

# City of Belleville

Report No: MBECS-2025-17

Meeting Date: June 23, 2025



**To:** Mayor and Members of Council  
**Department:** Corporate Services  
**Staff Contact:** Aggie Hill, Manager, By-Law Enforcement

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**Subject: Draft Noise By-law**

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## Recommendation:

That, pursuant to the Manager of By-law Enforcement's Report No. MBECS-2025-17, the draft Noise By-law be brought forward for Council's consideration.

## Strategic Plan Alignment:

Community Health, Safety and Security

## Background:

The By-law Review Ad Hoc Committee was tasked with reviewing five by-laws: Clean Yards, Littering, Noise, Property Standards, and Short-Term Accommodations.

Public consultation was conducted via survey to assess whether or not the community felt that the existing by-laws were satisfactory, too lenient, or too strict. The survey revealed diverse opinions. Although some respondents described the existing by-laws and their enforcement as too stringent, the majority expressed satisfaction or advocated for stricter measures. A prevalent concern was the enforcement deficit, both proactive and reactive, as discussed extensively in the Public Engagement Report. The Public Engagement Report is included in the Manager of By-law Enforcements Report No. [MBECS-2025-13](#).

There are some significant changes between the proposed draft by-law and the existing Noise By-law, those changes are summarized below:

## Language and Layout

General language changes have been made to shift to gender neutrality. Language shifts have also been made to ease readability and understanding of the By-law. Noise prohibitions at all

times, by specific times, and noise exemptions have been added to individual schedules for ease of amendment should changes be desired in the future.

### **Temporary Noise Exemption Permits**

The issuance of temporary noise exemption permits has been shifted from Council to the City Clerk. The application for an exemption request has been modified to require more information of the applicant with a listed agent for the duration of the exemption, including a circulation requirement within a 120 metre radius of the subject property in a document prescribed by the City.

### **Prohibited Noise**

Identified prohibited noise, at any time and during specific times, have been adjusted in wording to aid understanding and readability for residents. There have been minor adjustments to prohibited times reflective of modern day-to-day activities.

### **Noise Exemptions**

There have been additions to the proposed noise exemptions such as generators being run in connection to an electric power outage and generators used for the curing of concrete during active construction from October - May provided the site has all required permits. Other noise exemptions have been rewritten for clarity.

### **Orders and Enforcement**

A provision for an Order to Comply has been added to allow for the issuance of orders to cease potential noise. For less serious noise concerns after hours that would not dictate police interaction and where adjustment of schedules is not feasible, the onus is on complainants to provide documentation and evidence to permit enforcement. To streamline this, staff will be putting together a Noise Reporting Package for ease of use.

### **Financial/Analysis:**

The proposed Draft Noise By-law is intended to repeal and replace the existing Noise By-law, as such, there is little anticipated impact for staff and administration time.

There are no anticipated administration costs.

A set fine schedule to be attached to the proposed By-law will be presented separately for Council's consideration. A set fine schedule is required if fines under Part I of the *Provincial Offences Act* are desired.

### **Conclusion:**

Attached is a copy of the proposed draft Noise By-law and the existing Noise By-law.

The draft Noise By-law refines the noise regulation framework through clearer definitions, detailed prohibitions, and comprehensive exemptions, ensuring better alignment with community needs. By enhancing enforcement mechanisms and streamlining processes for temporary noise permits, it addresses residents' concerns while promoting transparency and compliance.

**Attachments:**

[DRAFT - Noise By-law](#)  
[BL 2011-180 A Bylaw to Regulate Noise](#)

**Reviewed by:**

Brandon Ferguson, Director of Finance/Treasurer  
Doug Irwin, City Clerk  
Matt MacDonald, Chief Administrative Officer

**Status:**

Approved - 17 Jun 2025  
Approved - 17 Jun 2025  
Approved - 18 Jun 2025

# The Corporation of the City of Belleville

## By-law Number 2025-xxx

### A By-law to Regulate Noise Within the City of Belleville And Repeal By-law Number 2011-180

#### (Noise By-law)

**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** Section 129 of the Municipal Act, 2001, provides that a municipality may pass bylaws to prohibit and regulate with respect to noise;

**And Whereas** Section 10 (2) of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides that a municipality may pass by-laws respecting health, safety, and the well being of Persons;

**And Whereas** Section 425 (1) of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides that a municipality may pass by-laws providing that a Person who contravenes a by-law of the municipality passed under the Municipal Act is guilty of an offence;

