

THE CORPORATION OF THE MUNICIPALITY OF NORTH GRENVILLE**BY-LAW NO. 100-24***A By-Law Respecting Prohibited and Regulated Noise
Within the Municipality of North Grenville.*

WHEREAS section 10 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (the "Act"), authorizes a municipality to pass a by-law respecting the health, safety and well-being of persons;

AND WHEREAS section 129 of the Act, authorizes municipalities to pass bylaws to prohibit and regulate noise;

AND WHEREAS section 425 of the Act, provides that a municipality may pass by-laws providing that a person who contravenes a bylaw of the municipality is guilty of an offence;

AND WHEREAS section 429 of the Act, provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under that Act;

AND WHEREAS section 434.1(1) of the Act, provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under this Act;

AND WHEREAS Council acknowledges that there is a long standing tradition of tolerance in our rural, small town community and for neighbours to interact with each other and negotiate solutions to problems in mutually beneficial ways;

AND WHEREAS Council has established, as a public policy in the North Grenville Official Plan that there are activities which take place in rural areas that result in noise, odours, traffic, hours or seasons of operation and other nuisances that must be allowed to continue in order to preserve our rural way of life. The Council also acknowledges that the rural areas of the Municipality provide opportunities for peaceful enjoyment of the natural environment.

AND WHEREAS Council wishes to establish a noise by-law which strikes a balance between interests which exist throughout the Community,

NOW THEREFORE the Council of the Corporation of the Municipality of North Grenville enacts as follows:

1. Interpretation

In this by-law,

- a. "administrative penalty by-law" means the Administrative Penalty By-law of the Municipality, as amended from time to time, or any successor thereof;

- b. "construction" includes erection, alteration, repair, dismantling, demolition, structural maintenance, land clearing, earth moving, grading, excavating, the laying of pipe and conduit whether above or below ground level, street and highway building, application of 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;
- c. "construction equipment" means any equipment or device designed and intended for use in construction or material handling, including but not limited to, hand tools, power tools, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-highways haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders or other material handling equipment;
- d. "council" means the Council of the Corporation of the Municipality of North Grenville;
- e. "designated provision" means any section of this By-law designated in accordance with section 8.6;
- f. "highway" means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle and part of which is intended for, or used by, the general public for the passage of vehicles and includes the area between the lateral property lines thereof;
- g. "motor vehicle" means an automobile, on or off road motorcycle, ATV, snowmobile, motor assisted bicycle, 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 traction engine, farm tractor, self-propelled implement of husbandry or road- building machine within the meaning of *The Highway Traffic Act*;
- h. "municipality" means the land within the geographic limit of the Corporation of the Municipality of North Grenville;
- i. "noise" means sound that is excessive, or of such volume or persistence that it has the effect or potential effect of disturbing inhabitants;
- j. "persistence" means continuing to exist or endure over a prolonged period of time continuously or intermittently for an aggregate period of at least 20 minutes out of any 60 minute period;
- k. "plainly audible" means the sound in question can be easily detected, without undue effort, by a disinterested person with no hearing disability;
- J. "point of reception" means any point on the premises of a person where sound originating from other than those premises is received. For lands

within the "RU - Rural" or "AI - Agricultural" zones of the North Grenville Zoning By-Law, the point of reception shall be deemed to be within 30 metres of a dwelling.

- k. "racing" means the operation of a motor vehicle over a set course on premises zoned and licensed for activities related to a contest of speed and/or agility against other motor vehicles or against the clock, or being tested at high speeds in a competitive or training manner on a track, whether or not an admission fee is charged. This definition shall not be interpreted to limit the personal use and enjoyment of one's lands for off-road motorcycles, ATVs, or snowmobiles where such lands are zoned "RU - Rural", "AI - Agricultural" or "A2 - Restrictive Agriculture" zones of the North Grenville Zoning By-Law in accordance with the permitted times identified in Schedule B to this By-Law.

2. **General Provisions**

- 2.1 No person shall at any time emit or cause or permit the emission of noise resulting from any activity listed in Schedule "A" of this By-Law that is plainly audible at a point of reception anywhere within the Municipality.
- 2.2 Notwithstanding Schedule "A", where uses and activities have been subject to a *Planning Act* approval for a zoning amendment, minor variance or site plan, and such approval permits uses and activities prohibited by Schedule A and/or establishes limits on noise, such site specific *Planning Act* approvals shall override this By-Law.

