) It is the intent of this By-law that the provisions shall be interpreted to reasonably control the level and quality of Noise that is likely to disturb the peace, enjoyment, quiet, rest, comfort or convenience of the inhabitants of the Town.
- (2) Where an Officer appointed to enforce this By-law is not satisfied that a contravention of this By-law has occurred, the Officer shall not enforce the provisions of the By-law.

PART 1 DEFINITIONS

1. In this By-law:

1.1 Acoustic Calibrator

is an electro-mechanical or mechanical device which produces Sound of a known Frequency and which, when coupled to a Sound Level Meter, produces a predictable response in the Sound Level Meter if the Sound Level Meter is operating properly at the calibration Frequency. For the purpose of this By-law, the Acoustic Calibrator used shall conform to the applicable international standard specified in the International Electrotechnical Commission (IEC) standards for use with a Class 1 Sound Level Meter.

1.2 A-Weighted Sound Pressure Level

is the Sound pressure level modified by application of A-Weighting. It is measured in decibels, A-Weighted, and denoted dBA.

1.3 A-Weighting

is the most commonly used measurement of perceived loudness as specified in the International Electrotechnical Commission (IEC) standard for Sound Level Meters.

1.4 Background Sound Level

is the Sound Level that is present in the environment, produced by Noise sources other than the source under impact assessment. Highly intrusive short duration Noise caused by a source such as an aircraft fly-over or a train pass-by is excluded from the determination of the Background Sound Level. Background Sound Level is also referred to as ambient Sound Level.

1.5 Construction

includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, the laying of pipes 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.

1.6 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 trucks or haulers, ditchers, compactors and rollers, pumps, concrete mixers, graders or other material-handling equipment.

1.7 Council

means the Council of the Corporation of the Town of Halton Hills.

1.8 dBA

means the A-Weighted Sound pressure level.

1.9 dBA_i

means the A-Weighted Sound pressure level of a Sound that exhibits impulsive characteristics and is measured with a "Sound Level Meter" set to "impulse" response using the "A-Weighting" Frequency characteristics.

1.10 Decibel (dB)

is a dimensionless measure of Sound Level or Sound pressure level denoted as dB.

1.11 Designated Official

means the Clerk of the Town of Halton Hills, or any successor to this position, and the designate or designates of this individual including a municipal law enforcement Officer.

1.12 Frequency

means the number of times that a quantity repeats itself in a unit interval of time, such as cycles per second, and is denoted as hertz (Hz) as a unit of measurement.

- 1.13 Heavy Equipment
includes but is not limited to; forklifts, cranes, bulldozers, loaders, off-highway trucks or haulers, compactors, graders, or other material handling equipment.
- 1.14 Impulsive Sound
is a single pressure pulse or a single burst of pressure pulses.
- 1.15 Leq
is the one hour equivalent Sound Level.
- 1.16 LLM
means logarithmic mean Impulse Sound Level.
- 1.17 Noise
is Sound that exceeds the level and/or quality set out in the quantitative provisions of this By-law or contravenes the qualitative provisions of this By-law.
- 1.18 Normal Farm Practice
means a practice that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances, or makes use of innovative technology in a manner consistent with proper advanced farm management practices.
- 1.19 Officer
means a municipal law enforcement Officer, police Officer, or other Person appointed by law to enforce the provisions of this By-law.
- 1.20 Owner
includes with respect to land or Property, the registered Owner, occupant, tenant, or the Person for the time being managing or receiving the rent of the Property whether on his own account or on account of an agent or trustee of any other Person, or any of the aforesaid.
- 1.21 Person
includes an individual, an Owner, corporation, partnership, company, firm, association, or party and includes the successors, assigns, heirs, executors, administrators, or other legal representatives of a Person to whom the context can apply according to law and the singular shall include the plural.
- 1.22 Point of Reception
means a point on the premises of a Person within 30m of a building, where Sound originating from other premises is received.
- 1.23 Private Property
means land or Property that is privately owned and is not Town Property or Property of a local board, or Property of the Regional Municipality of Halton, or Property of any of the Crown in Right of Ontario, the Crown in Right of Canada or any emanations thereof.
- 1.24 Property
means a Building or Structure or part of a Building or Structure, and includes the lands and any premises appurtenant thereto and all mobile homes, mobile Buildings, mobile structures, outbuildings, Fences, and erections thereon and includes vacant Property.

