

Protection

Chapter 938 Noise

Chapter Index

Article 1 Short Title

938.1.1 Short Title - Scope

Article 2 Interpretation

- 938.2.1 City - defined
- 938.2.2 Construction - defined
- 938.2.3 Construction equipment - defined
- 938.2.4 Council - defined
- 938.2.5 Domestic tool - defined
- 938.2.6 Highway - defined
- 938.2.7 Lawn maintenance equipment - defined
- 938.2.8 Motor vehicle - defined
- 938.2.9 Noise - defined
- 938.2.10 Officer - defined
- 938.2.11 Persistent - defined
- 938.2.12 Person - defined
- 938.2.13 Point of reception - defined
- 938.2.14 Special event - defined
- 938.2.15 Vehicle - defined

Article 3 General Prohibitions

- 938.3.1 Noise - prohibitions - general
- 938.3.2 Noise - prohibitions - by time

Article 4 Exemptions

- 938.4.1 Public safety - preservation of property - emergency - exempt
- 938.4.2 Generator - power outage - exempt
- 938.4.3 Snow removal - equipment - activities - exempt
- 938.4.4 Application to Council - conditions
- 938.4.5 Grant of exemption - decision - Council
- 938.4.6 Exemption approval - conditions - contravene
- 938.4.7 Grant of exemption - conditions - breach-void
- 938.4.8 Delegated authority

Article 5 Orders

- 938.5.1 Order - discontinue activity - correct contravention
- 938.5.2 Order - details
- 938.5.3 Service - Order
- 938.5.4 Deemed served
- 938.5.5 Fail to comply with Order

Article 6 Enforcement

- 938.6.1 Authority - Enforcement
- 938.6.2 Entry and inspection
- 938.6.3 Hinder or Obstruct
- 938.6.4 Penalties
- 938.6.5 Fine - contravention - part 1 offence
- 938.6.6 Order - prohibiting continuation - offence
- 938.6.7 Rebuttable presumption - identification

Article 7 Interpretation and Validity

- 938.7.1 Headings
- 938.7.2 Amended references

- 938.7.3 Schedules
- 938.7.4 Validity and severability

Schedules

- Schedule "A" - General Prohibitions
 - Schedule "B" - Prohibitions by Time
-

Article 1 Short Title

938.1.1 Short Title - Scope

This Chapter may be cited as the "Noise By-law" and shall apply to the whole geographic limits of the City. In the text of the Chapter, it is referred to as "this Chapter".

Article 2 Interpretation

938.2.1 City - defined

"City" means The Corporation of the City of Orillia or the land within the geographic limits of The Corporation of the City of Orillia as the context requires.

938.2.2 Construction - defined

"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, concrete, 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.

938.2.3 Construction equipment - defined

"construction equipment" means any equipment, device, or vehicle designed and intended for use in construction, or material handling, including but not limited to, air compressors, pile drivers, 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.

938.2.4 Council - defined

"Council" means the Council of the City.

938.2.5 Domestic tool - defined

"domestic tool" includes any tool, equipment, or device designed or intended for use for

construction, including but not limited to air compressors, generators, electric power tools, manual hammers and similar tools, but does not include lawn maintenance equipment.

938.2.6 Highway - defined

“highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for, or used by, the general public for the passage of vehicles.

938.2.7 Lawn maintenance equipment - defined

“lawn maintenance equipment” includes any equipment which uses a combustion or electric motor for the purposes of yard maintenance or repair and includes chain saws, lawn mowers, leaf blowers, grass trimmers, hedge trimmers, whipper-snippers, power washers, power assisted sweepers, vacuums or any other similar equipment.

938.2.8 Motor vehicle - defined

“motor vehicle” includes an automobile, motorcycle, motor assisted bicycle, motorized snow vehicle, 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 traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine.

938.2.9 Noise - defined

“noise” means a sound that at the point of reception by its volume or nature is clearly audible.

938.2.10 Officer - defined

“Officer” means a Municipal By-law Enforcement Officer, Police Officer, or any other person appointed by by-law to enforce this Chapter.

938.2.11 Persistent - defined

“persistent” in reference to barking, calling, whining, or other similar noise made by an animal means continuously for a period of ten minutes or more, or intermittently for a time totaling ten minutes over a period of one hour.

938.2.12 Person - defined

“person” includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative.

938.2.13 Point of reception - defined

“point of reception” means any point on the premises of a person where noise originating from other than those premises is received.

938.2.14 Special event - defined

“special event” means a carnival, festival, organized sporting event, public meeting, speech, or lecture.

938.2.15 Vehicle - defined

“vehicle” includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a street car.

**Article 3
General Prohibitions****938.3.1 Noise - prohibitions - general**

No person shall emit, make, permit or cause to be emitted or made noise resulting from any act listed in Schedule “A” of this Chapter.