3. **Prohibitions by Time**

- 3.1 No person shall emit or cause or permit the emission of noise resulting from any activity listed in Column 1 of Schedule "B" of this By-Law and which noise is plainly audible at a point of reception outside of the permitted times shown in Column 2 of Schedule "B" of this By-Law.
- 3.2 For the purpose of clarity, this By-Law shall not regulate the discharge of firearms as this matter is regulated by senior levels of government. Notwithstanding this statement, licensed shooting ranges which have been subject to Site Plan Control by the Municipality may have specified hours of operation which are detailed in a site plan agreement and which shall override this By-Law.
- 3.3 Notwithstanding Schedule "B", where uses and activities have been subject to a *Planning Act* approval for a zoning amendment, minor variance or site plan, and such approval establishes hours of operations and/or noise limits which are contrary to Schedule "B", such site specific *Planning Act* approvals shall override this By-Law.

4. Exemptions

- 4.1 Notwithstanding any other provision of this By-Law, it shall be lawful to emit or cause or permit the emission of noise in connection with emergency measures and/or essential services undertaken:
- a) for the immediate health, safety or welfare of the inhabitants or any of them;
 - b) for the preservation or restoration of property, unless such-noise is clearly of a longer duration or nature more disturbing, than is reasonably necessary for the accomplishment of such emergency purpose; or,
 - c) for the delivery of essential services and incidental noise from all activities of the Municipality, United Counties of Leeds and Grenville, the Province of Ontario, any utility provider, or their servants or agents associated with the provision of maintenance and essential services including, but not limited to, snow removal, collection of garbage and refuse, night time road work, in-ground infrastructure (sewer, water, utilities, etc...) and hydro services.
- 4.2 Notwithstanding any other provision of this By-Law, it shall be lawful to emit or cause or permit the emission of noise in connection with any of the following traditional, festive, religious and other activities:
- a) the use of bells or chimes normally associated with Municipal, school or church activities;
 - b) activities sponsored or approved by the Municipality, including but not limited to carnivals, midways, circus, sporting events, recreation, music, entertainment, or festival events;
 - c) activity or service club that is operating for fund raising purposes for community benefit as may be approved by the Municipality;
 - d) any parade duly authorized by Council;
 - e) any fireworks display duly authorized by Council; or,
 - f) any fireworks display safely detonated on private property on festive holidays such as Victoria Day (May), Canada Day (July) and New Year's Eve.
- 4.3 Notwithstanding any other provision of this By-Law, it shall be lawful to emit or cause or permit the emission of noise in connection with any of the following activities:
- a) any sound arising from the operation of any railway which operates under the *Railway Act of Canada* or from any plant or work in connection with any such railway;
 - b) any sound normally associated with farming or equestrian operations as governed by the *Farming and Food Production Protection Act* including animal sounds, the operation of farm equipment and

machinery, equestrian events, plowing matches or similar activities;
or,

- c) any sound arising from an industrial use, including aggregate operations, if the sound is in accordance with the terms and conditions approved by the Municipality, United Counties of Leeds and Grenville and/or the Province of Ontario where such approval addresses sound as a potential source of contamination.

5. Temporary Noise Exemption

- 5.1 Notwithstanding anything contained in this By-Law, any person may make an application for a temporary Noise Exemption and submit it to the Director of Planning & Development or their designate. Said application must be received by the Municipality a minimum of thirty (30) days prior to the requested date. The applicant must also pay the appropriate fee as outlined in the Fees & Charges By-Law at the time of application submission.
- 5.2 An application for a Temporary Noise Exemption shall contain, at a minimum, the following information:
 - a) the name and address of the applicant;
 - b) the name and address of the business/organization represented by the applicant, if applicable;
 - c) a description of the nature of the event and source of sound for which the exemption is sought;
 - d) a drawing of the proposed property showing the location of the noise source that is the subject of the exemption and the distance to the nearest properties/structures/land uses that may be affected;
 - e) the particular provision or provisions of the By-Law from which the exemption is sought;
 - f) the period of time for which the exemption is sought (start date, end date, duration of event for each day);
 - g) the reason why the exemption should be granted; and,
 - h) payment of the application fee.

