

THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE
BY-LAW 47-2025

A By-law to prohibit or regulate noises likely to disturb the inhabitants of the
Municipality of Port Hope and repeal By-law 35/96

WHEREAS section 129 of the *Municipal Act*, 2001 provides that, without limiting sections 9 and 10 of the Act, a municipality may: (a) prohibit and regulate with respect to noise, vibration, odor, dust and outdoor illumination, including indoor lighting that can be seen outdoors; and (b) prohibit the matters described in clause (a) unless a permit is obtained from the municipality for those matters and may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans; and

WHEREAS section 128 of the *Municipal Act*, 2001 provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council are or could become public nuisances; and

WHEREAS in the opinion of Council for the Municipality of Port Hope, certain kinds of noise are or could become a public nuisance; and

WHEREAS Council considered Staff Report PS-14-25 regarding Noise By-law at its Council meeting of November 18, 2025, and

WHEREAS subsection 391(1) of the *Municipal Act*, 2001 provides that a municipality may impose fees and charges on persons.

NOW THEREFORE the Council of the Corporation of the Municipality of Port Hope enacts as follows:

1. DEFINITIONS

For the purposes of this By-law the following terms shall have the corresponding meaning:

“Agricultural Operation” includes but not limited to animal husbandry, ploughing, cultivating, spreading of fertilizers to promote crop growth, planting, spraying, harvesting, drying of crops, storage of agriculture materials (harvested product) and includes any work in connection therewith and includes agriculture, aquacultural, horticultural and silvicultural operations.

“Agriculture Machinery and Equipment” means any equipment or device designed, intended and used in an agriculture operation, including but not limited to tractors, combines, elevators, driers, balers, off highway trucks, implements and including self-propelled implements of husbandry, chainsaws, irrigation pumps, crop conditioning and drying equipment, refrigeration units and crop protection equipment.

“Construction” includes erection, alteration, repairing, 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 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, including but not limited to, air compressors, pile drives, pneumatic or by hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders,

scrapers, generators, pavers, off highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders, or other material handling equipment.

“Conveyance” includes a vehicle and any other device employed to transport a person or persons or goods from place to place but does not include any such vehicle or device if operated only within the boundaries of a singular premises of a Person.

“Council” means the Council of the Corporation of the Municipality of Port Hope.

“Farm” means an agricultural, horticultural or silvicultural operation that is carried on in the expectation of gain or reward.

“Highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property line thereof; but does not include trails used or intended to be used for motorcycles, skidoos and all-terrain vehicles.

“Holiday” means:

- i. New Year’s Day
 - ii. Family Day
 - iii. Good Friday
 - iv. Easter Sunday
 - v. Victoria Day
 - vi. Canada Day
 - vii. Labour Day
 - viii. Thanksgiving Day
 - ix. Christmas Day
- and any other public holiday set out in the *Retail Business Holidays Act*, R.S.O., 1990, c. R.30.

“Manager of Municipal Law Enforcement Officer” means any person responsible for managing the Municipal Law Enforcement Division of the Municipality.

“Motor Vehicle” means an automobile, a motorcycle, a motor-assisted bicycle unless otherwise indicated in this By-law and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine within the meaning of the *Highway Traffic Act*.

“Municipal Law Enforcement Officer” means any person appointed by By-law to enforce the Municipality’s By-laws.

“Municipality” means the land within the geographic limit of the Municipality of Port Hope.

“Noise” means any sound or vibration that is of such a volume or nature that it is likely to disturb any person in the Municipality.

“Normal Farm Practice” means a practice that:

- a) 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
- b) makes use of innovative technology in a manner consistent with proper advanced farm management.

“Persistent Noise” means an Noise that is continuously heard for a period of tens minutes or more, or intermittently heard over a period of one hour or more.

“Person” or any expression referring to a person means an individual, sole proprietorship, partnership, limited partnership, trust, corporate body, organization, charity and/or an individual in his or her capacity as a trustee, executor, administrator or other legal representative.

“Point of Reception” means any point on the premises of a person, where noise or vibration originating from other than those premises is received.

“Premises” means land and includes the buildings and/or structures thereon.

"Order" means an Order issued under Section 7 of this By-law by a Municipal Law Enforcement Officer.