**And Whereas** the Council for The Corporation of the City of Belleville deem it appropriate to regulate noise;

**Now Therefore** the Council of The Corporation of the City of Belleville hereby enacts as follows:

#### 1. Definitions

- 1.1. **City** shall mean The Corporation of the City of Belleville;
- 1.2. **Clerk** shall mean the City Clerk appointed pursuant to Section 228 of the Municipal Act, 2001, by the Council of The Corporation of the City of Belleville or their designate;
- 1.3. **Construction** includes 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 in any form or for any purpose, and includes any work in connection therewith.
- 1.4. **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 drivers, power tools, 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 material handling equipment;

1.5. **Council** shall mean the Council of The Corporation of the City of Belleville;

1.6. **Dwelling Unit** shall mean a residential unit that is used or intended for use as a residence by an individual or household in which a bathroom and some culinary conveniences are provided for the exclusive use of such individual or household and with a private entrance from outside the building or from a common hallway or stairway inside, but does not include a hotel or recreational vehicle;

1.7. **Motor Vehicle** shall mean an automobile, truck, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a motorized snow vehicle, traction engine, self-propelled implement of husbandry or road building machine within the meaning of the *Highway Traffic Act, R.S.O 1990, c. H.8*, as amended.

1.8. **Officer** shall mean a By-Law Enforcement Officer appointed by the City of Belleville, a Police Officer in the Province of Ontario or any Person as authorized by the Council of the Corporation of The City of Belleville for the enforcement of municipal by-law;

1.1. **Person** shall mean any individual, association, firm, partnership, or incorporated company.

1.9. **Point of Reception** shall mean any geographic location at which noise can be heard other than the premises from which the noise originates;

1.10. **Special Event** includes a demonstration, parade, sports event, festival, carnival and other similar events.

## 2. General Prohibition

2.1. No Person shall cause or permit the emission of any noise resulting from any of the activities listed in Schedule "A" of this By-law if the noise is audible at the Point of Reception.

2.2. No Person shall cause or permit the emission of any noise resulting from any of the activities listed in Schedule "B" of this By-law during the listed prohibited period of time if the noise is audible at the Point of Reception.

## 3. Exemption

3.1. This By-law shall not apply to a Person who causes or permits the emission of noise in connection with any of the activities listed in Schedule "C" of this By-law.

3.2. The Clerk may require mitigation measures as necessary to give force and effect to this By-law.

## 4. Temporary Noise Exemption Permits

4.1. Any Person may make application to the Clerk to be granted an exemption by the issuance of a temporary noise exemption permit from any of the provisions of this

By-law. The application for the issuance of a temporary noise exemption permit shall be made in writing at least 45 days prior to the commencement of the requested exemption and shall contain:

- a. The name of the applicant;
  - b. A description of the source of the sound in respect of which exemption is sought;
  - c. A statement of the particular provision(s) of the By-law from which exemption is sought;
  - d. A period of time for which the exemption is sought;
  - e. Rationale for the request;
  - f. Proof of circulation of a notice of intention to apply for any exemption to this By-law, in the form of a document as prescribed by the City, to all residences within a 120 metre radius of the subject property containing the information required by Section 4.4.a through Section 4.4.e.;
  - g. The non-refundable permit fee as prescribed by the City's current Fees and Charges By-law;
  - h. The name, address, and phone number of a Person responsible for supervising the event for which the exemption is requested; and
  - i. A declaration from the applicant that the Person named as the supervisor of the event for which the exemption is being sought will be on site for the duration of the exemption period.
- 4.2. The Clerk maintains the discretion to waive the permit fee for a temporary noise exemption permit.
- 4.3. In determining whether to grant a temporary noise exemption permit and/or to waive any fees, the Clerk shall:
- a. Determine whether the applicant has complied with all terms and conditions of any previously issued temporary noise exemption permits, if any;
  - b. Consider any mitigating or aggravating effects the issuance of the temporary noise exemption permit may have on neighbouring properties or the City.
- 4.4. The Clerk may impose conditions on a temporary noise exemption permit, including but not limited to:
- a. The type and volume of sounds that may be made;
  - b. The times during which the 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
  - e. Requiring that the applicant, City staff or a professional engineer monitor the sound levels resulting from the event or activity and requiring a report of the findings of the engineer to be filed with the City within 30 days of the event or activity, at the applicants expense.
- 4.5. Any temporary noise exemption permit issued under this By-law shall expire on the date set out on the temporary noise exemption permit, or if no date is set out on the temporary noise exemption permit, the permit shall expire forty-eight hours after its issuance.
- 4.6. Any breach by the holder of the temporary noise exemption permit of any of its terms or conditions may render the temporary noise exemption permit null and void.
- 4.7. No holder of a temporary noise exemption permit shall fail to comply with the terms and conditions of the temporary noise exemption permit.
- 4.8. The Clerk shall notify Council of the issuance of any temporary noise exemption permit.

