

The Corporation of the Municipality of Grey Highlands

Office Consolidation of By-law No. 2018-063

Being a by-law to prohibit and regulate unusual noises or noises likely to disturb the residents of the Municipality of Grey Highlands and to repeal by-law 2004-13

OFFICE CONSOLIDATION - as amended by By-laws 2020-071, 2021-095

Now Therefore the Council of the Municipality of Grey Highlands hereby enacts as follows:

SHORT TITLE

1. This By-law may be cited as the "Noise Control By-law".

INTERPRETATION

2. For the purposes of this By-law the following terms shall have the corresponding meanings:

"construction equipment" includes a bulldozer, excavator, trencher, jack hammer, crane, loader, scraper, paver, compactor, roller, grader, concrete mixer and the like;

"Council" means the Council of the Municipality;

"enforcement officer" means a by-law enforcement officer appointed by the municipality or a member of the Ontario Provincial Police (OPP);

"municipality" means the Municipality of Grey Highlands;

"noise" means sound that is of such a volume or nature that it is likely to disturb the inhabitants of the municipality;

"person" includes a corporation, organization, association, partnership and the like;

GENERAL EXEMPTIONS

3. (1) This By-law does not apply:
 - (a) during an emergency, either declared or implied, involving the health, safety or welfare of the public;
 - (b) where the Municipality, its employees, contractors or agents are carrying out municipal operations or operating, maintaining or installing municipally-owned infrastructure, facilities or the like;
 - (c) to noise created by the activity of snow removal;
 - (d) to road or bicycle races, parades, circuses, entertainment activities in public parks, neighbourhood social activities or other special events between the hours of 7 am and 10 pm when such events have an approved Special Event Permit and such activity or event is in compliance with the conditions set by the approval of such activity or event;
 - (e) to sport or recreational events in public parks during the hours of 7 am to 10 pm;

- (f) to the use of implements of husbandry in the operation of agricultural endeavours;
- (g) to the operation of excavation equipment when used in a cemetery in conjunction with interment services;
- (h) to snow making equipment at a ski resort;
- (i) to church bells;
- (j) to emergency equipment or vehicles; or
- (k) to the ignition of fireworks between sunrise to 1 hour after sunset generally, and from sunrise to 11 pm on long weekends (By-law 2020-071)
- (l) with respect to noise made in the municipality in connection with the delivery of goods to any of the following:
 - i) Retail business establishments.
 - ii) Restaurants, including cafes and bars.
 - iii) Hotels and motels.
 - iv) Goods distribution facilities (2021-095)

EXEMPTIONS BY COUNCIL

4. (1) Despite the provisions of this by-law, any person may apply to Council for an exemption to any provision of this by-law with respect to any noise to allow such person to emit, cause or permit such noise for the period of time set out in such application, and Council may grant such exemption, grant an alternative exemption or refuse such exemption, and may set out conditions to be met as Council sees fit for any exemptions granted.

(2) Where an exemption is granted by council, breach of any of the terms or conditions of the exemption shall render the exemption null and void;

(3) Every person applying for an exemption shall, at least 4 weeks prior to the event, and no later than 10 business days prior to the Council meeting at which the request for exemption is to be addressed, provide to the Clerk of the Municipality:

- (a) a complete and accurate application form as provided by the municipality setting out the particulars respecting the exemption requested; and
- (b) payment of the exemption processing fee in the amount set by Council and in effect at the time of such exemption request.