"Owner" means the owner of a property, building or structure and includes an occupant of such property, building or structure.

"Source" means an activity, matter, thing, or tangible personal property or real property, from which sound or vibration is emitted.

“Temporary Noise Permit” means an exemption granted under this By-law.

2. GENERAL PROHIBITIONS

- 2.1 No Person shall make, cause or permit the emission of Noise, which Noise is audible at Point of Reception.

- 2.2. For the purposes of this By-law and without limiting the generality of the foregoing, the following Noises shall be deemed to be Noises likely to disturb any Person in the Municipality:
 - i. The operation of a Motor Vehicle in such a way that tires squeal.
 - ii. The operation of any combustion engine or pneumatic device without an effective exhaust or intake muffling device in constant operation.
 - iii. The operation of a vehicle or a vehicle with a trailer resulting in banging, clanking, squealing or other like Noises.
 - iv. The operation of an engine or motor in, or on, any vehicle or item of attached auxiliary equipment for a continuous period of more than five minutes while such vehicle is stationary unless:
 - a) the continuous operation of the engine or motor is essential to the basic function of the vehicle or equipment; or
 - b) weather conditions justify the use of heating or refrigerating systems powered by the motor or engine for the safety and welfare of passengers or animals, or the preservation of perishable cargo, and the vehicle is stationary for purposes of delivery or loading.
 - v. The use of a horn, whistle, alarm, bell, gong or the like, except for an auditory safety or warning device or chimes used in association with a religious establishment.
 - vi. The operation of an air conditioner, pool pump or filter, heat pump or the like that is not in proper working order.

- vii. The Noise or sound caused by a burglar alarm or similar security device which is permitted to continue for more than ten (10) minutes where there is not an emergency, breach of the peace or similar incident.

3. REGULATIONS BY TIME

- 3.1. No Person shall make, cause or permit the emission of Noise resulting from an act listed herein, which is a Persistent Noise or a Noise which is audible or at Point of Reception during a restricted time period.
- 3.2. Notwithstanding any other provision of this By-law, the following Noises shall be deemed to be Noises likely to disturb any Person in the Municipality if clearly audible at a Point of Reception within a time period as shown:

Description of Sounds	Restricted Time Period
a) The detonation of fireworks, explosive devices except: <ul style="list-style-type: none"> i. when used in construction during permitted time; or ii. within 3 days of Victoria Day during permitted time; or iii. within 3 days of Canada Day during permitted time. 	11:00 p.m.–7:00 a.m. (9:00 a.m. on Sunday and Holidays)
b) The operation of a radio, television, stereo or other electronic device including any amplification device, or any musical or other sound producing instrument.	11:00 p.m.–7:00 a.m. (9:00 a.m. on Sunday and Holidays)
c) Persistent barking, calling or whining or other similar noises made by any domestic pet, or any other animal kept or used for any purpose other than agriculture.	11:00 p.m.–7:00am (9:00am on Sunday and Holidays)
d) Yelling, shouting, hooting, whistling, singing, playing musical instruments or the emission of music.	11:00 p.m.–7:00 a.m. (9:00 a.m. on Sunday and Holidays)
e) All selling or advertising by shouting or outcry or amplified sound.	11:00 p.m.–7:00 a.m. (9:00 a.m. on Sunday and Holidays)
f) The operation of any Construction Equipment.	7:00 p.m.–7:00 a.m. Monday to Friday 7:00 p.m.–7:00 a.m. Saturday All day Sunday and Holidays
g) The operation of a dirt bike, all-terrain cycle, snowmobile, go-cart, dune buggy or like Conveyance.	9:00 p.m.–7:00 a.m. (9:00 a.m. on Sunday and Holidays)
h) The operation of a combustion engine for a toy or a replica of a larger device such as a remote controlled toy airplane.	9:00 p.m.- 7:00 a.m (9:00 a.m. on Sunday and Holidays)
i) The operation of any gas, battery or electric powered tool including a hammer, saw, nail gun, lawnmower, staple gun, hedge trimmer, drill, leaf blower or the like for domestic purposes.	9:00 p.m.–7:00 a.m. (9:00 a.m. on Sunday and Holidays)
j) The operation of waste collection machinery or refuse compacting equipment.	9:00 p.m.–7:00 a.m. (9:00 a.m. on Sunday)