## **5. Order to Comply**

- 5.1. An Officer may order any and all Persons to cease causing noise. This includes the ability to require any or all Persons involved in causing noise to leave a public place.
- 5.2. No Person shall fail to comply with an order given under the authority of the By-law.

## **6. Enforcement and Penalties**

- 6.1. This By-law may be enforced by an Officer or other individual authorized by Council.
- 6.2. An Officer may, at all reasonable times, enter upon any property for the purpose of carrying out an inspection to determine whether or not the provisions of this By-law have been complied with.
- 6.3. No Person shall:
- a. Prevent, hinder or interfere or attempt to interfere with an inspection undertaken by an Officer.
  - b. Fail to provide identification or a required document upon request from an Officer.
- 6.4. Every Person who contravenes any provision of 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, c. P.33*, as amended.

## 7. Validity

- 7.1. Notwithstanding any section, subsections, clause, paragraph or provision of this By-law, or parts thereof may be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Council to enact, such section or sections or parts thereof shall be deemed to be severable and that all other sections or parts of this Bylaw are separate and independent therefrom and enacted as such as a whole. Same shall not affect the validity or enforceability of any other provisions of this By-law or of the By-law as a whole.
- 7.2. Where a provision of this By-law conflicts with the provision of another By-law, Act, or Regulation in force within the City of Belleville, the provisions that establish the higher standards to protect the health and safety of the Persons shall prevail.

## 8. Transition

- 8.1. After the date of passing of this By-law, By-law Number 2011-180 shall apply only to those properties in which an Order has been issued prior to the date of passing of this By-law, and then only to such properties until such time as the work required by such Order has been completed or any enforcement proceedings with respect to such Order including any demolition, clearance, or repair carried out by the City shall have been concluded.

## 9. Short Title

- 9.1. This By-law may be cited as the "Noise By-law".

## 10. Repeal and Enactment

- 10.1. By-law 2025-XXX will take effect on August 1, 2025 and, except for the purposes set out in Section 8.1 of this By-law, By-law Number 2011-180 is hereby repealed.

**By-law read and passed this xx day of xxxxxxxx 2025.**

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**Neil R. Ellis, Mayor**

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**J. Douglas Irwin, Clerk**

**Schedule “A”  
to By-law Number 2025-### for  
The Corporation of the City of Belleville**

**Prohibited Noise – Any Time**

<b>Item</b>	<b>Particulars of Noise</b>
1.	Operation of any electronic device or group of connected electronic devices incorporating one or more speakers and intended for the production, reproduction or amplification of sound (including car stereos) at such a volume that it is audible from the interior of a residence or business whose occupant has made every reasonable attempt to mitigate the reception of the noise.
2.	Operation of any electronic device or group of connected electronic devices incorporating one or more speakers and intended for the production, reproduction or amplification of sound (including car stereos) in a park area at a volume that a reasonable Person would, in all of the circumstances, consider to be excessive, intrusive or disturbing.
3.	Excessive and unnecessary revving of a motor vehicle engine.
4.	Operation of a motor vehicle in such a manner that the tires squeal.
5.	The operation of any auditory signaling device, including but not limited to the ringing of bells or gongs and the blowing of horns or sirens or whistles, or the production, reproduction or amplification of any similar sounds except where required or authorized in accordance with good safety practices or for accessibility purposes.
6.	All selling or advertising by shouting or amplified sound, not including auctions.
7.	The operation of any construction equipment without the originally installed muffling devices or their equivalent in good working order and in constant operation.
8.	The operation of any combustion engine without an effective exhaust muffling device in good working order and in constant operation.