Decision

- 5.3 In deciding whether to grant the Temporary Noise Exemption, the Director of Planning & Development or their designate, shall:
 - a) 10 days prior to making a decision, provide a notification to all property owners within 120 metres of the subject plans of the proposed temporary noise exemption and solicit comments from such notified property owners,
 - b) consider the nature, location, purpose and duration of the event, the value of the event to the community at large,

- c) consider such other matters as it deems necessary, and
 - d) depending on the circumstances, consider bringing the request to council for a decision.
- 5.4 The Director of Planning & Development or their designate shall have the authority to grant or refuse the Temporary Noise Exemption as requested or may grant a Temporary Noise Exemption of a lesser effect. Said granted exemptions shall specify the time period, not in excess of ninety (90) days, during which Temporary Noise Exemption shall be in effect. The Director of Planning & Development or their designate may impose such terms and conditions on the Temporary Noise Exemption as it sees fit, including but not limited to the requirement for public/neighbourhood notification and the monitoring of sound levels resulting from the event or activity. Where the requirement for monitoring of sound levels is established as a condition of the Temporary Noise Exemption, the applicant shall be responsible for all logistics and expenses associated with the condition.

Appeals

- 5.5 Where the Director of Planning & Development or their designate refuses to grant a Temporary Noise Exemption, or where the Temporary Noise Exemption is granted with conditions, the Director or their designate shall notify in writing, the applicant and any other person who had requested notification, advising them that they may appeal the decision and/or conditions within ten (10) days of the date of the notice.
- 5.6 Appeals shall be submitted in writing to Municipal Clerk of the Corporation of the Municipality of North Grenville. The appeal shall be heard by Council within thirty (30) working days of the Municipal Clerk's receipt of an appeal for a hearing.

Breach

- 5.7 Breach by the applicant of any of the terms or conditions of any Temporary Noise Exemption granted shall render the exemption null and void.

6. Administration and Delegation of Authority

- 6.1 The Director of Planning & Development shall be responsible for the administration of this By-Law.
- 6.2 All Peace Officers, Provincial Offences Officers and Municipal Law Enforcement Officers with the authority to enforce the by-laws of the Municipality are responsible for enforcing the provisions of this By-Law.
- 6.3 The Clerk of the Municipality of North Grenville is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantic or descriptive nature or kind to this by-law and schedules as may be deemed necessary after passage of this By-Law,

where such modifications or corrections do not alter the intent of the By-Law.

7. **Severability**

- 7.1 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 all be valid and shall remain in force.

8. **Offence and Penalty Provisions**

- 8.1 For the purposes of sections 2.1 and 3.1, where applicable, any reference to a "person" emitting, causing, or permitting the emission of noise shall also include the property owner(s) where the noise is emitted from. The property owner shall be held responsible for any noise originating from their property, regardless of whether the noise is caused directly by the owner or by another person or entity operating on the property.
- 8.2 Any person who contravenes any provision of this By-Law is guilty of an offence as provided for in the *Municipal Act, 2001*, and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*, as amended.
- 8.3 Each day such violation is committed, or permitted to continue, shall constitute a separate offence and may be punishable as such there under. Such fine shall be recoverable under the *Provincial Offences Act*.
- 8.4 Where a person has been convicted of an offence under this By-Law, the Court may in addition to any other penalty imposed on the person convicted, issue an Order
- a) prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence; and/or,
 - b) requiring the person convicted to correct the contravention in the manner and within the period that the Court considers appropriate.
- 8.5 Every person who fails to comply with an Order to conform to the provisions of this By-Law is guilty of an offence and is liable to prosecution and penalty pursuant to the *Provincial Offences Act*, as amended.
- 8.6 Sections 2 and 3, inclusive of any subsection therein, of this By-law are hereby designated as parts of this By-law to which the Administrative Penalty By-law applies.
- 8.7 Any person shall, upon issuance of a penalty notice for a contravention of this By-law, in accordance with the Administrative Penalty By-law, be liable to pay an administrative penalty and any administrative fees, in accordance with the Administrative Penalty By-law.

