

THE CORPORATION OF THE TOWNSHIP OF SEVERN

BY-LAW NO. 2025-04

BEING A BY-LAW TO REGULATE NOISE WITHIN THE TOWNSHIP OF SEVERN

WHEREAS pursuant to Section 10(2) of the *Municipal Act, S.O. 2001, c.25 (the Act)*, a municipality may pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS Section 129 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended (the "Act") provides that a local municipality may pass by-laws to prohibit and regulate noise and vibration, and other matters;

AND WHEREAS the Council for the Township of Severn deems it appropriate to regulate noise within the Township of Severn;

NOW THEREFORE THE COUNCIL OF THE TOWNSHIP OF SEVERN ENACTS AS FOLLOWS:

1. Citation

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

2. Definitions

2.1 "**CAO**" means the Chief Administrative officer of the Corporation of the Township of Severn or their designate;

2.2 "**Clerk**" means the Clerk of the Corporation of the Township of Severn or their designate;

2.3 "**Construction**" includes the erection, alteration, repair, dismantling, or demolition of structures or developments; 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;

2.4 "**Construction Equipment**" or "**Construction Vehicle**" 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, rollers, pumps, concrete mixers, graders, or other material handling equipment;

2.5 "**Council**" means the Council of the Corporation of the Township of Severn;

2.6 "**Domestic Animal**" means an animal that is housed and fed by a person and which actually lives in physical proximity to humans, including but not limited to pets such as dogs, cats and birds and guard animals. This does not include animals or birds possessed for farming or agricultural purposes.

2.7 "**Excessive Noise**" means any sound that would disturb the peace, rest, enjoyment, comfort or convenience of a reasonable Person in the circumstance. Excessive Noise does not include Noise regulated under a specific prohibition or commonplace household or workplace sounds such as sound from furniture being moved, children playing, laughter or people engaging in normal conversation and is based upon the cumulative considerations of all factors including the nature and frequency of complaints; its audibility at point of reception; environmental conditions; and any extenuating or aggravated circumstances including any medical conditions;

2.8 "**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;

- 2.9 **“Lawn Maintenance Equipment”** means 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, or any other similar equipment, but does not include equipment used to remove snow or ice
- 2.10 **“Motor Vehicle”** includes an automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement or husbandry or road-building machine within the meaning of The Highway Traffic Act;
- 2.11 **“Municipality”** means the land within the geographic limit of the Township of Severn;
- 2.12 **“Nuisance Party”** means a gathering on any Property, which, by reason of the conduct of the persons in attendance, results in any one or more of the following activities occurring:
- a) public disorderly conduct
 - b) public intoxication or public drunkenness
 - c) the deposit of refuse on public or private property;
 - d) damage to or destruction of public or private property;
 - e) unreasonable noise including loud music shouting that is of such a volume or nature as likely to disturb the inhabitants of the Township;
 - f) outdoor public urination or defecation or other bodily emissions
- 2.13 **“Officer”** shall mean a by-law enforcement officer, police officer, or other person appointed by Council for means of enforcing this by-law;
- 2.14 **“Owner” or “Property Owner”** means the registered Owner of a property, Owner in trust, or a mortgagee in possession, a Person who is managing or receiving the rent of the property, a Person who has control over the property, or an occupant over the age of 18.
- 2.15 **“Permit”** means the same as permitting and is the failure to take action so as to prevent the emission of sound likely to disturb.
- 2.16 **“Permitted Hours”** means from Monday to Thursday between the hours of 2100 (9:00 p.m.) one day and 0700 the next day, and from Friday to Sunday including Statutory Holidays between the hours of 2300 (11:00 p.m.) one day and 0900 the next day.
- 2.17 **“Point of Emission”** means any place, point, person, object, or otherwise, from which a sound is emitted;
- 2.18 **“Point of Reception”** means any place on a property where sound is heard, where the source of the sound does not originate from the property.
- 3. General Prohibitions**
- 3.1 No person or Property Owner shall generate or permit any excessive noise within 150 metres of a hospice, long-term care facility or retirement home.
- 3.2 No person or Property Owner shall emit, cause or permit the emission of excessive noise outside of permitted hours.
- 3.3 No person or Property Owner shall permit the persistent noise made by any domestic pet other than a canine, or any animals kept for domestic purposes, that will disturb the peace, quiet, comfort, or repose of any inhabitant.
- 4. Construction**
- 4.1 No person or Property Owner shall, from Monday to Friday between the hours of 2100 (9:00 p.m.) one day and 0700 the next day, and from Saturday to Sunday including Statutory Holidays between the hours of 2100 (9:00 p.m.) one day and 0900 the next day, permit, operate or cause to be operated any construction vehicle or construction equipment in connection

with the construction, demolition or restoration of any building, structure, highway, motor vehicle, steam boiler, or other engine or machine.