Description of Sounds	Restricted Time Period
k) Construction or the operation of any Construction Equipment conducted by any individual other than the homeowner.	9:00 p.m.–7:00 a.m. Monday to Friday 7:00 p.m.–8:00 a.m. Saturday All day Sundays and Holidays

4. GENERAL EXEMPTIONS

This By-law does not apply to sound emitted or caused or permitted in connection with:

- a) measures undertaken in an emergency for the immediate health, safety or welfare of Persons and animals;
- b) measures undertaken in an emergency for the preservation or restoration of property;
- c) the operation of emergency vehicles;
- d) the operation of bells utilized as traffic control devices including bells and other devices at traffic signal locations and bells at railway crossings;
- e) the activities of snow plowing and/or removal;
- f) the activities of street sweeping;
- g) the operation of equipment in connection with the municipal pit that is carried out in accordance with a valid license issued under the Aggregate Resources Act;
- h) measures undertaken where the Municipality, its servants, employees, contractors or agents are carrying out Municipal operations or operating, maintaining or installing municipally-owned infrastructure, facilities events or the like;
- i) non-emergency Construction, reconstruction or repair of any county, provincial or federal public works including the Construction, reconstruction or repair of a public Highway provided the Municipality is given advanced written notice of the hours to be worked if outside the permitted Construction hours;
- j) processions, parades, races, circuses, fairs, festivals, markets, entertainment activities in public parks, roadways or neighborhood social activities approved by the Municipality;
- k) sport or recreational activities or events in public or private parks, playground, schoolyard, or recreational centre approved by the Municipality;
- l) the use of implements of husbandry in the operation of agricultural or Farm activity related to food crop seeding, chemical spraying, harvesting, or livestock operations carried on by a farmer;
- m) the lawful use and detonation of fireworks or similar explosive devices as per the Municipality’s current Fireworks By-law, as amended, or any successor legislation thereto.

5. EXEMPTIONS BY APPLICATION

- a) Application to Manager of Municipal Law Enforcement
Notwithstanding anything contained in this By-law, any Person may make application to the Manager of Municipal Law Enforcement or designate for exemptions not in excess of 90 days in length, to be granted an exemption from any of the provisions of this By-law with respect to any Source of Noise for which they might be prosecuted and the Manager of Municipal Law Enforcement or designate, may refuse to grant any exemption or may grant the exemption applied for, or any exemption of lesser effect, and any exemption granted shall specify the time period during which it is effective and may contain such terms and conditions as the Manager of Municipal Law Enforcement or designate see fit.

b) Application to Council

Notwithstanding anything contained in this By-law, any Person may make application to Council for exemptions over 90 days in length, to be granted an exemption from any of the provisions of this By-law with respect to any Source of Noise for which they might be prosecuted and the Council, by resolution, may refuse to grant any exemption or may grant the exemption applied for, or any exemption of lesser effect, and any exemption granted shall specify the time period during which it is effective and may contain such terms and conditions as the Council see fit.

c) Application for Exemption

The application mentioned in 5 a) and b) shall be made in writing and shall contain:

- i. the name and address of the applicant;
- ii. the name and information of a contact person, if other than applicant;
- iii. the location of the event or activity for which the Temporary Noise Permit is sought;
- iv. a description of the Source of Noise in respect of which the exemption is sought;
- v. a statement of the particular provision or provisions from which the exemption is sought;
- vi. the times of day, and period of time and duration for which the exemption is sought;
- vii. the reasons why the exemption should be granted;
- viii. a statement of the steps, if any, planned or presently being taken to minimize the Noise;
- ix. written confirmation that all property owners within a 500 metre radius of the point from which the Noise will be emitted have been notified along with a copy of the public notice; and
- x. a non-refundable Application fee for exemption as set out in the Municipality's current Fees and Charges By-law.

d) Decision

In deciding whether to grant the exemption, the Manager of Municipal Law Enforcement or designate or Council shall:

- i. consider any negative effects the issuance of the Temporary Noise Permit may have on Persons residing on neighbouring properties or on the Municipality;
- ii. consider any benefits the issuance of the Temporary Noise Permit may have for Persons residing on neighbouring properties or for the Municipality;
- iii. consider any previous violations of this By-law or predecessor by land or Temporary Noise Permit conditions by the applicant; and
- iv. consider anything the Manager of Municipal Law Enforcement or designate, or Council reasonably considers relevant.

e) Conditions

The Manager of Municipal Law Enforcement or designate, or Council may impose conditions on a Temporary Noise Permit, including but not limited to:

- i. the type and volume of sounds that may be made;
- ii. the times during which sounds may be made;
- iii. the date of expiry of the Temporary Noise Permit; and
- iv. any fees applicable.

