

The Corporation of the Municipality Of Brighton

By-Law No. 118-2017

Being a By-Law to Regulate and Control Unwanted Noise within the Municipality of Brighton

Whereas section 129 of the Municipal Act, 2001 authorizes the council of every local municipality to pass by-laws to regulate and prohibit with respect to noise,

And Whereas section 425 of part XIV of the Municipal Act, S.O. 2001, authorizes that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence,

And Whereas section 429 of part XIV of the Municipal Act, S.O. 2001, provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under this Act,

And Whereas the Council of the Corporation of the Municipality of Brighton deems it expedient to pass a by-law for this purpose,

Now Therefore the Council of the Corporation of the Municipality of Brighton enacts as follows:

Section 1 Definitions

In this By-Law:

"Agricultural Property" means a property that is zoned for agricultural use in the Municipality of Brighton's Comprehensive Zoning By-Law No. 140-2002, as amended;

"Agricultural Use" means the growing of crops, including nursery and horticultural crops, the raising of livestock and other animals including poultry or fish for food, or for aquaculture, agro-forestry or maple syrup production and associated on-farm buildings and structures;

"By-Law Enforcement Officer" means a person appointed by the Corporation of the Municipality of Brighton for the purpose of enforcing the provisions of this By-Law;

"Construction" includes the erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, 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 made in any form or for any purpose, and includes any work in connection therewith;

"Construction Equipment" means any equipment or device designed and intended for use in construction or material handling, but not limited to air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders or other equipment used in construction or material handling;

"Emergency Vehicle" means a police car, ambulance, fire truck or other vehicle responding to an emergency call pursuant to a statutory duty;

"Noise" means sound that is unusual or excessive, or that is unwanted by or disturbing to persons;

"Person" includes a corporation as well as an individual.

Section 2.0 Prohibition

- 2.1 No person shall make or permit noise which is likely to disturb the inhabitants of the Municipality.

Section 3.0 Exceptions

- 3.1 Despite section 2.1 of this By-law, none of the provisions of this By-law shall apply to prohibit:
- (a) audible traffic signals,
 - (b) any agricultural use/activity conducted on lands that are zoned 'Agricultural' or 'Rural' in the Municipality of Brighton's comprehensive Zoning By-law 140-2002, as amended,
 - (c) operation of emergency vehicles, including all their components, while in use pursuant to a statutory duty,
 - (d) operation of bells, chimes, carillons and docks in churches and public buildings,
 - (e) noise arising out of or created by construction or construction equipment operated within the Municipality between the hours of 7:00 am and 9:00 pm from Monday to Saturday, inclusive provided that such equipment is maintained in good working order. No Person shall make or create noise from construction or construction equipment between the prohibited times,
 - (f) the operation of service vehicles or equipment operated by the Corporation of the Municipality of Brighton, the Corporation of the County of Northumberland, the Province of Ontario, their workers, employees, agents, consultants, contractors or sub-contractors,
 - (g) when authorized by the Municipality, motor vehicle races, parades, processions, races and events for ceremonial, religious or traditional purposes,
 - (h) when authorized by the Municipality, cultural, recreational, educational and political events in parks and other public places,
 - (i) noise normally associated with the manufacturing, processing and/or assembly of goods and/or products on lands zoned 'Commercial' or 'Industrial' in the Municipality of Brighton's comprehensive Zoning By-law 140-2002, as amended, between the hours of 7 am and 6 pm from Monday to Friday, inclusive. No person shall make noise between the prohibited times,
 - (j) the operation of power lawnmowers and/or gardening equipment or any equipment used in the maintenance of property between the hours of 7:00 a.m. and 10:00 p.m. from Monday to Saturday, inclusive and between the hours of 9:00 a.m. and 6:00 p.m. on Sunday provided that such equipment is maintained in good working order. No person shall make noise between the prohibited times,
 - (k) the operation of snow removal equipment at any time provided that such equipment is maintained in good working order.