1.25 Public Event

is a cultural, recreational or educational event including public fairs to which the public is invited and requiring the approval of more than one agency or authority including but not limited to: matters respecting health, parking, Noise, building, lottery licensing, LCBO, TSSA, fire, police, and traffic.

1.26 Quasi-Steady Impulsive Sound

is a sequence of Impulsive Sounds emitted from the same source, having a time interval of less than 0.5 seconds between successive Impulsive Sounds.

1.27 Residential Area

means those areas zoned residential or in which residential use is permitted by Town Zoning By-laws, and any amendments thereto, passed pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P.13, or those areas subject to development control on Niagara Escarpment Plan lands which provide for residential use.

1.28 Rural Class 2 Area

The area shown as Rural Class 2 in Schedule "C" to By-law 2010-0030.

1.29 Sound

is an oscillation in pressure, stress, particle displacement or particle velocity, in a medium with internal forces (i.e., elastic, viscous), or the superposition of such propagated oscillations, which may cause an auditory sensation.

1.30 Sound Level

is the A-Weighted Sound pressure level (dBA).

1.31 Sound Level Meter

is an instrument which is sensitive to and calibrated with an Acoustic Calibrator for the measurement of Sound. For the purpose of this By-law, the Sound Level Meter used shall conform to the international standard specified in the International Electrotechnical Commission (IEC) standards for a Class 1 instrument.

1.32 Sound Pressure

is the instantaneous difference between the actual pressure and the average or barometric pressure at a given location. The unit of measurement is the micro pascal (μPa);

1.33 Stationary Source

means a source of Sound, or a combined source of Sound, whether fixed or mobile, that exists or operates on the premises, Property or facility, the Sound Level, or combined Sound Levels (as the case may be), of which are emitted beyond the Property boundary of the premises, Property or facility, excluding a source that is due to, or caused by, Construction, road maintenance, emergency operations or other activities authorized by law. Stationary Source also includes the Sound generated by back-up/reverse alarms mounted on vehicles when engaged in activities within a Property, excluding those back-up/reverse alarms operated in connection with Construction sites, road maintenance, emergency operations and other activities authorized by law. A Stationary Source includes individual sources of Noise or a group of Noise sources all located within the premises, Property or facility emitting the Noise. Stationary Source excludes Noise sources addressed in a qualitative manner that are clearly audible at a Point of Reception.

1.34 Town

means the Corporation of the Town of Halton Hills.

- 1.35 Urban Class 1 Area
The area shown as Urban Class 1 in Schedule “C” to By-law 2010-0030.

PART 2 QUALITATIVE: PROHIBITIONS BY TIME AND PLACE

- 2.1 No Person shall emit or cause or permit the emission of, Sound resulting from any act listed under the heading “Type of Sound” in Schedule “A” – Noise Prohibitions by Time and Place, if the Sound is clearly audible at a Point of Reception located in an area of the Town specified under the heading “Prohibited Area” in Schedule “A” within a prohibited time shown for such an area as set out under the heading “Prohibited Time of Day” in Schedule “A”.

PART 3 QUANTITATIVE: REGULATING NOISE WITH THE USE OF SOUND LEVEL(S)

3.1 LIMITATIONS ON SOUND LEVELS OF ANY AIR CONDITIONING DEVICES

No Person shall emit, or cause or permit the emission of, Sound from the operation of any air conditioning device used in a residential application resulting in a Sound Level at a Point of Reception in excess of the specified Sound Level limits. Either the general Sound Level limit in Table 1 or the specific Sound Level limit in Table 2 shall apply to an air conditioning device. The less restrictive of these two limits shall prevail.

- 3.1.1 General Sound Level Limit
The general Sound Level limit is outlined in Table 1. The specific hour is to be determined by the Officer.
- 3.1.2 The general Sound Level limit shall be established through measurements or calculation of the one hour equivalent Sound Level L_{eq} caused by road traffic at the Point of Reception.

TABLE 1
GENERAL SOUND LEVEL LIMIT

All Air Conditioning Devices	
Area Type	L_{eq} (dBA)
Urban Class 1 and Rural Class 2	One Hour Equivalent Sound Level (L_{eq}) of road traffic plus 5 dBA measured during the period of 07:00 to 21:00 hours

- 3.1.3 Specific Sound Level Limits
The Specific Sound Level limits identified in Table 2, measured at the Point of Reception, are maximum Sound Level limits, for two types of air conditioning devices used in a residential application.

