

THE CORPORATION OF THE COUNTY OF PRINCE EDWARD

By-Law No. 2819-2011

**Being a By-law to Amend By-law No. 900-2002 being a By-law
to Restrain Certain Nuisances and to Prohibit Certain Noises within the
County of Prince Edward**

WHEREAS, Section 10, of the Municipal Act, S.O. 2001, c.25, as amended, provides that a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public, and may pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS, Section 128 (1) of the Municipal Act, S.O. 2001, c.25, as amended, a local municipality may 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, Section 128 (2) of the Municipal Act, S.O. 2001, c.25, as amended, the opinion of council under this section, if arrived at in good faith, is not subject to review by any court;

AND WHEREAS, Section 129 (a) of the Municipal Act, S.O. 2001, c.25, as amended, provides that a local municipality may prohibit and regulate with respect to noise, vibration, odour, dust and out door illumination, including indoor lighting that can be seen outdoors;

AND WHEREAS, The Council for the Corporation of the County of Prince Edward deems it necessary to amend By-law No. 900-2002;

NOW THEREFORE, the Council for The Corporation of the County of Prince Edward enacts as follows:

1. **THAT** By-law 900-2002 be amended as follows:
Section 1 – Definitions is hereby amended by adding the following definitions:

“g) Agricultural Operation

“Agricultural Operation” has the same meaning as contained in the Farming and Food Production Protection Act, 1998, S.O.1998, C.1 as amended, or any successor legislation, and shall include but not limited to: farming and road travel, soil tillage, planting, applications of fertilizers, soil conditioners and pesticides, application of livestock manure, harvesting, crop drying and processing, crop irrigation, wind generation machines for frost protection, bird scare devices used in season during usual times for effectiveness, refrigeration for perishable products, farm building ventilation systems, emergency power generation and livestock noises generated by milking and feeding procedures.

- h) Council**
"Council" means the Council for the Corporation of the County of Prince Edward.
- i) Municipal Service Vehicle**
"Municipal Service Vehicle" means any vehicle owned by the Corporation of the County of Prince Edward.
- j) Point of Reception**
"Point of Reception" means the location on the property of the complainant where sound received.
- k) Sound Meter**
"Sound Meter" shall mean SLM ProKIT – 1000 or equivalent
- l) Zone**
"Zone" shall mean the zone for the property as defined by the County of Prince Edward Comprehensive Zone By-law 1816-2006, as amended."

2. Section 2 is hereby amended by deleting subsection a. in its entirety and replacing it with:

- "a) No person shall make, cause or permit noise or vibrations so as to be heard or felt or otherwise perceived outside the property in excess of the normal business practice upon which any manufacture or trade is carried on and which are, in the view of all the circumstances including the nature of the neighbourhood and the use to which adjoining properties are put and the time of day during which such noise or vibrations are made, caused or created excessive or which are, or may cause a nuisance to the public generally or to others residing or carrying on a manufacture, trade or business in the vicinity, and
 - i) exceeding 60 db before 7:00 a.m. and after 11:00 p.m. in a residential zone; or
 - ii) exceeding 60 db before 7:00 a.m. and after 2:00 a.m. in all other zones."

3. Section 3 is hereby amended by deleting this section in its entirety and replacing it with:

"No person shall ring any bell, blow or sound any horn or cause the same to be rung, blown, or sounded, shout or create, cause or permit any unusual noise or noises:

- a) exceeding 60 db before 7:00 a.m. and after 11:00 p.m. in a residential zone; or
- b) exceeding 60 db before 7:00 a.m. and after 2:00 a.m. in all other zones."

4. Section 4 is hereby amended by deleting this section in its entirety and replacing it with:

"4. Exemptions:

4.1 None of the provisions in Sections 2 or 3 of this By-law shall apply to prohibit:

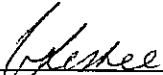
- a) The noise made by a Council approved event;
- b) The siren of an emergency vehicle;
- c) The activities as part of an agricultural operation;
- d) The noise caused by the use of heating, ventilation and air conditioning equipment or noise created by commercial refrigeration equipment;
- e) The operation of municipal service vehicles and related equipment;
- f) The noise caused as a matter of public necessity or public emergency;
- g) The noise caused in the use in a reasonable manner of vehicles and equipment when utilized for the clearing and the removal of snow from private property;
- h) The noise created by the collection or disposal of garbage, waste or recyclable material.