5. **Stereos, Boom Boxes, Radios, and Electronic Sound-Emitting Devices**

5.1 No person or Property Owner shall operate, permit, use, or cause to be operated any sound reproduction device or stereo system:

- a) Outside of permitted hours.
- b) At any time so as to be considered excessive noise.

6. **Hooting, Hollering, Yelling, or Causing Any Such Associated Noise**

6.1 No person or Property Owner shall hoot, yell, holler, sing, create or permit any other similar noise in a manner which creates excessive noise and which disturbs a person:

- a) Outside of permitted hours.
- b) At any time so as to be considered excessive noise.

7. **Operation of a Motor Vehicle**

7.1 No person or Property Owner shall operate or permit the operation of a stereo or other device designed to amplify sound in or on a motor vehicle in such a way that the sound can easily be heard outside of the motor vehicle.

7.2 No person or Property Owner shall operate or permit the operation of a motor vehicle in such a way that the tires squeal.

7.3 No person or Property Owner shall operate or permit the operation of a motor vehicle horns or other warning devices, except where required or authorized by law or in accordance with good safety vehicles.

7.4 No person or Property Owner shall operate or permit the operation of an engine or motor in, or on, any motor vehicle or item of attached auxiliary equipment for a continuous period exceeding five (5) minutes, while such vehicle is stationary on a residential-zoned property unless:

- a) The original equipment manufacturer specifically recommends a longer idling period for normal and efficient operation of the motor vehicle in which case such recommended period shall not be exceeded; or
- b) Operation of such engine or motor is essential to a basic function of the vehicle or equipment, including but not limited to operation of ready-mixed concrete trucks, lift platforms and refuse compactors; or
- c) Weather conditions justify the use of heating or refrigerating systems powered by the motor or engine for the safety and welfare of the operator, passengers, or animals, or the preservation of perishable cargo, and the vehicle is stationary for purposes of delivery or loading; or,
- d) Prevailing low temperatures make longer idling periods necessary immediately after starting the motor or engine; or,
- e) When idling is for the purpose of cleaning and flushing the radiator and associated circulation system for seasonal change of antifreeze, cleaning of the fuel system, carburetor or the lights, when such work is performed other than for profit.

8. **Operation of Lawn Maintenance Equipment**

8.1 No person or Property Owner shall cause or permit noise from the use of any lawn maintenance equipment between the hours of 2100 one day until 0700 the following day.

9. **Power Equipment**

9.1 No person or Property Owner shall operate, permit or cause to be operated any power equipment such as chainsaws, leaf blowers, power tools or other similar devices between the hours of 2100 one day and 0700 the following day.

10. **Nuisance Party**

10.1 No Person shall, conduct, continue, host, create, allow, or cause a Nuisance Party.

10.2 No Person shall attend a Nuisance Party.

10.3 No Person who individually or jointly with others, is an Owner, occupant, tenant or otherwise has rightful possession of or in possessory control of any Premises, shall allow, cause or permit a Nuisance Party on said Premises.

10.4 No Property Owner shall permit a Nuisance Party.

10.5 Every Person who, conducts, continues or hosts, creates, allows, causes or permits a Nuisance Party shall take all reasonable and lawful actions to end a Nuisance Party.

11. **Administration and Enforcement**

11.1 **Entry and Inspection**

- a) An Officer may, when an offence has been believed to have been committed, enter upon land for the purpose of carrying out an inspection to determine compliance with this by-law.
- b) The Township may enter on land at any reasonable time for the purpose of carrying out an Inspection to determine whether or not the following are being complied with:
 - (i) this bylaw; or,
 - (ii) an order made under s. 431 of the *Municipal Act, 2001*.
- c) For the purposes of conducting an inspection pursuant to s.11(b) of this bylaw, the Township may, in accordance with the provisions of s. 4:36 of the *Municipal Act, 2001*:
 - (i) require the production for inspection of documents or things relevant to the inspection;
 - (ii) inspect and remove documents. or things relevant to the inspection for the purpose of making copies or extracts;
 - (iii) require information from any person concerning a matter related to the inspection; and,
 - (iv) 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.

11.2 **Obstruction**

No person shall hinder or obstruct, or attempt to hinder or obstruct, any officer exercising power or performing a duty under this bylaw.

12. **Order to Discontinue Activity**

12.1 Where the Municipal Law Enforcement or a Police Officer has reasonable grounds to believe that a contravention of this by-law has occurred, the Municipal Law Enforcement or a Police Officer may make an order requiring the person who contravened this by-law, or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity.

