

The Corporation of the Town of Grimsby

By-law No. 11-22

A By-law respecting noises.

Whereas the *Municipal Act, S.O. 2001, C.25*, as amended, Section 129(1) provides that a local municipality may prohibit and regulate with respect to, inter-alia, noise;

And whereas the *Municipal Act, S. O. 2001, C 25*, as amended, Section 129(3) provides that a by-law under Section 129(1) may prohibit the matters described unless a permit is obtained from the municipality and they impose conditions for obtaining, continuing to hold and renewing permit;

And whereas the Municipal Council of the Town of Grimsby deems it appropriate to prohibit and regulate with respect to the making of unusual noise and noises likely to disturb the inhabitants, and to repeal the prior noise By-law No. 80-3;

Now therefore the Council of the Corporation of the Town of Grimsby enacts as follows:

In this by-law,

"Agricultural" means a property that is zoned for agricultural use in the zoning by-law that applies to property;

"Town" and "Town of Grimsby" means the Corporation of the Town of Grimsby;

"Construction" includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavation, blasting and detonation of explosive devices other than fireworks, the laying of pipe and conduit, equipment installation and alteration and the structural installation of construction components and materials in any form or for any purpose, and includes any associated or related work;

"Council" and "Town Council" means the Council of the Town of Grimsby;
"Emergency" means a situation or an impending situation, often dangerous, caused by the forces of nature, an accident, an intentional act or otherwise, which arises suddenly and calls for prompt action;

"Domestic animal" means an animal harboured by and cared for by a human being;

"Motor vehicle" includes an automobile, bus, truck, motorcycle, motor assisted bicycle and any other vehicle propelled or driven other than by muscular power, but does not include a motorized snow vehicle, traction engine, farm tractor, other farm vehicle or road building machine;

"Noise" means sound that is unusual or excessive, or that is unwanted by or disturbing to persons;

"Person" includes a corporation as well as an individual;

"Persistent" means constantly repeated over a period of one half (½) hour;

"Residence" means a room, suite of rooms, or dwelling, including a mobile trailer, (for help house accessory to an agricultural use purposes only) operated as a housekeeping unit that is used or intended to be used as a separate domicile by one or more persons, and that normally contains cooking, eating, living, sleeping and sanitary facilities;

"Vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine and other vehicle propelled or driven other than by muscular power;

PART I

General Prohibitions:

1. No person within the Town of Grimsby shall ring any bell or blow any horn or cause or permit the same to be rung, blown or sounded other than in the operation of a motor vehicle in a normal and safe manner.
2. No person within the Town of Grimsby shall shout, make unusual noise or noises likely to disturb the inhabitants in any area within the Town of Grimsby.
3. Without limiting the generality of the provisions of Section 1 and 2, the following noises or sounds shall be deemed to be unusual noises or noise likely to disturb the inhabitants, namely:
 - a. the racing of any motorized conveyance other than in a racing event regulated by law;
 - b. the operation of a motor vehicle in such a way that the tires squeal;
 - c. the operation of a motor vehicle horn, siren or other warning device except where required or authorized by law or in accordance with good safety practices;
 - d. the operation of an engine or motor in, or on, any motor vehicle or item of attached auxiliary equipment for a continuous period exceeding ten minutes, while such vehicle is stationary in a residential zone, unless;
 - i. 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;
 - ii. operation of such engine or motor is essential to a basic function of vehicle or equipment, including but not limited to, operation of ready-mixed concrete trucks, lift platforms and refuse compactors;
 - iii. weather conditions justify the use of heating or refrigeration 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 the purposes of delivery or loading;
 - iv. prevailing low temperatures make longer idling periods necessary immediately after starting the motor or engine;
 - v. the idling is for the purpose of cleaning and flushing the radiator and associated circulation system for seasonal change of anti-freeze, cleaning of the fuel system, carburetor or the like, when such work is performed other than for profit;