GENERAL PROHIBITIONS

5. (1) No person shall, at any time, emit, cause or permit to be emitted or caused any noise created by:

- (a) the persistent barking, calling or whining of any domestic pet or any animal, except an animal used for, and located on, the property of an agriculture, livestock based use;
- (b) the squealing of motor vehicle tires while such vehicle is on property other than a highway as set out in the Highway Traffic Act, R.S.O. 1990, Chap. H.8, or any successor thereof;
- (c) the use of a horn, whistle, alarm, bell, gong or the like, except for an auditory safety or warning device or chimes used in association with a religious establishment;
- (d) the detonation of explosives including, but not limited to fireworks and firecrackers or other devices that cause a spectacular explosion when ignited (By-law 2020-071);
- (e) noise caused by a defective or improperly installed muffler system on a combustion engine;
- (f) the loud operation of a vehicle or home radio, stereo or the like at a level to disturb others and can be heard at a loud level more than 50 feet from the source; or

(g) incessant yelling, shouting or the like.
(2) No Construction equipment shall be in use in any manner so as to cause noise to disrupt the quiet enjoyment of the residents between 9 pm and 7 am, or as per an approved permit from the municipality.

PENALTY - OFFENCE

6. Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33.

7. No person shall interfere with an enforcement officer in the lawful execution of their duty enforcing the provisions of this by-law.

SEVERABILITY

8. If, for any reason, any section, clause or provision of this by-law is deemed by a Court or competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof other than the part which was declared to be invalid.

PRIOR BY-LAWS REPEALED

9. By-law Number 2004-13 is hereby repealed as of the date and time of this Bylaw coming into effect.

EFFECTIVE DATE OF BY-LAW

10. This By-law shall come into effect the passage thereof.

Read a first, second and third time, and finally passed on June 20 2018.

The Corporation of the
Municipality of Grey Highlands

Paul McQueen, Mayor

Raylene Martell, Municipal Clerk

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
WEST REGION

80 DUNDAS STREET, 10TH FLOOR, UNIT L
LONDON, ONTARIO N6A 6A8



CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'OUEST

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LONDON (ONTARIO) N6A 6A8

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FAX/TÉLÉCOPIEUR (519) 660-3138

September 4, 2018

Raylene Martell
Director of Legal Services/Municipal Clerk
206 Toronto Street South, Unit One
P.O. Box 409
Markdale, ON N0C 1H0

Municipality of
Grey Highlands

SEP 20 2018

RECEIVED

Dear Ms. Martell:

**Re: Set Fines - Provincial Offences Act - Part I
By-law Number 2018-063, of the Municipality of Grey Highlands**

Enclosed herewith is an original Order, and an original schedule of set fines for the above referenced By-Law, 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.

I have forwarded the copy of the Order and the schedule of set fines to the Provincial Offences Court in Owen Sound together with a copy of the By-law.

Yours truly,

A handwritten signature in dark ink, appearing to read "Stephen J. Fuerth".

Stephen J. Fuerth
Regional Senior Justice
West Region

encl.
/kz

ONTARIO COURT OF JUSTICE

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. 2018-063, of the Municipality of Grey Highlands, attached hereto are the set fines for those offences. This Order is to take effect September 4, 2018.

Dated at London this 4th day of September, 2018.



Stephen J. Fuerth
Regional Senior Justice
West Region

Municipality of Grey Highlands

By-law 2018-063

Part I Provincial Offences Act

Item	Column 1 Short Form Wording	Column 2 Provision creating or defining offence	Column 3 Set Fine
1	Persistent animal noise	5. (1) (a)	\$200
2	Noise caused by squealing tires	5. (1) (b)	\$200
3	Noise caused by horns, bells, or whistles	5. (1) (c)	\$200
4	Noise caused by explosives	5. (1) (d)	\$200
5	Noise caused by defective muffler	5. (1) (e)	\$200
6	Noise caused by radio or stereo	5. (1) (f)	\$200
7	Incessant yelling or shouting	5. (1) (g)	\$200
7	Noise caused by construction equipment between 9 pm and 7 am	5. (2)	\$200

NOTE: the general penalty provision for the offences listed above is section 6 of By-law 2018-063, a certified copy of which has been filed.

D. M. Martel
Dipl. M.M. Clerk
TRUE COPY
Municipality

Municipality of Grey Highlands

By-law 2018-063

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