TABLE 2
SPECIFIC SOUND LEVEL LIMITS

Central Air Conditioning Devices and Window or Through-the-Wall Air Conditioning Devices	
Area Type	One Hour Leq (dBA)
Urban Class 1	50
Rural Class 2	45

- 3.1.4 No other Sound Level limits in this By-law other than Section 3.1 of this By-law shall apply to any air conditioning device used in a residential application.
- 3.1.5 Part 3 of this By-law does not apply to air conditioners used in connection with institutional, commercial and industrial applications or to multi-family dwellings sharing a common air conditioner.

3.2 LIMITATIONS ON SOUND LEVELS FROM STATIONARY SOURCES

No Person shall emit, or cause or permit the emission of Sound from a Stationary Source such that the one hour equivalent Sound Level (Leq) or the logarithmic mean Impulse Sound Level (L_{LM}) of Sound from that source at a Point of Reception exceeds the applicable Sound Level limits in this part of the By-law and in accordance with the following sub-sections:

3.2.1.1 ESTABLISHMENT OF LIMITS - OBJECTIVE

In general, the limit is given by the Background Sound Level at the Point of Reception. The Sound Level limit must represent the minimum Background Sound Level that occurs or is likely to occur during the operation of the Stationary Source under investigation.

- 3.2.1.2 The time interval between the Background Sound Level measurement and the measurement of the Sound Level produced by the Stationary Source under impact assessment should be minimized as much as possible. Preferably, the two measurements should be carried out within one hour of each other.

3.2.2 SOUND LEVEL LIMITS – GENERAL

- 3.2.2.1 For Impulsive Sound from a Stationary Source, other than Quasi-Steady Impulsive Sound, the Sound Level limit expressed in terms of the logarithmic mean impulse Sound Level (L_{LM}) is the Background one hour equivalent Sound Level (Leq) typically caused by road traffic for that Point of Reception.
- 3.2.2.2 For Quasi-Steady Impulsive Sound from a Stationary Source, the Sound Level limit expressed in terms of the one hour equivalent Sound Level (Leq) is the Background

one hour equivalent Sound Level (Leq) typically caused by road traffic for that Point of Reception.

3.2.3 SOUND LEVEL LIMITS - SPECIFIC IMPULSIVE SOUNDS

3.2.3.1 For Impulsive Sound from a Stationary Source (other than Quasi-Steady Impulsive Sound) which is an industrial metal working operation (including but not limited to; forging, hammering, punching, stamping, cutting, forming and moulding), the Sound Level limit at a Point of Reception expressed in terms of the logarithmic mean Impulse Sound Level (L_{LM}) is 60 dBAi if the Stationary Source has been operating since before January 1, 1980, and otherwise is 50 dBAi.

3.2.3.2 For Impulsive Sound from a Stationary Source (other than Quasi-Steady Impulsive Sound) which is the discharge of firearms on the premises of a licensed gun club, the Sound Level limit at a Point of Reception expressed in terms of the logarithmic mean impulse Sound Level (L_{LM}) is:

- (a) 70 dBAi if the gun club has been operating since before January 1, 1980; or
- (b) 50 dBAi if the gun club began to operate after January 1, 1980; or
- (c) the L_{LM} prior to any expansion, alteration or conversion of the gun club.

3.2.3.3 For Impulsive Sound from a Stationary Source (other than Quasi-Steady Impulsive Sound) which is an operation in a surface mine or quarry other than a blasting operation, characterized by impulses which are so infrequent that they cannot normally be measured using the procedure for frequent impulses, the Sound Level limit at a Point of Reception expressed in terms of the logarithmic mean impulse Sound Level is 100 dBAi.

3.2.4 SOUND LEVEL LIMITS - PEST CONTROL DEVICES

3.2.4.1 For Impulsive Sound, other than Quasi-Steady Impulsive Sound, from a pest control device employed solely to protect growing crops, the Sound Level limit at a Point of Reception expressed in terms of the logarithmic mean Impulse Sound Level (L_{LM}) is 70 dBAi.

3.2.4.2 For Quasi-Steady Impulsive Sound from a pest control device employed solely to protect growing crops, the Sound Level limit at a Point of Reception expressed in terms of the one hour equivalent Sound Level (Leq) is 60 dBA.

3.2.5 PROHIBITION - PEST CONTROL DEVICES

The operation of a pest control device employed solely to protect growing crops outdoors during the hours of darkness, sunset to sunrise, is prohibited.