938.3.2 Noise - prohibitions - by time

No person shall emit, make, permit or cause to be emitted or made noise resulting from any act set out in Column 1 on the days and times set out in Columns 2 and 3 in Schedule “B” of this Chapter.

**Article 4
Exemptions****938.4.1 Public safety - preservation of property - emergency - exempt**

Despite any other provision of this Chapter, it shall be lawful during an emergency to emit or cause or permit the emission of noise in connection with emergency measures:

- (a) for the immediate health, safety or welfare of the inhabitants of any of them;
or
- (b) for the preservation or restoration of property;

unless such noise is clearly of a longer duration or nature more likely to disturb, than is reasonably necessary for the accomplishment of such emergency purpose.

938.4.2 Generator - power outage - exempt

Despite any other provision of this Chapter, this Chapter does not apply to a generator in operation during a power outage.

938.4.3 Snow removal - equipment - activities - exempt

Despite any other provision of this Chapter, this Chapter does not apply to snow removal equipment or activities while engaged in the process of removing snow.

938.4.4 Application to Council - conditions

A person may make application to Council to be granted an exemption from any of the provisions of this Chapter and 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 conditions as Council sees fit.

938.4.5 Grant of exemption - decision - Council

Council in making a decision to refuse, grant or grant with conditions an exemption to this Chapter shall consider any submissions made by the applicant and any other person who may have an interest in the matter, and the Council may also consider such other matters as it sees fit.

938.4.6 Exemption approval - conditions - contravene

No person shall contravene any condition of an exemption approval, or cause or permit the contravention of any condition of an exemption approval.

938.4.7 Grant of exemption - conditions - breach-void

Where a person contravenes any conditions of an exemption approval granted by Council, the exemption approval is immediately rendered null and void.

938.4.8 Delegated authority

Delegated authority to administer all or part of this Chapter, including that related to special events, is set out in Chapter 251 - Delegated Authority.

**Article 5
Orders****938.5.1 Order - discontinue activity - correct contravention**

If an Officer is satisfied that a contravention of this Chapter has occurred, the Officer may make an Order requiring the person who contravened this Chapter, or who caused or permitted the contravention to occur to:

- (a) discontinue the contravening activity; and / or
- (b) do work or take action to correct the contravention.

938.5.2 Order - details

The Order under section 938.5.1 shall set out:

- (a) reasonable particulars of the contravention adequate to identify the contravention;
- (b) the location of the premise on which the contravention occurred; and
- (c) either:
 - (i) in the case of an Order under section 938.5.1(a), the date by which there must be compliance with the Order; or
 - (ii) in the case of an Order under section 938.5.1(b), the action to be done and the date by which the action must be done.

938.5.3 Service - Order

An Order made under this Chapter may be served personally, regular mail to the address shown on the last revised assessment roll, regular mail to the last known address, or by email transmission to the last known email address to:

- (a) the person the Officer believes contravened this Chapter; and
- (b) such other persons affected by the Order as the Officer making the Order determines.

938.5.4 Deemed served

The Order shall be deemed to have been served on the fifth day after the date of mailing, or on the date of personal service, or on the date of email transmission.

938.5.5 Fail to comply with Order

No person shall fail to comply with an Order issued pursuant to section 938.5.1.

Article 6 Enforcement

938.6.1 Authority - Enforcement

The provisions of this Chapter may be enforced by an Officer.

938.6.2 Entry and inspection

An Officer may, at any time, enter on any land for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- (a) the provisions of this Chapter;
- (b) an Order made pursuant to this Chapter;
- (c) an Order made under section 431 of the *Municipal Act, 2001*.

For the purpose of such inspection, the Officer may:

- (i) require information from any person concerning a matter related to the inspection; and
- (ii) alone, or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

For the purpose of exercising the power of entry, the person exercising the power shall comply with the provisions of the *Municipal Act, 2001* including any requirements of sections 435 (Conditions Governing Powers of Entry) and 437 (Restriction Re: Dwellings) of the said Act.

938.6.3 Hinder or Obstruct

No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this Chapter, or any person lawfully acting in aid of such an Officer. Without limiting the generality of the meaning of “hinder” or “obstruct”, a person shall be deemed to have obstructed or hindered an Officer in the execution of their duties if the person:

- (a) provides false information to an Officer; or
- (b) is alleged on reasonable and probable grounds to have contravened any of the provisions of this Chapter and fails to identify themselves to an Officer upon request.

938.6.4 Penalties

Every person who contravenes any of the provisions of this Chapter, or an Order made pursuant to this Chapter, and every director or officer of a corporation who knowingly concurs in such contravention by a corporation, upon conviction, is guilty of an offence and shall be liable to a fine not exceeding \$5,000. Despite the foregoing, where a corporation is convicted, the corporation shall be liable to a fine not exceeding \$10,000.

938.6.5 Fine - contravention - part 1 offence

Despite section 938.6.4, every person who is issued a Part 1 offence notice or summons, upon conviction, is guilty of an offence and is liable to a maximum fine as provided for in the *Provincial Offences Act*.