Section 4.0 Temporary Noise Permit

- 4.1 Any application for a temporary noise exemption permit may be made to Council. The application shall be made in writing at least 45 days prior to the commencement of the requested exemption. An application form for a 'Noise

By-law Exemption' may be obtained by attending at, or contacting the Municipal office at 35 Alice St., P.O. Box 189, Brighton, Ontario, K0K 1H0.

- 4.2 In determining whether to grant an exemption by the way of a temporary noise permit Council may:
- a) determine whether the applicant has complied with all the terms and conditions of approval of any previous noise exemption permit issued to the applicant, if any,
 - b) consider any negative effects the issuance of the temporary noise permit may have on neighbouring properties and/or the Municipality,
 - c) consider any benefits the issuance of the temporary noise permit may have for neighbouring properties and/or the Municipality.
- 4.3 Council may impose conditions on temporary noise permits including but not limited to:
- a) the type and volume of sounds that may be made,
 - b) the times during which sounds may be made,
 - c) the date of expiry of the temporary noise permit,
 - d) requiring the posting of security prior to the activity and requiring, at the applicant's expense, the services of municipal staff or a professional engineer to monitor sound levels resulting from the event or activity and requiring that a report of their findings be filed with the Municipality of Brighton.
 - e) Every person shall comply with the conditions of a noise exemption permit.
- 4.4 Should Council conclude that the noise being generated is excessive Council may revoke the said permit.
- 4.5 Any temporary noise permit issued under this By-law shall expire on the date set out on the temporary noise permit, or if no date is specified, the permit shall expire 48 hours after being issued.
- 4.6 Any breach by the holder of the temporary noise permit of any of its terms or conditions shall render the temporary noise permit null and void.

Section 5.0 Offences And Penalties

- 5.1 Any person who violates any provision of this By-Law is, upon conviction, guilty of an offence and shall be liable to such penalties prescribed by the Provincial Offences Act, R.S.O., 1990, c.p.33.
- 5.2 Set fines for contravention of this By-law are set out in Schedule 'A' of this By-law.
- 5.3 For the purposes of this By-Law, each day or part of a day on which the offence occurs or continues shall be deemed to be a separate offence.

Section 6.0 Validity

- 6.1 In the event any Court of competent jurisdiction declares any section or provision of this By-Law to be invalid, or to be of no force and effect for any cause, such section or provision thereof shall be deemed severable from the remainder of the By-law and the remainder of the By-law shall stand and be

enforceable to the same extent as if the offending section or provision thereof had not been included herein.

Section 7.0 Repeal and Transition

7.1 By-Law No. 98-1233, By-Law No. 2000-1056 and By-Law No. 024-2010 are hereby repealed.

Section 8.0 Effective Date

8.1 This By-Law shall come into force and effect upon the date of final passing thereof.

Read a first, second and third time and finally passed this 20th day of February 20, 2018.

Original signed by:
Mark A. Walas, Mayor

Original signed by:
Candice Doiron, Clerk

**The Corporation of the Municipality Of Brighton
By-Law No. 118-2017**

**Schedule 'A'
Noise Control**

Part 1, Provincial Offences Act

Item	Column 1 Short Form Wording	Column 2 Provision Creating Or Defining Offence	Column 3 Set Fine
1	Unlawfully make or permit noise	Section 2.1	\$200.00
2	Make or permit Noise when prohibited to wit: operating construction equipment during a prohibited time.	Section 3.1(e)	\$200.00
3	Fail to get authorization for event	Section 3.1(g)	\$200.00
4	Make or permit Noise when prohibited to wit: make manufacturing noise during a prohibited time.	Section 3.1(i)	\$200.00
5	Make or permit Noise when prohibited to wit: operating property maintenance equipment during a prohibited time.	Section 3.1(j)	\$200.00
6	Fail to comply with the conditions of a noise exemption permit.	Section 4.3 (e)	\$175.00

Note: The general penalty provision for the offences listed above is Section 5.1 of By-law _____ - 2017, a certified copy of which has been filed.