3.2.6 EXCLUSION

No restrictions apply to a Stationary Source resulting in a one hour

equivalent Sound Level (Leq) or a logarithmic mean impulse Sound Level (LLM) lower than the minimum values for that time period specified in Table 3 for Class 1 and 2 Areas.

TABLE 3
Minimum Values of One Hour Leq or L_{LM} by Time of Day

	One Hour Leq (dBA) or L _{LM} (dBAi)	
Time of Day	Urban Class 1 Area	Rural Class 2 Area
0700 - 1900	50	45
1900 - 2300	47	40
2300 - 0700	45	40

3.3 LIMITATIONS ON INTERIOR SOUND LEVELS THROUGH PARTY WALLS BETWEEN OWNER-OCCUPIED SEMI-DETACHED AND TOWNHOUSE DWELLINGS

No Person shall operate or use or cause to be operated or used any Sound reproduction device in any owner-occupied dwelling that forms part of a semi-detached, or townhouse building, the Noise from which Sound reproduction device, is clearly audible in another dwelling within the said building, and has Sound Levels greater than the levels specified in Table 4 when measured in the other dwelling within the said building:

TABLE 4
Limitations on Interior Sound Levels through Party Walls between Owner – Occupied Semi-Detached and Townhouse Dwellings

	Maximum Leq Sound Level in any Consecutive 20 Minutes	
Time of Day	Leq 20 minutes in dBA	Leq 20 minutes in dB
0700 – Weekdays and 1700 Saturdays	45 dBA	53 dB
0900 – 1700 Sundays and Statutory Holidays	45 dBA	53 dB
1700 – 2400 All days	40 dBA	48 dB
2400 – 0700 Weekdays and Saturdays	Not Clearly Audible (must use qualitative provisions of this Noise By-law)	
2400 – 0900 Sundays and Statutory Holidays	Not Clearly Audible (must use qualitative provisions of this Noise By-law)	

3.4 LIMITATION ON INTERIOR SOUND LEVELS THROUGH PARTY WALLS EMITTED BY COMMERCIAL ESTABLISHMENTS

No Person shall operate or use or cause to be operated or used any Sound reproduction device originating from or in connection with the operation of any commercial establishment, the Noise from which Sound reproduction device when measured from an adjoining business within the same building has Sound Levels greater than the following scheduled levels specified in Table 5:

Table 5
Limitation on Interior Sound Levels through Party Walls
Emitted by Commercial Establishments

	Maximum Leq Sound Level in any Consecutive 20 Minutes	
Time of Day	Leq 20 minutes in dBA	Leq 20 minutes in dB
0700 – Weekdays and 1700 Saturdays	45 dBA	53 dB
0900 – 1700 Sundays and Statutory Holidays	45 dBA	53 dB
1700 – 2400 All days	40 dBA	48 dB
2400 – 0700 Weekdays and Saturdays	Not Clearly Audible (must use qualitative provisions of this Noise By-law)	
2400 – 0900 Sundays and Statutory Holidays	Not Clearly Audible (must use qualitative provisions of this Noise By-law)	

3.5 LIMITATION ON EXTERIOR SOUND LEVELS DUE TO A SOUND REPRODUCTION DEVICE

No Person shall operate or cause to be operated or used any Sound reproduction device, the Noise from which Sound reproduction device has Sound levels greater than the following scheduled levels specified in Table 6 when measured outside of the business, dwelling house, apartment house, hotel or other residence inside the Property of another Person.

TABLE 6
Limitation on Exterior Sound Levels Due to a Sound Reproduction Device

	Maximum Leq Sound Level in any Consecutive 20 Minutes	
Time of Day	Leq 20 minutes in dBA	Leq 20 minutes in dB
0700 – 1700 Weekdays Saturdays	55 dBA	63 dB
0900 – 1700 Sundays and Statutory Holidays	55 dBA	63 dB
1700 – 2400 All days	50 dBA	50 dB
2400 – 0700 Weekdays and Saturdays	Not Clearly Audible (must use qualitative provisions of this Noise By-law)	
2400 – 0900 Sundays and Statutory Holidays	Not Clearly Audible (must use qualitative provisions of this Noise By-law)	

3.6 LIMITATION ON EXTERIOR SOUND LEVELS DUE TO OPERATION OF SNOW REMOVAL EQUIPMENT

No Person shall operate or cause to be operated or used any snow removal equipment, the Noise from which Sound has a Leq greater than 73 dBA when measured from a minimum distance of 7.5 metres from the source of Sound.

