



Town of Erin

Corporate Report

Department: Community Services

Business Unit: Building & By-law Enforcement

**Presented/
Prepared By:** Martyna Sliwiak, Municipal Law Enforcement Officer

Report Number:
BB2024-01

Meeting Date:
4/25/2024

Subject

New County-Wide Noise By-law

Recommendation

Be it resolved that Council hereby receive report number BB2024-01 “*New County-Wide Noise By-law*” regarding a new draft Noise By-law 6001-24 to repeal and replace By-law 5001-05, being a by-law to provide for the regulation and prohibition of unusual noises or noises likely to disturb the public and/or the prevention of public nuisances;

And that Council enact the proposed by-law within Appendix A and accept the Short Form Wordings and Set Fines in Appendix B.

Background

As part of the Town of Erin’s review of its By-law Enforcement Strategy, staff have been working with neighbouring municipalities within Wellington County to review and update By-law 5001-05 “*being a by-law to provide for the regulation and prohibition of unusual noises or noises likely to disturb the public and/or the prevention of public nuisances*”, otherwise known as the Noise By-law. The Ontario Provincial Police (OPP) primarily enforce this by-law and have requested the by-law be uniform amongst all participating municipalities. In consultation with SV Law, through the Township of Centre Wellington, staff have drafted a Noise By-law that compliments the needs of all member municipalities. This updated Noise By-law allows for effective enforcement with provisions for addressing the needs of a growing community. As with other by-laws, enforcement staff always strive for voluntary compliance, however, when such compliance cannot be achieved, this by-law will provide staff and the OPP with the necessary enforcement tools.

Discussion

In consultation with neighbouring municipalities, staff identified a need to revise and update the existing County-Wide Noise By-law #5001-05 to address the growing needs of our residents and respective enforcement agencies. The proposed By-law provides a variety of provisions to address gaps in the existing by-law which rendered many aspects

unenforceable. Similar to the existing Noise By-law, general prohibitions on noise at any time have been included.

The Municipal Act provides authority for municipalities to regulate noise within the municipality. Town of Erin and the participating municipalities have experienced issues related to noise which the existing by-law does not capture. A new Noise By-law has been drafted to include:

- A comprehensive set of definitions and provisions;
- A list of exemptions;
- A process for noise exemptions, including permit applications and submission requirements;
- Delegation of authority to the Municipal Clerk to approve noise exemptions;
- Terms and conditions for resolution of non-compliance of permits.
- Regulations pertaining to administration and inspection/enforcement;
- New provisions allowing for the expansion of noise sources with the potential to adversely affect the inhabitants of the Town;
- Reasonable times for noise while also allowing for enforcement/restrictions on unreasonable or excessive noise during permitted times;
- Exemptions for snow removal on private and public property;
- Provisions applicable Town-Wide, not just in residential areas;
- Additionally updated short form wording and set fines will align with standard rates throughout the Province.

The proposed draft by-law allows for designated staff to review and approve noise exemption applications without Council approval. By delegating approval of noise exemptions to the Municipal Clerk, the permitting system can be streamlined and expedited. From a compliance perspective, the proposed by-law also provides expedited authority to the Permit Issuer, an Officer, or Council to revoke a permit if the terms and conditions of the permit have not been met, or information later discovered that would have prevented the approval of the Permit.

In summary, the proposed by-law allows the OPP and Municipal Law Enforcement Officers to address a variety of noise issues not captured in the existing by-law. Furthermore, the proposed by-law provides appropriate and reasonable expectations of all residents and businesses to ensure noise-related activities do not extend into unreasonable hours, affecting the right to peace and enjoyment.

Staff from the County of Wellington and the local area municipalities were consulted in the drafting of the County-Wide By-law and all member municipalities have passed this by-law. The current County-Wide By-law will be repealed as of May 1st, 2024

Strategic Pillar

Service Excellence & Good Governance

Financial Impact

There is no financial impact associated with the proposed recommendation.

Conclusion

Staff recommend that report BB2024-01 be received for information, and that Council enact the proposed By-law within Appendix A and accept the Short Form Wordings and Set Fines in Appendix B.

Attachments

Appendix A – Noise By-law 6001-24

Appendix B – Short Form Wordings and Set Fines for By-law 6001-24

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