**Schedule “B”  
to By-law Number 2025-### for  
The Corporation of the City of Belleville**

**Noise Prohibited by Specified Times**

<b>Item</b>	<b>Particulars of Noise</b>	<b>Prohibited Period</b>
1.	The operation of any construction equipment in connection with construction, unless otherwise exempt under the provisions of this By-law.	7:00p.m. of one day to 7:00a.m. of the next day.
2.	The operation of a combustion engine which is, or is used in, or is intended for use in, a toy or a model or replica of a larger device, which model or replica has no function other than amusement and which is not a conveyance.	9:00p.m. of one day to 6:00a.m. of the next day.
3.	The operation of any motorized conveyance other than on a highway or other place intended for its operation.	9:00p.m. of one day to 6:00a.m. of the next day.
4.	The operation of any powered or non-powered tool for domestic purposes other than snow removal.	9:00p.m. of one day to 7:00a.m. of the next day (9:00a.m. Sundays).
5.	The operation of solid waste bulk lift or refuse compacting equipment.	11:00p.m. of one day to 7:00a.m. of the next day.
6.	The operation of a sound emitting pest control device.	11:00p.m. of one day to 7:00a.m. of the next day.
7.	Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, produce, materials, or refuse unless necessary for the maintenance of essential services or the preservation of perishable goods on residential zoned properties as defined by the City Zoning By-law, as amended.	11:00p.m. of one day to 7:00a.m. of the next day.
8.	Yelling, shouting, hooting, whistling or singing at such a volume that it is audible from the interior of a residence or business whose occupant has made every reasonable attempt to mitigate the reception of the noise.	11:00.p.m. of one day to 7:00a.m. of the next day.

**Schedule “C”  
to By-law Number 2025-### for  
The Corporation of the City of Belleville**

**Noise Exemptions**

<b>Item</b>	<b>Particulars of Noise</b>
1.	The sounding of bells or chimes, clocks or other announcements in relation to a property operated as a church, synagogue, temple, mosque, monastery or a place of worship, or on any property owned or operated by the City.
2.	The ringing of school bells or the sounding of a public address system on a property owned by the Hastings Prince Edward District Board, the Algonquin & Lakeshore Catholic District School Board or a recognized educational institution.
3.	The sounding of bells or horns for traffic control. Including a traffic signal or associated with the operation of a railroad.
4.	Noise transferred from a dwelling unit such as walking, cleaning, talking at a normal level, children playing indoors, pet, the moving of items and other usual but not excessive noise generated by a permitted use of the property.
5.	Municipal operations including but not limited to snow clearing, street cleaning and garbage collection, undertaken by or on behalf of the City.
6.	Noise caused by the erection, demolition, alteration or repair of a building or by construction or earth-moving equipment working upon a site or highway when such work is undertaken by forces of the City of Belleville, any other public utility, public agency and/or their agents.
7.	Noise caused by generators used for the curing of concrete during active construction with all applicable permits by the City from October – May.
8.	Noise caused by generators used during an electric power outage.
9.	Any emergency work undertaken for the immediate health, safety or welfare of the inhabitants of the City or for the preservation, protection or restoration of property.
10.	Any sound originating from, or caused by, the operation of farm equipment or machinery for cultivating, seeding, crop maintenance or harvesting purposes on any land designated as an agricultural area.
11.	Any special event provided that the necessary permissions or approvals have been obtained from the City and/or the Belleville Police Service.
12.	Noise caused by a filming event that has any required approvals by the City.

**THE CORPORATION OF THE CITY OF BELLEVILLE**

**BY-LAW NUMBER 2011-180**

**A BYLAW TO REGULATE NOISE WITHIN THE CITY OF BELLEVILLE**

**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** Section 129 of the *Municipal Act*, 2001, provides that a municipality may pass bylaws to prohibit and regulate with respect to noise;

**AND WHEREAS** in the opinion of Council for the Corporation of the City of Belleville, excessive sounds and inadequately controlled noise may impair public health, safety and welfare and could become a public nuisance;

**AND WHEREAS** it is the opinion of Council for the Corporation of the City of Belleville, that for the benefit of individuals and the public at large, there must be regulations and prohibitions to the making of noise;

**NOW THEREFORE** the Council of the Corporation of the City of Belleville enacts as follows:

This Bylaw may be cited as "The Noise Bylaw".