- e. the sound or noise created by the operation of any motor vehicle, trailer or other vehicle bearing material, articles or things which are loaded upon such vehicle in such manner as to create noise;
- f. the sound or noise from the discharge into the open air of the exhaust of any or internal combustion engine, including the engine of an automobile, motorcycle and snowmobile, except through a muffler or other device which effectively prevents loud or explosive noises;
- g. the persistent barking, calling, whining or similar persistent noise caused by any domestic animal;
- h. the sound or noise from or created by but not limited to, any radio, television, record player, tape player, amplifier, loud speaker, public address system, musical instrument or equipment, device or instrument which emits sound when the same is played or operated in such a manner or with such volume that it is clearly audible within a residential unit with the windows closed, other than the one in which the sound originates;
 - i. any sound from any private radio in a motor vehicle, installed for the sole benefit of entertainment of the operator and occupants of such vehicle, when the same is audible at a distance of twenty-five feet from such vehicle;

PART II

Prohibitions by Time

1. The following noises are, in the opinion of Council, likely to disturb the inhabitants of the Town of Grimsby when the sounds occur during the times set out below:
 - a. the racing of any motorized conveyance when regulated by law between 2300 hours of one day and 0900 hours of the following day.
 - b. any shouting, yelling, hooting, whistling or singing which disturbs the peace, quiet, comfort or repose of any person in any dwelling unit, hotel or other type of residence and arises between 2300 hours of one day and 0700 hours of the following day;
 - c. the operation of any equipment in connection with commercial construction between 2100 hours of one day and 0700 of the following day;
 - d. the operation of any tool for domestic purposes other than snow removal between 2300 hours of one day and 0700 hours of the following day;
 - e. 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 by electronic means, except where required or authorized by law or in accordance with good safety practices between 2100 hours of one day and 0700 hours of the following day;

PART III

Exemptions:

1. Public Safety

Notwithstanding any other provision 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 health, safety or welfare of the inhabitants or any of them; or,

- b. for the preservation or restoration of property; unless such a sound or vibration is clearly of a longer duration or nature more disturbing than is reasonably necessary for the accomplishments of such emergency purpose.

2. Agricultural Operations:

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 normal agricultural operations.

3. Grant Permit by Council:

a. Application to Council:

Notwithstanding anything contained in this by-law, any person may make application to Council to be granted a permit from any of the provisions of this by-law with respect to any source of sound or vibration for which he might be prosecuted.

- i. such application shall be made 90 days prior to the event.
- ii. the Town shall post a notice advising those who wish to object to file notice of their objection 30 days prior to the event
- iii. Council, by resolution, may refuse to grant any permit or may grant the permit applied for or any permit of lesser effect and any permit granted shall specify the time period, not in excess of six months, during which it is effective and may contain such terms and conditions as Council sees fit.

b. Decision:

In deciding whether to grant the permit, Council shall give the applicant and any person opposed to the application opportunity to be heard and may consider such matters as it sees fit.

c. Breach:

Breach by the applicant of any of the terms or conditions of any permit granted by Council shall render the permit null and void.

4. Exemption of Traditional, Festive or Religious Activities:

Notwithstanding any other provision of this by-law, 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 of the listed traditional, festive, religious and other activities:

- a. any celebration in commemoration of a statutory holiday;
- b. any celebration in commemoration of a religious holiday;
- c. Remembrance day celebrations;
- d. any carnival or parade by a Service Club;
- e. any activity under the direct control of the; Town of Grimsby
- f. ringing of bells in connection with calling or worship by a recognized religious organization;

PART IV

5. Offence and Penalty Provisions:

- a. Any person who contravenes the provisions of this by-law is guilty of an offence and, upon conviction, is subject to a fine as provided

in the *Provincial Offences Act R.S.O. 1990, c.P.33* s. 61 and to any other applicable penalties.

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

6. **Validity:**

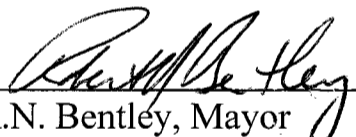
If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

7. **Commencement:**

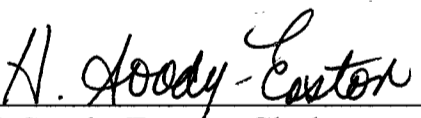
That By-law 80-3 be and the same is hereby repealed. This By-law shall come into force and take effect on the date of passage.

Read a first time this 18th day of April 2011.

Read a second and third time and finally passed this 18th day of April 2011.