6. BREACH

Breach by the applicant of any of the terms or conditions of the exemption and/or a Temporary Noise Permit granted by the Manager of Municipal Law Enforcement or designate, or Council shall render the exemption null and void.

7. ORDER

- a) If a Municipal Law Enforcement Officer is satisfied that a Person has contravened any section of this By-law, the Municipal Law Enforcement Officer may issue an Order requiring work to be done to correct the contravention, which Order shall contain the Municipal Address and/or the legal description of the Property, and shall set out:
 - i) The reasonable particulars of the contravention, the work to be done, any work or action required to be undertaken to rectify the contravention, and the period within which there must be compliance with the Order; and
 - ii) Notification that if the work or action is not done, as the case may be, in compliance with the Order within the period specified, the Municipality may have the work done at the expense of the Owner and seek penalties as outlined in Section 8 of this By-law.
- b) Orders issued by a Municipal Law Enforcement Officer under this by-law shall be served as follows:
 - i) Orders shall be served on all Persons to whom the Order is issued:
 - (1) Personally, in writing;
 - (2) by mail to the last known address according to the Municipality's records of the Person named in the Order; which service shall be deemed to have been effective 5 days after mailing; or
 - (3) by email, to an address that is known to be used in correspondence with a Municipal Law Enforcement Officer.
 - ii) If the Municipality is unable to effect service of an Order on the Owner, a placard containing the terms of the Order may be placed in a conspicuous place on the Property and the placing of the placard shall be deemed to be service of the Order effective on the date the placard is placed on the Property.

8. PENALTIES

- a) Municipal fees for administration and enforcement activities under this By-law shall be subject to the rates and fees set out in the Municipality's current Fees and Charges By-law as amended or any successors thereto.
- b) Every Person who contravenes any provision of this By-law, including an Order issued under this By-law, is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, Chapter P .33, as amended.
- c) Every Person who is guilty of an offence under this By-law shall be subject to the following penalties:
 - i) upon a first conviction, shall be liable to a fine of not more than \$5,000;
 - ii) upon second or subsequent conviction for the same offence, to a fine of not more than \$10,000;
 - iii) upon conviction for a continuing offence, to a fine of not more than \$1,000 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$10,000;
 - iv) upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of more than \$1,000. The total of all fines for each included offence is not limited to \$10,000.

- d) For the purposes of this By-law, "multiple offence" means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law.
- e) For the purposes of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.
- f) If a conviction is entered, in addition to any other remedy, and to any penalty imposed by this By-law, the court in which this conviction is entered, and any other court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the Person convicted.
- g) No Person shall provide false information or give a false statement to an Officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this By-law.
- h) No Person shall hinder or obstruct, nor attempt to hinder or obstruct, either directly or indirectly, a Municipal Law Enforcement Officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this By-law.
- i) Every Person shall comply with any Notice or Order issued under the authority of this By-law.

9. SEVERABILITY

If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law and it is hereby declared that the remainder of the By-law shall be valid and shall remain in force.

10. REPEAL OF BY-LAW

By-law number 35/96 and all amendments thereto are hereby repealed.

11. TRANSITION PROVISION

Notwithstanding the repeal of By-law 35/96 and all amendments thereto, that By-law shall continue to apply to any acts, omissions or occurrences, and to any offences that took place prior to the enactment of this By-law.

This By-law shall come into full force and effect on the day it is passed.

BYLAW READ AND PASSED in Open Council this 18th day of November, 2025.

Olena Hankivsky, Mayor

Shrishma Davé, Clerk

By signing this by-law on the 18th day of November, 2025, Mayor Olena Hankivsky will not exercise the power to veto this by-law.