4.2 Administration

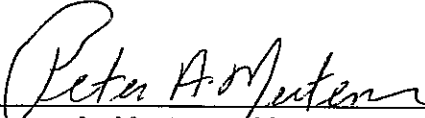
- a) The Chief Building Official, or designate, is responsible for the administration of this by-law.
- b) All provincial offences officers with authority to enforce the by-laws of the County are responsible for, and are authorized to enforce the provisions of this by-law.

5. **THAT** this By-law shall come into force and take effect upon third and final passing thereof.

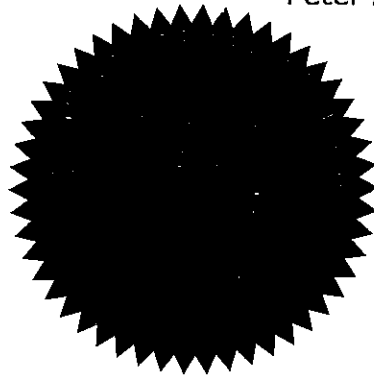
Read a first, second and third time and finally passed this 8th day of March, 2011.



Victoria Leskie, Clerk



Peter A. Mertens, Mayor



THE CORPORATION OF THE COUNTY OF PRINCE EDWARD

PART 1, Provincial Offences Act

By-law No. 2819-2011, being a by-law to Amend By-law 900-2002 being a By-law to Restrain Certain Nuisances and to Prohibit Certain Noises within the County of Prince Edward.

Item	<u>Column 1</u> Short Form Wording	<u>Column 2</u> Offence Creating Provision	<u>Column 3</u> Voluntary Payment within Seven (7) Days
1	No person shall make, cause or permit noise or vibrations so as to be heard or felt or otherwise perceived outside the property in excess of the normal business practice upon which any manufacture or trade is carried on and which are, in the view of all the circumstances including the nature of the neighbourhood and the use to which adjoining properties are put and the time of day during which such noise or vibrations are made, caused or created excessive or which are, or may cause a nuisance to the public generally or to others residing or carrying on a manufacture, trade or business in the vicinity, and exceeding 60 Db before 7:00 a.m. and after 11:00 p.m. in a residential zone.	2(a)(i)	\$100.00
2	No person shall make, cause or permit noise or vibrations so as to be heard or felt or otherwise perceived outside the property in excess of the normal business practice upon which any manufacture or trade is carried on and which are, in the view of all the circumstances including the nature of the neighbourhood and the use to which adjoining properties are put and the time of day during which such noise or vibrations are made, caused or created excessive or which are, or may cause a nuisance to the public generally or to others residing or carrying on a manufacture, trade or business in the vicinity, and exceeding 60 Db before 7:00 a.m. and after 2:00 a.m. in all other zones.	2(a)(ii)	\$100.00
3	No strong light or moving or twinkling lights shall be used by or in connection with any manufacture or trade so that an unusual quantity or type of light shines upon the land of others so as to be or to cause a nuisance to the public generally or to others residing or carrying on a manufacture, trade or business in the vicinity.	2(b)	\$100.00
4	No person shall ring any bell, blow or sound any horn or cause the same to be rung, blown, or sounded, shout or create, cause or permit any unusual noise or noises exceeding 60 Db before 7:00 a.m. and after 11:00 p.m. in a residential zone	3(a)	\$100.00
5	No person shall ring any bell, blow or sound any horn or cause the same to be rung, blown, or sounded, shout or create, cause or permit any unusual noise or noises exceeding 60 Db before 7:00 a.m. and after 2:00 a.m. in all other zones.	3(b)	\$100.00