**DEFINITIONS**

1. In this Bylaw, unless the context otherwise requires:
  - (a) "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;
  - (b) "commercial land use" shall include any commercial use as defined in the City of Belleville Zoning By-laws No. 10245, 3014 (formerly Township of Thurlow), 2076-80 (formerly Township of Sidney) as may be amended from time to time;
  - (c) "construction" means the erection, alteration, repair, painting, maintenance, relocation, demolition or removal of a building or other structure and includes all land clearing, landscaping, earth moving, grading, excavating, all public works activities, the erection or laying of lines, cable, pipes and conduit (whether above or below ground level), street building, paving, concreting and similar activities on a site and the installation, alteration or removal of construction equipment, components

and materials in any form or for any purpose, and any work being done in connection therewith;

- (d) "Council" means the Council of the Corporation of the City of Belleville;
- (e) "holiday" and "statutory holiday" means any day set out as a holiday in the Retail Business Holidays Act, R.S.O. 1990, c.R.30, as it may be amended from time to time;
- (f) "industrial land use" shall include any industrial use as defined in the City of Belleville Zoning By-laws No. 10245, 3014 (formerly Township of Thurlow), 2076-80 (formerly Township of Sidney) as may be amended from time to time;
- (g) "motor vehicle" means any motorized conveyance and includes any automobile, motorcycle and any other vehicle propelled or driven otherwise than by muscular power;
- (h) "normal farm practice" 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;
- (i) "Officer" means a person appointed by Council as a Municipal By-law Enforcement Officer, a Police Officer, or any other individual duly appointed to enforce this By-law;
- (j) "person" includes a person, firm, association, co-partnership, joint venture, corporation or any entity, public or private in nature;
- (k) "point of reception" means:
  - (i) any premises or location where sound is received, other than the premises from which the sound originates; or
  - (ii) any place on a highway where sound is received;
- (l) "premises" means a parcel of land and includes any buildings and structures on the land,
- (m) "residential area" and "residential land use" shall include any area of the City where residential use is permitted under the provisions of the City of Belleville Zoning By-laws No. 10245, 3014 (formerly Township of Thurlow), 2076-80 (formerly Township of Sidney) and shall include any residential dwelling as defined in the City of Belleville Zoning Bylaws No. 10245, 3014 (formerly Township of Thurlow), 2076-80 (formerly Township of Sidney) as may be amended from time to time;

**GENERAL PROHIBITION**

2. No person shall at any time, make, cause or permit a noise that is likely to disturb the inhabitants of the City of Belleville.

**OPINION OF COUNCIL**

3. Without limiting the generality of Section 2 of this By-law, the noises from the sources described in Schedule "A" are noises which in the opinion of Council are unreasonable and are or could become public nuisances.

**PROHIBITION OF SOUNDS OF SPECIFIC ORIGIN**

4. No person shall, subject to the exceptions under Section 5, make or cause or permit to be made the particular noises which can be heard by a person at a point of reception during prohibited periods of time and place relating to specific operations as set out in Schedule "A" attached which forms a part of this by-law.

**EXCEPTIONS**

5. The provisions of this Bylaw shall not apply to any sound caused by:
  - (a) the sound of a church bell or chime;
  - (b) the sound of Belleville City Hall carillon;
  - (c) audible traffic signals;
  - (d) the noise caused by the erection, demolition, alteration or repair of a building or by construction or earth-moving equipment working upon a site or highway when such work is undertaken by forces of The Corporation of the City of Belleville, any other public utility, or their agents or servants;
  - (e) Police Officers, fire fighters and operators of emergency vehicles in the conduct of their lawful duty;
  - (f) the operation of power equipment used for lawn, garden, building or property maintenance, but excluding construction, on any day other than a Sunday or holiday between 8:00 a.m. and 8:00 p.m. and between 9:00 a.m. and 8:00 p.m. on a Sunday or holiday;
  - (g) the noise arising from the operation of construction or construction equipment on any day other than a Sunday or holiday between the hours of 7:00 a.m. and 7:00 p.m.. This exemption shall not apply to construction equipment being operated without the originally installed muffling devices or their equivalent in good working order and in constant operation;

- (h) the use of a chain saw, a chipper or a leaf blower between 8:00 a.m. and 5:00 p.m. on any day other than a Sunday or holiday;
- (i) the operation of a street sweeper, snow removal equipment, parks and public works maintenance machines and equipment by or on behalf of the City; or other institutional uses within the City of Belleville limits;
- (j) occasional outdoor gatherings, public dances, shows, and sporting and entertainment events provided said events are conducted pursuant to a permit or licence issued by the City of Belleville relative to the staging of said events;
- (k) agricultural operations carried on in accordance with normal farm practice;
- (l) activities or work specifically exempted from this Bylaw by Council provided such conditions or requirements as may be imposed by Council are observed or met.