3.7 **LIMITATION ON EXTERIOR SOUND LEVELS DUE TO BLASTING OPERATIONS**

No Person shall emit or cause or permit the emission of Sound (concussion) from a blasting operation in a mine or quarry, such that the peak pressure level at a Point of Reception located in a Residential Area, exceeds 120 dB measured from a location out-of-doors within 7 metres from a building.

3.8 **LIMITATION ON EXTERIOR SOUND LEVELS DUE TO CONSTRUCTION EQUIPMENT**

No Person shall emit or cause or permit the emission of any Sound from any item of Construction Equipment of a type referred to in or that exceeds the Sound Levels specified in Table 7 at a Construction site, any part of which, is located in or within 600 m of a Residential Area.

TABLE 7

Limitation on Exterior Sound Levels Due to Construction Equipment

Type of Equipment (manufactured after January 1, 1981)	Maximum Sound Level (dBA)	
	Power Rating Less than 75 kW	Power Rating 75 kW and Larger
Excavation Equipment, Bulldozers, Loaders, Backhoes, or other equipment capable of being used for similar application.	83 dBA	85 dBA
Pneumatic Pavement Breakers	85 dBA	
Portable Air Compressors	76 dBA	
Tracked Drills	100 dBA	

3.9 **PREEMPTION**

- 3.9.1 Despite the compliance of any Noise with the provisions of the specified Sound Level limits contained in Part 3 of this By-Law, the provisions of this By-Law respecting prohibitions by time and place contained in Part 2 shall still apply.
- 3.9.2 In the event of a conflict between the Prohibitions contained in Part 2 of this By-law and the Regulations contained in Part 3, the more restrictive provisions shall apply.

PART 4 **EXEMPTIONS**

- 4.1 This By-law does not apply:

4.1.1 during an emergency involving the health, safety or welfare of the public;

4.1.2 where the Town or the Region of Halton, its servants, employees, contractors or agents are carrying out emergency work for the Town or Regional operations or are operating, maintaining or installing Municipally or Regionally owned infrastructure, facilities, or the like, including but not limited to, the removal of waste and snow for the purpose of preserving the health, safety or welfare of the public;

4.1.3 to any activity or Public Event listed in the attached Schedule “B”.

- 4.1.4 to a Normal Farm Practice as defined by the *Farming and Food Production Protection Act, 1998*, S.O. 1998, c.1. The Town may however, request mediation or intervention of the Normal Farm Practices Board as regulated by the said Act.
- 4.1.5 to the extent that any Person is granted an exemption to Part 2 or Part 3 of this By-law by Council pursuant to Part 5 of this By-law, provided all terms and conditions set by Council are met for the period of time set out in the exemption granted; and
- 4.1.6 where reversing alarms (beepers) are required or authorized by law or in accordance with good safety practices as deemed necessary.

PART 5 GRANT OF NOISE EXEMPTION BY COUNCIL

5.1 Council may, by resolution upon receipt of a written application, grant an exemption from the provisions of Part 2 or Part 3 in connection with an event or activity, to any Person, with respect to any source of Sound for which a Person might otherwise be prosecuted, for such period of time and subject to such terms and conditions as Council deems advisable, and Council may refuse to grant any exemption or may grant an exemption of lesser effect than applied for and any exemption granted shall specify the time period during which it is effective.

5.2 An application for an exemption under Part 5.1 shall be filed with the Designated Official and submitted on an application in the form prescribed by the Designated Official with payment as set out in the Town’s Rates and Fees By-law and shall provide:

- 5.2.1 The applicant’s name, address, and telephone number;
- 5.2.2 The date, time, and location of the event or activity for which the exemption is sought and where applicable, the number of people expected to attend;
- 5.2.3 A description of the source of the Sound and/or vibration in respect of which the exemption is being sought;
- 5.2.4 The section of the By-law from which exemption is sought;
- 5.2.5 The period of time for which exemption is sought;
- 5.2.6 The purpose or reasons why the exemption is being sought;
- 5.2.7 The name, address and telephone number of at least one contact Person who will supervise the event or activity;
- 5.2.8 A written undertaking that one or more contact Persons responsible for supervising the event or activity will be on-site during the entire event or activity to ensure compliance with any terms and conditions imposed by Council;
- 5.2.9 No less than ten (10) days before the day of the hearing of the application for an exemption, Town staff shall send notification to the owner of neighbouring properties who may be impacted by the Noise by way of delivery of a written notice, by personal service or prepaid first class mail;

5.2.9.1 within an Urban Class 1 Area within 60 metres of the area to

Amended by
By-law No.
2023-0067

Amended by
By-law No.
2023-0067

which the application applies.

