

The Corporation of the City of Belleville

By-law Number 2025-122

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".

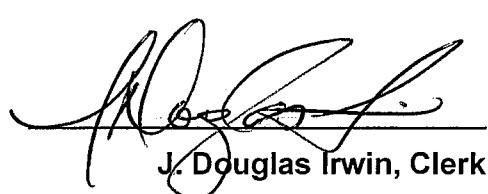
10. Repeal and Enactment

- 10.1. By-law 2025-122 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 14th day of July 2025.



Neil R. Ellis, Mayor



J. Douglas Irwin, Clerk

Schedule "A"
to By-law Number 2025-122 for
The Corporation of the City of Belleville

Prohibited Noise – Any Time

Item	Particulars of Noise
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 is 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 combustion engine, including any construction equipment, without an effective exhaust muffling device in good working order and in constant operation.

Schedule “B”
to By-law Number 2025-122 for
The Corporation of the City of Belleville

Noise Prohibited by Specified Times

Item	Particulars of Noise	Prohibited Period
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 2025-122 for
The Corporation of the City of Belleville**

Noise Exemptions

Item	Particulars of Noise
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.

PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 2025-122, of the City of Belleville attached hereto is the set fine for that offence. This Order is to take effect on August 15, 2025.

Dated at Ottawa, this 15th day of August 2025.

Electronic Signature:



W. Vincent Clifford
Regional Senior Justice
Ontario Court of Justice
East Region

City of Belleville
Part I Provincial Offences Act
By-law Number 2025-122: Noise By-law

Item	Short Form Wording	Provisions Creating or Defining Offence	Set Fine
1	Cause or Permit Noise From Amplified Sound	Schedule "A", Item 1	\$250
2	Cause or Permit Noise From Amplified Sound in Park	Schedule "A", Item 2	\$250
3	Cause or Permit Noise From Revving of Engine	Schedule "A", Item 3	\$250
4	Cause or Permit Noise from Operation of Vehicle Causing Tire Squeal	Schedule "A", Item 4	\$250
5	Cause or Permit Noise From Auditory Signaling Device	Schedule "A", Item 5	\$250
6	Cause or Permit Noise From Selling or Advertising	Schedule "A", Item 6	\$250
7	Cause or Permit Noise From Combustion Engine– No Muffler	Schedule "A", Item 7	\$250
8	Cause or Permit Noise From Construction Equipment When Prohibited	Schedule "B", Item 1	\$250
9	Cause or Permit Noise From Toy, Model, or Replica When Prohibited	Schedule "B", Item 2	\$250
10	Cause or Permit Noise From Motorized Conveyance When Prohibited	Schedule "B", Item 3	\$250
11	Cause or Permit Noise From Powered/Non-Powered Tool When Prohibited	Schedule "B", Item 4	\$250
12	Cause or Permit Noise From Bulk Lift or Refuse Compacting Equipment When Prohibited	Schedule "B", Item 5	\$250
13	Cause or Permit Noise From Pest Control Device When Prohibited	Schedule "B", Item 6	\$250
14	Cause or Permit Noise From Loading or Unloading Material When Prohibited	Schedule "B", Item 7	\$250
15	Cause or Permit Noise From Yelling or Shouting When Prohibited	Schedule "B", Item 8	\$250
16	Obstruct an Officer	Section 6.3	\$500

NOTE: The penalty provision for the offences indicated above is Section 6.4 of By-law 2025-122, a certified copy of which has been filed.

The fine amounts listed above have been approved by the Regional Senior Justice.

Dated: August 15, 2025

Electronic Signature:

W. Vincent Clifford, R.S.J.

W. Vincent Clifford
 Regional Senior Justice
 Ontario Court of Justice - East Region

THE HONOURABLE
W. VINCENT CLIFFORD
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
EAST REGION

COURTHOUSE
161 ELGIN STREET, 6TH FLOOR
OTTAWA, ONTARIO
K2P 2L1



L'HONORABLE
W. VINCENT CLIFFORD
JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'EST

PALAI DE JUSTICE
161, RUE ELGIN, 6^e ÉTAGE
OTTAWA (ONTARIO)
K2P 2L1

TELEPHONE/TÉLÉPHONE (613) 239-1520

August 15, 2025

alhill@belleville.ca

The Corporation of the City of Belleville
City Hall - 169 Front Street
Belleville ON K8N 2Y8

Attention: Aggie Hill, Manager, By-law Enforcement

Dear Aggie Hill:

**Re: Set Fines – Provincial Offences Act – Part I
By-Law No. 2025-122: Noise**

Enclosed herewith is the original Order (Part I) dated August 15, 2025, and original schedule of set fines for By-Law No. 2025-122, the By-Law indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

Please ensure that a copy of the said documents is forwarded to the Provincial Offences Office, which has jurisdiction for the City of Belleville.

Yours truly,

W. Vincent Clifford, R.S.J.

W. Vincent Clifford
Regional Senior Justice
Ontario Court of Justice
East Region

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Enclosures

c.c.: Benjamin Hedley
Law Clerk, Crown Law Office - Criminal
Ministry of the Attorney General, Ontario Public Service