- 8.8 All the provisions of this by-law continue to apply in the Provincial Offences Act in addition to the designated provisions of this by-law.
- 8.9 Where a person has not paid the administrative penalty within thirty (30) days in accordance with the Administrative Penalty By-law, the Municipality may add the administrative penalty to the tax roll for any property for which the owner or owners are responsible for paying the administrative penalty under Section 8.7

9. **Short Title**

9.1 This By-Law may be referred to as the "Noise By-Law".

10. **Schedules**

10.1 Schedules "A" and "B" constitute part of this By-Law.

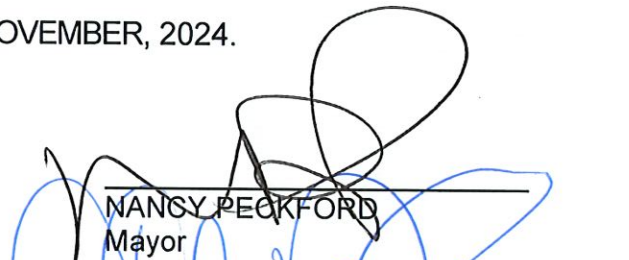
11. **Repeal and Enactment**

11.1 By-Law 002-14 is hereby repealed as of January 2nd, 2025.


11.2 This By-Law shall come into force and take effect on January 2nd, 2025.

PASSED AND ENACTED ON THIS 18TH DAY OF NOVEMBER, 2024.





NANCY PECKFORD
Mayor



CHLOE PRESTON
Clerk

10
SCHEDULE "A" TO BY-LAW 100-24

General Prohibitions

No person shall at any time emit or cause or permit the emission of noise resulting from any activity listed below which is plainly audible at a point of reception:

1. The operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electromechanical transducers, and intended for the productions, reproduction or amplification of sound within a residential dwelling unit or associated yards of a residential dwelling unit, as defined in the North Grenville Comprehensive Zoning By-Law.
2. The operation of a stereo or other electronic 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.
3. Persistent barking, calling, or whining or other similar persistent noise made by any domestic pet or any other animal kept or used for any purpose other than agriculture.
4. The operation of any motor vehicle, construction equipment, combustions engine or pneumatic device without an exhaust or intake muffling devices or other noise reduction devices in good working order in accordance with manufacture specifications and in constant operation that prevents excessive noises that are loud or explosive.
5. Racing of any motor vehicle other than in a lawful racing event approved by the Municipality.
6. The operation of a motor vehicles in such way that the tires squeal.
7. The operation of a motor vehicle or a motor vehicle with a trailer resulting in banging, clanking, squealing or other like sounds due to improperly secured load or equipment, or inadequate maintenance.
8. The operation of a motor vehicle horn or other warning device except where required or in accordance with good safety practices.
9. The operation of an air conditioner, water pump, heat pump or the like that is not in proper working order.
10. The ringing of bells, blowing or sounding of any horns, yelling, or shouting.
11. All selling or advertising by shouting, outcrying or amplified sound.
12. The detonation of fireworks or explosive devices not used in construction unless:
 - a) They are a fireworks display authorized by Council; or,
 - b) They are a fireworks display safely detonated on private property on

festive holidays such as Victoria Day, Canada Day, New Year's Eve.

SCHEDULE "B" TO BY-LAW 100-24***Prohibitions by Time***

No person shall emit or cause or permit the emission of noise resulting from any activity listed in Column 1 of the following table and which noise is plainly audible at a point of reception outside of the permitted period of shown in Column 2 of the following table:

| ACTIVITY | PERMITTED PERIOD OF TIME |
|--|--|
| Operation of any construction equipment or construction activities | 7:00 am to 10:00 pm |
| Operation or use of powered equipment for domestic purposes (i.e. lawn mower, leaf blowers, chain saw, power tools or other similar devices) other than powered equipment related to snow removal. | 7:00 am to 10:00 pm |
| Loading, unloading, delivering, packing, unpacking or otherwise handling of containers, products, materials or refuse and which activities disturb, or tend to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity | 6:00 am to 10:00 pm |
| The operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electromechanical transducers, and intended for the productions, reproduction or amplification of sound within the operation of any commercial or public establishment | Sunday to Thursday: 7:00 am to 11:00 pm Friday & Saturday: 7:00 am to 12:00 am (midnight) |
| The operation of any motorized vehicle for personal use and enjoyment, including snowmobiles, all-terrain vehicles and off-road motorcycles on one's property, where such lands are zoned "RU – Rural", "A1 – Agricultural" or "A2 – Restrictive Agriculture" zones in the North Grenville By-Law. | 7:00 am to 10:00 pm |