R.N. Bentley, Mayor



H. Soady-Easton, Clerk

The Corporation of the Town of Grimsby

By-law 17-46

A By-law to amend By-law 11-22 respecting noises

Whereas the Council of the Town of Grimsby deems it expedient to amend By-law No. 11-22 being a By-law respecting noises in the Town:

And further be amended by adding:

And whereas the Municipal Act, 2001 authorizes the Town of Grimsby, amongst other things to delegate its authority to impose fees or charges on persons for services or activities provided or done by or on behalf of it, to provide for inspections and inspection orders and to make orders to discontinue activity or to do work as set out in the Fees and Charges By-law;

And further Part I be amended by removing;

2. No person within the Town of Grimsby shall shout, make unusual noise or noises likely to disturb the inhabitants in any area within the Town of Grimsby.

And replaced with:

2. No person within the Town of Grimsby shall shout, make unusual noise or permit noises likely to disturb the inhabitants in any area within the Town of Grimsby.

And further be amended by adding:

Part I

4. No person shall make or permit to be made noise that contravenes:
 - a. an applicable Noise Pollution Control Publication of Ontario's Ministry of the Environment; or
 - b. a permission, such as a certificate of approval, under federal or provincial legislation.

And further Part IV (5)(a) be amended by removing:

- a. any person who contravenes the provision of this by-law is guilty of an offence and, upon conviction, is subject to a fine as provided in the *Provincial Offences Act R.S.O. 1990, c.P.33 s. 61* and to any other applicable penalties.

And replace with:

- a. 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.*

And further that Schedule A of By-law 17-46 form part of By-law 11-22.

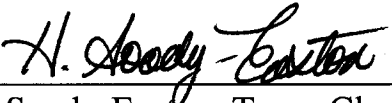
1. That all other sections of By-law 11-22 shall be deemed to remain in force.
2. That this By-law shall come into force and take effect on the date of passage.

Read a first time this 15th day of May 2017

Read a second and third time and finally passed this 15th day of May 2017



R.N. Bentley, Mayor



H. Soady-Easton, Town Clerk

Schedule A to By-law 17-46

Amending By-law 11-22 as amended

Being By-law respecting noises in the Town of Grimsby

Set Fine Offences

| Item # | Column 1 Short Form Wording | Column 2 Provision creating or defining offence | Column 3 Set Fine |
|--------|--|---|----------------------|
| 1. | Ring Bells or Blow Horns | Part 1 (1) | 150.00 |
| 2. | Permit Bells to be rung or Horns to be Blown | Part 1 (1) | 150.00 |
| 3. | Make Unusual Noise | Part 1 (2) | 150.00 |
| 4. | Permit to be Made Unusual Noise | Part 1 (2) | 150.00 |
| 5. | Make Noise Likely to Disturb Inhabitant | Part 1 (2) | 150.00 |
| 6. | Permit to be Made Noise Likely to Disturb Inhabitant | Part 1 (2) | 150.00 |
| 7. | Make Noise that Contravenes Noise Pollution Control Publication | Part 1 (4)(a) | 350.00 |
| 8. | Permit to be Made Noise that Contravenes Noise Pollution Control Publication | Part 1 (4)(a) | 350.00 |
| 9. | Make Noise that Contravenes Permission Under Federal legislation | Part 1 (4)(b) | 350.00 |
| 10. | Permit to be Made Noise that Contravenes Permission Under Federal Legislation | Part 1 (4)(b) | 350.00 |
| 11. | Make Noise that Contravenes Permission Under Provincial Legislation | Part 1 (4)(b) | 350.00 |
| 12. | Permit to be Made Noise that contravenes Permission Under Provincial Legislation | Part 1 (4)(b) | 350.00 |

Note: The general penalty provision for the offences listed above is Part 5 of the By-law 11-22 as amended, a certified copy of which has been filed.

The Corporation of the Town of Grimsby

By-law 17-67

A By-law to amend By-law 11-22, as amended respecting noise

Whereas the Council of the Town of Grimsby deems it expedient to amend By-law No. 11-22, as amended being a By-law respecting noises in the Town;

And further that Part II be amended by removing:

1. The following noises are, in the opinion of Council, likely to disturb the inhabitants of the Town of Grimsby when the sounds occur during the times set out below:

And replaced with

1. No person within the Town of Grimsby shall make the following noises likely to disturb the inhabitants during the times set out below:

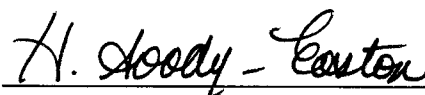
And further that Schedule A of By-law 17-46 be repealed and replaced with Schedule A of By-law 17-67 and form part of By-law 11-22, as amended.