### **TEMPORARY NOISE PERMIT**

6.1 Any person may make application to Council to be granted an exemption by the issuance of a temporary noise permit from any of the provisions of this By-law. The application for the issuance of a temporary noise permit shall be made in writing at least 45 days prior to the commencement of the requested exemption and shall contain:

- (a) the name and address of the applicant;
- (b) a description of the source of sound in respect of which exemption is sought;
- (c) a statement of the particular provision or provisions of the By-law from which exemption is sought;
- (d) the period of time for which the exemption is sought;
- (e) the reason why the exemption should be granted;
- (f) a non-refundable application fee of \$75.00; and
- (g) a permit fee of \$150.00, refundable if the application is not approved.

6.2 Council maintains the discretion to waive the application fees and/or permit fees for a temporary noise permit.

- 6.3 In determining whether to grant an exemption by way of a temporary noise permit and/or to waive any fees, Council shall:
- (a) determine whether the applicant has provided all of the information required by subsection 6.1;
  - (b) determine whether the applicant has complied with all terms and conditions of approval of any previous permit issued to the applicant under this section, if any;
  - (c) consider any negative effects the issuance of the temporary noise permit may have on neighbouring properties or the City; and
  - (d) consider any benefits the issuance of the temporary noise permit may have for neighbouring properties or the City.
- 6.4 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
  - (e) requiring that the applicant, City staff or a professional engineer monitor the sound levels resulting from the event or activity and requiring a report of the findings of the engineer to be filed with the City of Belleville within 30 days of the event or activity, all at the applicant's expense.
- 6.5 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 set out on the temporary noise permit, the permit shall expire forty-eight hours after its issuance.
- 6.6 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.
- 6.7 No holder of a temporary noise permit shall fail to comply with the terms and conditions of the temporary noise permit.

#### **ENFORCEMENT AND RIGHT OF ENTRY**

- 7.1 This By-law may be enforced by a Municipal By-law Enforcement Officer, a Belleville Police Service police officer or other individual authorized by Council.

- 7.2 An Officer may at all reasonable times enter upon any premises other than dwellings in order to ascertain whether the provisions of this By-law are being observed or to enforce this By-law.

### **PENALTY**

- 8.1 Any person who contravenes any provision of this by-law is guilty of an offence and shall be liable to the following penalties pursuant to the *Municipal Act*, 2001, S.O. 2001, C.25, as amended;
- (a) any person, other than a corporation, convicted under this By-law is liable:
    - (i) upon a first conviction, to a minimum fine of \$100.00 and a maximum fine of \$5,000.00;
    - (ii) upon a subsequent conviction, to a minimum fine of \$500.00 and a maximum fine of \$10,000.00.
  - (b) any corporation convicted under this By-law is liable:
    - (i) upon a first conviction, to a minimum fine of \$100.00 and a maximum fine of not more than \$10,000.00; and
    - (ii) upon any subsequent conviction, to a minimum fine of \$1,000.00 and a maximum fine of not more than \$25,000.00.
- 8.2 Where a person contravenes any provision of this Bylaw, each day or part of a day that the contravention continues is a separate offence.

### **SEVERABILITY**

9. If any section, clause or provision of this By-law is for any reason declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention of Council that the remaining sections, clauses or provisions of the by-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions of this by-law shall have been declared to be invalid.