5.2.9.2 within a Rural Class 2 Area within 500 metres of the area to which the application applies

5.2.10 Service by prepaid first class mail shall be deemed to be effective on the fifth (5) day after the order is mailed.

5.2.11 Town staff shall provide public notification for two consecutive days no less than ten (10) days before the day of the hearing of the application in a newspaper of general circulation within the Town, of a notice of intention to apply for an exemption to the Noise provisions of this By-law, containing information required in Part 5, Section 5.2 thereof, and stating the date upon which application to Council is intended to be made.

Amended by
By-law No.
2023-0067

5.3 A copy of the application for exemption shall be delivered to a Designated Official who shall investigate the feasibility of the location with respect to the adjacent neighbouring properties, and prepare a report to Council, which report shall contain the Official's opinion on the merits of the application and recommendations as to terms and conditions, if any.

5.4 In deciding whether to grant the exemption, Council shall consider the application, the report of the Designated Official, and any written submissions then received by Council, and shall give the applicant and any Person opposed to the application an opportunity to be heard and may consider such other matters as it sees fit.

5.5 A breach by the applicant of any of the terms or conditions imposed by Council in granting an exemption shall immediately render the exemption null and void.

5.6 Any exemption granted by Council hereunder is specific to the applicant, event, Sound source, location and time identified in the approved application, and any attempt to alter any provisions thereof, or to assign the benefit thereof to another Person, is invalid and shall immediately thereupon render the exemption null and void.

PART 6 PENALTIES AND ENFORCEMENT

6.1 Every Person who contravenes any of the provisions of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention by the corporation is guilty of an offence and upon conviction is liable to a fine not exceeding Fifty Thousand Dollars (\$50,000.00) as provided for in the *Municipal Act, 2001*, as amended.

6.2 Where a corporation is convicted of an offence under this By-law, the maximum penalty that may be imposed on the corporation is One Hundred Thousand Dollars (\$100,000.00) as provided for in the *Municipal Act, 2001*, as amended.

6.3 Notwithstanding Subsection 6.1, every Person who is guilty of a continuing offence, on conviction is liable to a fine of no less than five hundred dollars (\$500.00), and no more than ten thousand dollars (\$10,000.00) for each day or part of a day that each offence continues, and the total of all fines for each offence is not limited to one hundred thousand dollars (\$100,000.00) as provided for in the *Municipal Act, 2001*, as amended

- 6.4 An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the provisions of this By-law are complied with and to enforce and carry out or put into effect the provisions of this By-law or any direction or order issued pursuant to the *Municipal Act, 2001*, S.O. 2001, c.25 or this By-law.
- 6.5 For the purposes of an inspection under section 6.4 the Officer may,
- 6.5.1 require the production for inspection of documents or things relevant to the inspection;
- 6.5.2 inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- 6.5.3 require information from any Person concerning a matter related to the inspection; and
- 6.5.4 alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 6.6 A sample taken under subsection 6.5.4 shall be divided into two parts, and one part shall be delivered to the Person from whom the sample is taken, if the Person so requests at the time the sample is taken and provides the necessary facilities.
- 6.7 If a sample is taken under subsection 6.5.4 and the sample has not been divided into two parts, a copy of any report on the sample shall be given to the Person from whom the sample was taken.
- 6.8 A receipt shall be provided for any document or thing removed under subsection 6.5.2 and the document or thing shall be promptly returned after the copies or extracts are made.
- 6.9 No Person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer who is exercising a power or performing a duty under this By-law.
- 6.10 If the Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order requiring the Person who contravened the By-law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to:
- 6.10.1 discontinue the contravening activity, and/or
- 6.10.2 do work to correct the contravention.
- 6.11 Any Person who contravenes an order under section 6.10 is guilty of an offence.
- 6.12 An order under section 6.10 shall set out,
- 6.12.1 reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
- 6.12.2 the date by which there must be compliance with the order.
- 6.13 An order under section 6.10 shall be served upon the Person to whom it is directed by personal service or by mailing a copy of the order by prepaid

first class mail or registered mail to the last known address noted on the tax assessment roll.

6.14 Service by prepaid first class mail or registered mail shall be deemed to be effective on the fifth day after the order is mailed.