1. That all other sections of By-law 11-22, as amended shall be deemed to remain in force.
2. That all other sections of By-law 17-46 shall be deemed to remain in force.
3. That this By-law shall come into force and take effect on the date of passage.

Read a first time this 17th day of July 2017

Read a second and third time and finally passed this 17th day of July 2017


R.N. Bentley, Mayor


H. Soady-Easton, Town Clerk

Schedule A to By-law 17-67

A By-law to amend By-law 17-46 and 11-22 as amended being a By-law respecting noises in the Town of Grimsby

Set Fine Offences

| Item # | Column 1 Short Form Wording | Column 2 Provision creating or defining the offence | Column 3 Set Fine |
|---------------|---|--|------------------------------|
| 1. | Ring bells or blow horns | Part 1 (1) | 150.00 |
| 2. | Permit bells to be rung or horns to be blown | Part 1 (1) | 150.00 |
| 3. | Make unusual noise or noises likely to disturb inhabitants | Part 1 (2) | 150.00 |
| 4. | Racing of motorized conveyance | Part 2 (1)(a) | 150.00 |
| 5. | Shouting, yelling hooting, whistling or singing | Part 2 (1)(b) | 150.00 |
| 6. | Operation of commercial construction equipment | Part 2 (1)(c) | 150.00 |
| 7. | Operation of domestic tool except snow removal | Part 2 (1)(d) | 150.00 |
| 8. | Operation of auditory signaling device except where required by law | Part 2 (1)(e) | 150.00 |

Note: The general penalty provision for the offences listed above is Section 5 of the By-law 11-22 as amended, a certified copy of which has been filed.

The Corporation of the Town of Grimsby

By-law 18-62

A By-law to amend By-law 11-22 as amended, respecting noises

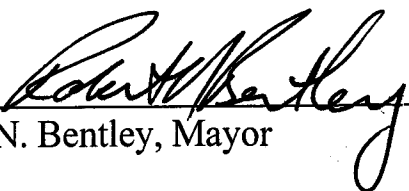
Whereas the Council of the Town of Grimsby deems it expedient to amend By-law 11-22, as amended being a By-law respecting noises in the Town;

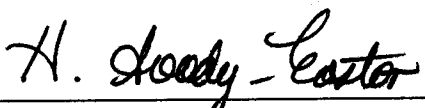
And further that Schedule A of By-law 17-67 be repealed and replaced with Schedule A of By-law 18-62 and form part of By-law 11-22, as amended;

1. That all other sections of By-law 11-22 shall be deemed to remain in force.
2. That this By-law shall com into force and take effect on the date of passage.

Read a first time this 17th day of September 2018

Read a second and third time and finally passed this 17th day of September 2018


R.N. Bentley, Mayor


H. Soady-Easton, Town Clerk

Schedule A to By-law 18-62
A By-law to amend By-law 11-22, as amended
Being a By-law respecting noises in the Town of Grimsby

| ITEM # | COLUMN 1 Short Form Wording | COLUMN 2 Provision Creating or defining offence | COLUMN 3 Set Fine |
|--------|---|---|----------------------|
| 1. | Ring Bells or Blow Horns | Part 1 (1) | 200.00 |
| 2. | Permit Bells to be rung or Horns to be Blown | Part 1 (1) | 200.00 |
| 3. | Make unusual noise or noises likely to disturb inhabitants | Part 1 (2) | 200.00 |
| 4. | Racing of motorized conveyance | Part 2 (1)(a) | 200.00 |
| 5. | Shouting, yelling, hooting, whistling or singing | Part 2 (1)(b) | 200.00 |
| 6. | Operation of commercial construction equipment | Part 2 (1)(c) | 200.00 |
| 7. | Operation of domestic tool except snow removal | Part 2 (1)(d) | 200.00 |
| 8. | Operation of auditory signaling device except where required by law | Part 2 (1)(e) | 200.00 |

NOTE: the general penalty provision for the offences listed above is Section 5 of the Bylaw 11-22 as amended, a certified copy of which has been filed.