### **REPEAL**

10. By-law Nos. 13269, 13301, 13587 and 13992 and all amendments thereto, are hereby repealed.



**SCHEDULE "A"**

	<b>Particulars of Noise</b>	<b>Prohibited Period</b>
1	The operation of any construction equipment in connection with construction, unless otherwise exempt under the provisions of this by-law	7:00 p.m. of one day to 7:00 a.m. of the next day, and  All day Sundays and Statutory Holidays
2	The operation of any construction equipment without the originally installed muffling devices or their equivalent in good working order and in constant operation	At any time
3	The detonation of fireworks or explosive devices	11:00 p.m. of one day to 7:00 a.m. of the next day (9:00 a.m. Sundays)
4	The operation of a combustion engine which, is, or is used in, or is intended for use in, a toy or a model or replica of a larger device, which model or replica has no function other than amusement and which is not a conveyance.	7:00 p.m. of one day to 7:00 a.m. of the next day (9:00 a.m. Sundays)
5	The operation of any motorized conveyance other than on a highway or other place intended for its operation.	7:00 p.m. of one day to 7:00 a.m. of the next day (9:00 a.m. Sundays)
6	The venting, release or pressure relief of air, steam or other gaseous material, product or compound from any autoclave, boiler, pressure vessel, pipe, valve, machine, device or system.	11:00 p.m. of one day to 7:00 a.m. of the next day (9:00 a.m. Sundays)
7	Persistent barking, calling or whining or other similar persistent noise making by any animal.	At any time
8	The operation of any powered or non-powered tool for domestic purposes other than snow removal.	11:00 p.m. of one day to 7:00 a.m. of the next day (9:00 a.m. Sundays)
9	The operation of solid waste bulk lift or refuse compacting equipment	11:00 p.m. of one day to 7:00 a.m. of the next day (9:00 a.m. Sundays)
10	Yelling, shouting, hooting, whistling or singing or similar sounds	At any time
11	The operation of a sound emitting pest control device	11:00 p.m. of one day to 7:00 a.m. of the next day (9:00 a.m. Sundays)
12	Racing of any motorized conveyance other than in a racing event regulated by law	At any time
13	The operation of a motor vehicle in such a way that the tires squeal	At any time

	<b>Particulars of Noise</b>	<b>Prohibited Period</b>
14	The operation of any combustion engine without an effective exhaust muffling device in good working order and in constant operation	At any time
15	The operation of any auditory signaling device, including but not limited to the ringing of bells or gongs and the blowing of horns or sirens or whistles, or the production, reproduction or amplification of any similar sounds except where required or authorized in accordance with good safety practices or for accessibility purposes.	7:00 p.m. of one day to 7:00 a.m. of the next day, and  All day Sundays and Statutory Holidays
16	Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, produce, materials, or refuse unless necessary for the maintenance of essential services or the preservation of perishable goods	11:00 p.m. of one day to 7:00 a.m. of the next day;  On Sundays and Statutory Holidays, from 12:00 midnight to 10:00 a.m. and from 2:00 p.m. to 12:00 midnight; and

**SET FINE SCHEDULE**

**THE CORPORATION OF THE CITY OF BELLEVILLE  
PART 1, PROVINCIAL OFFENCES ACT**

**By-law # 2011-180, Being a By-law to regulate noise within the City of Belleville**

<b>ITEM</b>	<b>COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Provision Creating or Defining Offence</b>	<b>COLUMN 3 Set Fine</b>
1	Make, cause, permit noise likely to disturb	S.2	\$200.00
2	Fail to comply with temporary noise permit	S.6.6	\$200.00
3	Noise, operate construction equipment at prohibited time	S.4 and Sched. A(1)	\$200.00
4	Noise, Operate construction equipment without muffler	S.4 and Sched. A(2)	\$200.00
5	Noise, Detonate fireworks at prohibited time	S.4 and Sched. A(3)	\$200.00
6	Noise, Operate combustion engine in model at prohibited time	S.4 and Sched. A(4)	\$200.00
7	Noise, Operate motorized conveyance at prohibited time	S.4 and Sched. A(5)	\$200.00
8	Noise, Venting air/steam at prohibited time	S.4 and Sched. A(6)	\$200.00
9	Noise, Persistent noise making by animal	S.4 and Sched. A(7)	\$200.00
10	Noise, Operate tool at prohibited time	S.4 and Sched. A(8)	\$200.00
11	Noise, Operate bulk lift at prohibited time	S.4 and Sched. A(9)	\$200.00
12	Noise, Yelling, shouting, singing at prohibited time	S.4 and Sched. A(10)	\$200.00
13	Noise, Operate pest control device at prohibited time	S.4 and Sched. A(11)	\$200.00
14	Noise, Racing motorized conveyance at prohibited time	S.4 and Sched. A(12)	\$200.00
15	Noise, Squeal tires	S.4 and Sched. A(13)	\$200.00
16	Noise, Operate engine without muffler	S.4 and Sched. A(14)	\$200.00
17	Noise, operate signalling device at prohibited time	S.4 and Sched.	\$200.00

		A(15)	
18	Noise, Handling containers at prohibited time	S.4 and Sched. A(16)	\$200.00

**Note:** The penalty provision(s) for offences indicated above is contained in Section 8.1 and 8.2 of By-law 2011-180, a certified copy of which has been filed.