6.15 In default of any work directed or required by an order under this Part being done by the Person directed or required to do it, the matter or thing shall be done at the Person's expense.

6.16 Where the Town or any authorized agent on behalf of the Town has performed the work required to bring about compliance with the By-law, the Town may recover the costs of doing any thing or matter under section 6.15 by action or by adding the costs to the tax roll respecting the Property of the Person named in the order and collecting same in like manner as property taxes.

6.17 The costs in section 6.16 shall include interest calculated at a rate of 15 per cent, calculated for the period commencing on the day the Town incurs the costs and ending on the day the costs, including the interest, are paid in full.

6.18 For the purposes of section 6.16, the Town or any authorized agent on behalf of the Town may enter upon land at any reasonable time and complete the work set out in the order.

6.19 ALTERNATIVE RESPONSE

Where the Designated Official or other Person authorized by Council to enforce this By-law issues an order under this Part to any Person, the Person who is alleged to have violated this By-law may respond to the order within 5 days of the issuance of the order with the submission to the Town of the name of a professionally licensed engineer with extensive experience in acoustics and Noise, who will prepare a Noise study report which must include, but is not limited to, the following information:

6.19.1 the description of the equipment/facility/operation and operating hours;

6.19.2 land use zoning designation of the surrounding area;

6.19.3 location and distance to Points of Reception;

6.19.4 relevant architectural and mechanical drawings, and

6.19.5 details of proposed Noise and vibration control measures.

6.20 Where the Noise study report proposes a solution to the alleged violation of this By-law which is acceptable to the Town in the absolute discretion of Council, then the Person who is alleged to have violated this By-law shall implement the proposal contemplated in the Noise study report in resolution of the alleged violation within 14 days or an appropriate length of time determined by the Designated Official, and if the Person does so implement the proposed solution, then no prosecution under this By-law will be pursued as a result of the alleged violation, subject to Section 6.21.

6.21 If, however, the Noise study report does not propose a solution to the alleged violation acceptable to the Town, or if the Person does not implement the proposed solution within the timeframe specified, or if the proposed solution when implemented continues to result in violations of this By-law, then the Person will remain subject to enforcement and, if convicted of the offence, penalties, under Part 6 of this By-law,.

PART 7 ADMINISTRATION OF THE BY-LAW

- 7.1 The Designated Official of the Town shall administer and enforce this By-law.
- 7.2 Municipal law enforcement Officers employed by the Town and police constables who are members of the Halton Regional Police Services are hereby authorized to enforce this By-law.
- 7.3 If a court of competent jurisdiction should declare any section or a part of this By-law to be invalid, the remainder of this By-law shall continue in force unless the court makes an order to the contrary.
- 7.4 Where the singular is used it shall also mean or stand for the plural.
- 7.5 Schedules A, B and C attached hereto form and are part of this By-law.
- 7.6 This By-law shall come into force and take effect upon the passage of this By-law except for Part 2 and Schedule A of this By-law which shall come into force and take effect on October 1, 2010.
- 7.7 That Town of Halton Hills By-law No. 1993-0177 respecting noise is hereby repealed on October 1, 2010.
- 7.8 If there is a conflict between the Town of Halton Hills By-law No. 1993-0177 and this By-law, this By-law shall prevail to the extent of the conflict.

BY-LAW read and passed by the Council for the Town of Halton Hills this 25th day of May, 2010.

Originally Signed By:

MAYOR

Originally Signed By:

TOWN CLERK

SCHEDULE “A” TO By-law No. 2010-0030

NOISE Prohibitions by Time and Place

Type of Sound	Prohibited Time of Day	Prohibited Area
1. Persistent or repetitive barking, whining, or other similar persistent Noise-making of any domestic pet or any other animal kept or used for any purpose other than agriculture.	At any time.	Residential Area
2. The operation, loading, or unloading of any Construction equipment at any Construction site or in connection with Construction.	7:00 pm one day to 7:00 am the next day Monday to Thursday 7:00 pm Friday to 8:00 am Saturday 6:00 pm Saturday to 7:00 am Monday and on any statutory holiday in accordance with the <i>Retail Business Holidays Act</i> .	Residential Area
3. The emission of Noise from the operation or use of any tool or device for customary domestic purposes including the servicing, repair, or maintenance of the Property other than snow removal.	9:00 pm one day to 7:00 am the next day Monday to Saturday (9:00 am on Sundays and Statutory holidays in accordance with the <i>Retail Business Holidays Act</i>)	Residential Area
4. The operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers intended for the production, reproduction or amplification of Sound other than from an outdoor patio or in an open-air area of a restaurant, bar, tavern, pub, café, or similar establishment.	11:00 pm one day to 9:00 am the next day.	Residential Area
5. The operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers intended for the production, reproduction or amplification of Sound on an outdoor patio or in an open-air area of a restaurant, bar, tavern, pub, café, or similar establishment.	11:00 pm Friday to 9:00 am Saturday and from 11:00 pm Saturday to 9:00 am Friday and on any statutory holiday in accordance with the <i>Retail Business Holidays Act</i> .	Within 100 metres (328 feet) of a Residential Area
6. Persistent or repetitive yelling, shouting, hooting, whistling or singing.	11:00 pm one day to 7:00 am next day (9:00 am on Sundays)	All Areas
7. All selling or advertising by shouting or outcry or by amplified Sound.	At any time	All Areas
8. The emission of Noise from the loading, unloading, packing, unpacking, delivering or otherwise handling of any containers, products, materials, or refuse whatsoever.	9:00 pm one day to 7:00 am the next day Monday to Saturday All day Sunday and on any holiday in accordance with the <i>Retail Business Holidays Act</i> .	Residential Area

9. The operation of any combustion engine and any associated devices without an effective exhaust or in-take muffling device which is in good working order and in constant operation.	At any time	Residential Area
10. The operation of a dirt bike, trail bike, moped, snowmobile, miniature motorcycle, all terrain cycle, go-cart, dune buggy or any like motorized conveyance other than on a highway or provincially licensed race track.	At any time	Within 500 m of a Residential Area
11. The Sound of any private radio or electronic device incorporating one or more loudspeakers or other electro-mechanical transducers intended for the production, reproduction or amplification of Sound in a motor vehicle installed for the sole benefit or entertainment of the operator or occupants of such vehicle.	At any time.	Beyond 10 m (30 feet) from the vehicle.
12. The operation of a combustion engine or an electric motor which is used in or is intended for use in a model or replica of any device, which model or replica has no function other than amusement if clearly audible at the Point of Reception.	At any time	Residential Area
13. The emission of Noise from any operation including but not limited to; the venting or the release of any media, the operation of a power electric generator (except during a power failure), air filtration system, Noise from grinding, milling or the operation of any industrial equipment or machinery.	11:00 pm one day to 7:00 am the next day	Residential Area
14. Any blasting operations in connection with the removal, manufacturing or processing of any material within the Town.	6:00 pm one day to 7:00 am the next day Monday to Saturday. All day Sunday and on any holiday in accordance with the <i>Retail Business Holidays Act</i>	All Areas
15. The operation of Heavy Equipment including or in connection with a salvage yard or other recycling operation.	5:00 pm one day to 8:00 am the next day Monday to Friday 3:00 pm on Saturday to 8:00 am on Monday and on any statutory holiday in accordance with the <i>Retail Business Holidays Act</i> .	Residential Area
16. Farming operation that emits Noise that is not considered a Normal Farm Practice.	At any time	Residential Area

SCHEDULE “B” to By-law No. 2010-0030

	SPECIAL EVENTS	MONTH	LOCATION
1.	Acton Canada Day Concert & Fireworks	July	Fairy Lake
2.	Acton Fall Fair	September	Fairgrounds, Acton
3.	Acton Farmers Market	June	
4.	Acton Leathertown Festival	August	Mill Street, Acton
5.	Acton Santa Clause Parade	November	
6.	Classics Against Cancer	June	Cedarvale Park
7.	Georgetown Beer Festival	September	TSP
8.	Georgetown Fall Fair	September	Fairgrounds, Georgetown
9.	Georgetown Farmers Market	June	Main Street
10.	Georgetown Highland Games	June	Fairgrounds, Georgetown
11.	Georgetown RibFest	August	TSP
12.	Georgetown Santa Clause Parade	November	Guelph Street
13.	Glen Williams Canada Day Parade	July	
14.	Light Up the Hills	November	Dominion Gardens
15.	Remembrance Day Parade - Acton	November	
16.	Remembrance Day Parade - Georgetown	November	
17.	Remembrance Day Parade – Glen Williams	November	
18.	Rock N’ Roll Classics	August	Main Street, Georgetown

SCHEDULE "C" TO BY-LAW 2010-0030