12.2 An order under s. 12.1 of this bylaw shall set out:

- a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and,

b) the date by which there must be compliance with the order.

12.3 Any person who contravenes an order under Section 12.1 of this by-law is guilty of an offence.

12.4 An order under Section 12.1 of this by-law may be given orally or may be served personally on the person to whom it is directed.

13. **Order to Leave**

13.1 Municipal Law Enforcement Officer, or Police Officer may order all persons not residing at the Property to leave said Property where a Nuisance Party is occurring.

13.2 An order under Section 13.1 may be issued verbally or in writing to any Person believed to be sponsoring, conducting, continuing, hosting, creating, allowing, causing, permitting or attending a Nuisance Party.

13.3 No person shall fail to leave the Premises after having been ordered to do so under section 13.1.

14. **Public Safety Exemption**

14.1 Notwithstanding any other provisions of this by-law, it shall be lawful to emit or cause or permit the emission of sound or vibration in connection with emergency measures undertaken:

- a) For the immediate health, safety or welfare of the inhabitants; or
- b) For the preservation or restoration of property.

15. **Grant of Exemption by Clerk or CAO**

15.1 Application

Notwithstanding anything contained in this by-law, any person shall make an application per section 12.2 to the Clerk to be granted an exemption from any of the provisions of this by-law with respect to any source of sound or vibration for which that person might be prosecuted. If the Clerk refuses the request for an exemption, the applicant may then apply to the CAO for such exemption. Any exemption granted shall specify the time period during which it is effective and may contain such terms as the CAO or Clerk sees fit.

15.2 Details of Application for Exemption

The application for exemption referred to in subsection (12.1.) shall be made in writing and, without limitation, shall include:

- a) The name and address of the applicant;
- b) A description of the source of sound or vibration in respect of which the exemption is sought;
- c) A statement of the particular provision or provisions of the bylaw from which exemption is sought;
- d) The period of time, of a duration not in excess of six months, for which the exemption is sought;
- e) The reasons why the exemption should be granted;
- f) A plan showing the location of the event or premises; the location of amplification equipment and speakers; and methods employed to prevent sound from unnecessarily escaping from the event or premises; and
- g) If applicable, any additional information as deemed necessary by the Clerk or CAO to consider the application made under this section.

16. **General Exemptions**

16.1 Notwithstanding any other provision, this by-law does not apply to a person who emits or causes or permits the emission of sound or vibration in connection with any traditional, festive, religious, or other activities such as parades, band concerts, sports events, etc.

- 16.2 Notwithstanding any other provision, this by-law does not apply to the clearing and/or removal of snow, winter sand removal, road maintenance, as well as general emergency response.
- 16.3 Notwithstanding any other provision, this by-law does not apply to farming activities recognized as a Normal Farm Practice and carried on as part of an agricultural operation.
- 16.4 Notwithstanding any other provision, this by-law does not apply to any works being completed by or for the Corporation of the Township of Severn, Province of Ontario and/or the Federal Government of Canada.

17. **Severability**

- 17.1 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 the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

18. **Penalty**

- 18.1 Every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence and upon conviction is liable to a fine as provided for by the Municipal Act, 2001, S.O. 2001 c. 25, as amended.
- 18.2 Any person convicted under this by-law is liable:
- a) upon a first conviction, to a fine of not less than \$500.00 and a maximum fine of \$25,000; or,
 - b) upon a second conviction or subsequent conviction for the same offence, to a fine of not less than \$800.00 and not more than a maximum fine of \$50,000.
 - c) Upon conviction for a continuing offence, to a fine of not less than \$1,000.00 and not more than \$10,000 for each day or part of a day that the offence continues. The total daily fines may exceed \$100,000.
- 18.3 Notwithstanding section 18.2, where the person convicted is a corporation, the corporation is liable:
- a) upon a first conviction a maximum fine of not more than \$50,000; or,
 - b) upon any subsequent conviction a maximum fine of not more than \$100,000.
- 18.4 In addition to the regular fine for an offence set out in sections 18.2 and 18.3 of this by-law, a special fine may be imposed to eliminate or reduce any economic advantage or gain from contravening the by-law.
- 18.5 Upon conviction for any offence under this by-law, in addition to any other remedy and to any penalty imposed by this by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 18.6 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 by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended

19. **Effective Date**

19.1 That this By-law shall come into force and effect upon passage.

Passed this 3rd day of June, 2026.

CORPORATION OF THE TOWNSHIP OF SEVERN

MAYOR

CLERK

Written approval of this by-law was given by Mayoral Decision MD-2026-09 dated June 3, 2026.