938.6.6 Order - prohibiting continuation - offence

If a person is convicted of an offence under this Chapter, the court in which the conviction has been entered and any court of competent jurisdiction may, in addition to any other remedy and to any penalty imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

938.6.7 Rebuttable presumption - identification

In a prosecution for a contravention of this Chapter, evidence of identification shall be presumed to be correct and accurate, unless rebutted by evidence to the contrary.

Article 7 Interpretation and Validity

938.7.1 Headings

Headings are inserted for convenience of reference purposes only, form no part of this Chapter and shall not affect in any way the meaning or interpretation of the provisions of this Chapter.

938.7.2 Amended references

Any references to a statute, regulation, by-law or other legislation or statutory instrument in this Chapter shall include such statute, regulation, by-law or other legislation or provision thereof as amended, revised, re-enacted and/or consolidated from time to time and any successor legislation thereto.

938.7.3 Schedules

All schedules to this Chapter shall form part of this Chapter.

938.7.4 Validity and severability

If a court of competent jurisdiction should declare any section or part of a section of this Chapter or the enabling 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 the Chapter or enabling by-law and it is hereby declared that the remainder of both the Chapter and the by-law shall be valid and shall remain in force.

Repealed and Replaced: By-law 2026-047, 11 May 2026.

Schedule “A” - General Prohibitions

In accordance with section 938.3.1 of this Chapter, the following acts that make, emit, permit or cause noise are prohibited:

- a) Racing of any vehicle other than in a lawful racing event.
- b) The operation of any combustion engine without effective exhaust or intake muffling devices in good working order and in constant operation.
- c) The operation or use of a motor vehicle horn or other warning device, except where required or authorized by law or in accordance with good safety practices.
- d) The operation or use of any construction equipment without effective muffling devices in good working order and in constant operation.
- e) The detonation of any explosive device not used in construction.
- f) Persistent barking, calling, whining, or other similar persistent noise made by any animal kept or used for any purpose other than agriculture.

Schedule “B” - Prohibitions by Time

In accordance with section 938.3.2 of this Chapter, the acts that make, emit, permit or cause noise set out in Column 1 are prohibited during the days and times set out in Columns 2 and 3:

Column 1 - Act	Column 2 - Day	Column 3 - Prohibited Period of Time
<p>The operation of an engine or motor which:</p> <ul style="list-style-type: none"> (a) is, or (b) is used in, or (c) is intended for use in, <p>a toy or model or replica of any device, which model or replica has no function other than amusement and which is not a motor vehicle.</p>	Monday to Sunday	10:00 p.m. - 7:00 a.m.
<p>The operation or use of any auditory signaling device, including but not limited to the ringing of bells or gongs and the blowing of horns, sirens or whistles, or the production, reproduction or amplification of any similar sounds by electronic means except where required or authorized by law or in accordance with good safety practices.</p>	Monday to Sunday	10:00 p.m. - 7:00 a.m.
<p>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.</p>	Monday to Sunday	10:00 p.m. - 7:00 a.m.
<p>The operation of a commercial car wash.</p>	Monday to Sunday	10:00 p.m. - 7:00 a.m.
<p>Yelling, shouting, hooting, whistling, or singing.</p>	Monday to Sunday	10:00 p.m. - 7:00 a.m.
<p>Selling or advertising by shouting or outcry or amplified sound.</p>	Monday to Sunday	10:00 p.m. - 7:00 a.m.

<p>Loading, unloading, delivering, packing, unpacking, or otherwise handling any container, product, material, or refuse, whatsoever, unless necessary for the maintenance of essential services or the moving of private household effects. Despite the foregoing, this provision does not apply to a person who emits or causes or permits the emission of noise related to the delivery of goods to the following destinations:</p> <ul style="list-style-type: none"> (a) Retail business establishments; (b) Restaurants, including cafes and bars; (c) Hotels and motels; and (d) Goods distribution facilities. 	Monday to Sunday	10:00 p.m. - 7:00 a.m.
The operation or use of any construction equipment.	Monday to Sunday	10:00 p.m. - 7:00 a.m.
The operation or use of any domestic tool.	Monday to Sunday	10:00 p.m. - 7:00 a.m.
The operation or use of any lawn maintenance equipment.	Monday to Sunday	10:00 p.m. - 7:00 a.m.
The operation or use of solid waste bulk lift or refuse compacting equipment.	Monday to Sunday	10:00 p.m. - 7:00 a.m.
The operation or use of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers, and intended for the production, reproduction or amplification of sound except when operated at a commercial business establishment where music is being played and/or performed.	Monday to Sunday	10:00 p.m. - 7:00 a.m.

The operation of a commercial business establishment including but not limited to a bar, tavern, eating establishment, inn, pub or saloon where music is being played and/or performed.	Monday to Sunday	1:00 a.m. - 7:00 a.m.
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