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**To:** Council  
**From:** Loriann Harbers, Director of Corporate Services  
**Date of Meeting:** November 24, 2021  
**Subject:** Nuisance By-law Amendment

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**Background:**

Council has instructed staff to investigate options to improve the Township's current Nuisance By-law. The by-law was first drafted in 2016 in collaboration with municipalities in SDG to encourage support for enforcement through OPP.

As a result of complaints received, 3 main problems were identified:

1. General Prohibitions were too broad;
2. Firearms restrictions are lacking; and
3. Motor vehicle noise is not clearly defined.

Moreover, staff recognize that a fulsome review to modernize existing legislation and future transition to the Administrative Monetary Penalty System, is still required.

**Discussion:**

With the support of our summer Administrative student, many relevant samples have been collected. Suggestions for improvement including the use of a noise meter and the introduction of "quiet zones" were considered.

Staff have met and consulted with neighbouring municipalities to gauge interest and share common concerns with the by-law. Although there is interest to investigate further, there are varying degrees of commitments and need at this time.

Moreover, as a result of additional investigation, noise meters appear to be an extra expense with added challenges. Reports have revealed minimal positive outcomes due to the timing complaints, the difficulty in maintaining calibration and the challenges in such data being accepted in court proceedings.

Staff are aware that a further review is required. A review that encompasses key stakeholder survey(s), public input, legislative updates and the establishment of an Administrative Monetary Penalty System remains outstanding.

Due to the amount of time required for such an endeavor, the varying degrees of SDG interest and the pending retirement of our current Municipal Law

Enforcement Officer, staff recommend amending the existing by-law to accommodate immediate need at this time.

When our new Municipal Law Enforcement Officer has had an opportunity to climatize to new surroundings a comprehensive review will be better timed. Staff will then be in a better place to undertake such a project and potentially see SDG municipalities join the project. Concerns and experiences of our current Municipal Law Enforcement Officer has assisted in the development of these recommendations and will form a part of the overall improvement in the future.

Based on these reasons, staff propose the following amendments to the current by-law at this time:

1. Narrow the General Prohibitions paragraph
2. Create a separate Discharge of Firearms and Bows By-law
3. Add restriction(s) surrounding motor vehicle noise

More specifically explained below:

**Under Definitions:**

- Amend definition of Noise for clarity

“Noise” means a sound that a person finds disturbing to their peace, rest, enjoyment, comfort or convenience;

- Add definition for “Persistent noise” to narrow general prohibitions

“Persistent noise” means any noise that is continuously heard for a period of ten minutes or more, or intermittently heard over a period of one hour or more.

- Amend definition of “Point of reception” to be more specific

“Point of reception” means any location on the premises of a persons where sound originating from other than those premises is received, and the following locations are points of reception:

i) an outdoor area that is:

- near the façade of a building at a height of 1.5 metres above ground, typically in backyards, front yards terraces or patios; or
- on a balcony or elevated terrace (for example, a rooftop) provided it is not enclosed; or

ii) an indoor area that is inside a building with windows and doors closed;

- Add definition of “Unreasonable noise” to narrow prohibitions

“Unreasonable noise” means any noise that would disturb the peace, rest, enjoyment, comfort or convenience of a reasonable person in the circumstances, but does not include commonplace household or workplace sounds such as sound from furniture being moved, children playing or people engaging in conversation.

- Remove definition of “Villages and Hamlets” as this is specific to discharge of firearms

**Under General Provisions:**

Amend paragraph 3 from:

~~No person shall cause or permit to exist any unusual noise or noise likely to disturb the inhabitants of the Municipality~~

to:

No person shall make, cause or permit noise, at any time, that is unreasonable noise and persistent noise that is audible at a point of reception.

**Under Schedule 2 – Prohibitions by Time:**

Addition of the following Activities:

The operation of any combustion engine, other than a race vehicle, without an effective exhaust muffling device in good working order and in constant operation	11:00 pm one day to 7:00 am the next day (9:00 am on Sundays)
Racing of any motorized vehicle.	11:00 pm one day to 7:00 am the next day (9:00 am on Sundays)

Next steps:

Based on discussion during the November 24, 2021 Council meeting, staff will proceed to prepare a final draft for presentation to Council at the December 15, 2021 meeting.