

# THE CORPORATION OF THE COUNTY OF PRINCE EDWARD

## OFFICE CONSOLIDATION

### BY-LAW NO. 900 -2002

Note: Amendments are shown in *italics*  
*Amended by By-law 2819-2011*  
*Council Motion 2016-241*  
*Amended by By-law 3908-2016*

---

#### **BEING A BY-LAW TO RESTRAIN CERTAIN NUISANCES AND TO PROHIBIT CERTAIN NOISES WITHIN THE COUNTY OF PRINCE EDWARD AND TO REPEAL BY-LAWS FROM THE FORMER MUNICIPALITIES DEALING WITH THIS SUBJECT.**

---

**WHEREAS**, Section 210(138) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, provides that the Councils of local municipalities may pass by-laws for prohibiting or regulating, within the Municipality, or within any defined area, or areas, thereof, the ringing of bells, the blowing of horns, shouting and unusual noises, or noises likely to disturb the inhabitants of the Municipality;

**AND WHEREAS**, Section 210 (140) of the Municipal Act, R.S.O. 1990, Chapter M.45, provides that councils of local municipalities may pass by-laws for prohibiting and regulating public nuisances;

**AND WHEREAS**, Section 8 (1)(a) of the Minister's Order dated March 27, 1997 permits the repeal of any by-law of the former Municipalities within Prince Edward County;

**AND WHEREAS**, The Council for the Corporation of the County of Prince Edward deems it necessary to regulate noise and nuisances within the County of Prince Edward;

**NOW THEREFORE**, THE COUNCIL FOR THE CORPORATION OF THE COUNTY OF PRINCE EDWARD ENACTS AS FOLLOWS:

#### 1. **DEFINITIONS**

In this by-law:

**a) Construction**

"Construction" includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavation, 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 compounds and materials in any form or for any purpose, and includes any work in connection therewith.

**b) Construction Equipment**

"Construction Equipment" means any equipment or device designed and intended for use in construction, or material handling, including, but not limited to, air compressor, pile driver, 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.

**c) Dwelling House**

"Dwelling House" means the whole or any part of a building or structure that is kept or occupied as a permanent or temporary residence and includes:

- i) A building within the cartilage of a dwelling house that is connected to it by a doorway or by a covered and enclosed passageway; and
- ii) A unit that is designed to be mobile and to be used as a permanent or temporary residence that is being used as such a residence.

**d) Emergency Vehicle**

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

**e) Person**

"Person" shall mean any individual and includes a corporation.

**f) Chief Building Official**

"Chief Building Official" shall mean the chief official appointed by Council of the Corporation of the County of Prince Edward.

**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.*

**Amended by By-law 2819-2011**

2. No manufacture or trade shall be carried on by any person within this County of Prince Edward in such a manner as to be or to cause a nuisance and without limiting the generality of the foregoing:

- 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.*  
**Amended by By-law 2819-2011**

b) 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.

3. 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 likely to disturb the inhabitants of the County of Prince Edward

*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.*  
**Amended by By-law 2819-2011**

4. *No person shall cause or permit noise arising out of or created by construction or construction equipment before 7:00 a.m. and after 7:00 p.m.*  
**Amended by By-law 3908-2016**

5. *Exemptions:*

*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.*

**Amended by By-law 2819-2011**

- i) *The noise created by construction works involving emergency repairs.*  
**Amended by By-law 3908-2016**

**Council Motion 2016-241** as adopted at the May 10, 2016 and confirmed by the Confirmatory By-law for the Council meeting, recognized the annual Prince Edward County Relay for Life event as a Council approved event and therefore is exempt from the provisions of the County Noise By-law.

**6. 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.*

**Amended by By-law 2819-2011**

7. Every person who contravenes any provision of this by-law is guilty of an offence and is liable upon conviction to such penalty as is authorized by the provisions of the **Provincial Offences Act** R.S.O. 1990, c.P.33, as amended.
8. The following by-laws are here by repealed:  
Town of Picton By-law No. 15-1986  
Village of Bloomfield By-law No. 753  
Village of Wellington By-law No. 902  
Township of Ameliasburgh By-law No. 1083/88  
Township of Hallowell By-law No. 906  
Township of Hillier By-law No. 1075 and No. 1022  
Township of North Marysburgh By-law No. 91-07
9. In the event any Court or competent jurisdiction should judge that any section or sections of this by-law or are not valid for any cause, such section or sections 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 sections had not been included herein.
10. 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 22nd day of July, 2002.

"Richard H. Shannon"

---

**DEPUTY CLERK**  
Richard H. Shannon

"Peggy Burris"

---

**ACTING MAYOR**  
Councillor Peggy Burris