

**THE CORPORATION OF THE TOWN OF GRAVENHURST  
BY-LAW NO. 2023-62**

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Being a By-law to Regulate Certain Noises  
Within the Town of Gravenhurst

**WHEREAS** Section 8 of the Municipal Act, S.O. 2001, (hereinafter referred to as the "Municipal Act") provides that the powers of a municipality under the Municipal Act or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues:

**AND WHEREAS** Section 9 of the Municipal Act provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act;

**AND WHEREAS** Section 11 of the Municipal Act provides that a lower-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein;

**AND WHEREAS** Section 129 of the Act, a local municipality may prohibit and regulate with respect to noise;

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

**AND WHEREAS** Section 425 of the Act, a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence;

**AND WHEREAS** Section 426 of the Act, no person shall hinder or obstruct, or attempt to hinder or obstruct any person who is exercising a power or performing a duty under a by-law passed under this Act;

**AND WHEREAS** Section 429 of the Act, a municipality may establish a system of fines for offences under a by-law of the municipality passed under this Act;

**AND WHEREAS** Section 434.1 (1) of the Municipal Act provides that a municipality may require a person 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 the Municipal Act.

**AND WHEREAS** pursuant to Section 436 of the Act, a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether a by-law of the municipality passed under the Act is being complied with;

**AND WHEREAS** noise is recognized as a form of pollution under the Environmental Protection Act, R.S.O. 1990, CHAPTER E-19;

**AND WHEREAS** noise pollution has a negative impact on the quality of life for Gravenhurst residents;

**AND WHEREAS** the Council of the Town of Gravenhurst desires to preserve the peace and quiet of the residents of Gravenhurst through the reduction, control and prevention of loud and excessive noise;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GRAVENHURST ENACTS AS FOLLOWS:**

**1. DEFINITIONS**

- 1.1 Assembly Hall** means a building, or part thereof, used for a fee for the provision of entertainment or amusement without the necessity of active participation by the user.
- 1.2 Authorized Event** means a sporting or recreational event held on Town property with the approval of one of the Director of Recreation, Arts & Culture or the Director of Infrastructure Services or their designate or held on school property with the approval of the school principal or their designate or a public or separate school board.
- 1.3 Community Event** means an event held on public or private property with admission to the event being open to the general public regardless of whether the entrance admission is free of charge, by donation or with an established entrance fee.
- 1.4 Construction** includes assembly, alteration, repair, demolition, dismantling, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, laying of pipe or conduit, street and highway building, concreting, 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.
- 1.5 Construction equipment** means any equipment or device designed or intended for use in construction or material handling, including air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, scrapers, pavers, generators, off-highway haul trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders, or other material handling equipment.
- 1.6 Continuous barking** means the barking of a dog that occurs for an uninterrupted period of five minutes or more, or on a sporadic basis for any continuous fifteen-minute time period.
- 1.7 Continuous yelling, hooting, hollering, or shouting** means yelling, hooting, hollering, or shouting that occurs for an uninterrupted period of fifteen minutes or more.
- 1.8 Council** means the Council for the Corporation of the Town of Gravenhurst.
- 1.9 Emergency** means a sudden and unexpected occurrence demanding immediate action to prevent possible injury, loss of life or substantial property damage.
- 1.10 Emergency Vehicle** means a vehicle operated by a police department, fire department

or ambulance/paramedic service.

- 1.11 **Firearm** as defined in the Criminal Code of Canada R.S.C., 1985, c C-46.
- 1.12 **Holiday** shall have the same meaning as defined under the Retail Business Holidays Act R.S.O. 1990, CHAPTER R.30.
- 1.13 **Incidental Noise** means noise generated in association with an authorized event but not as the main feature of the event.
- 1.14 **Noise** means sound that is of such a volume or nature this is likely to disturb the inhabitants of the Town.
- 1.15 **Normal Farm Practice** has the same meaning as in the Farming and Food Production Protection Act, S.O. 1998, c.1 or any successor legislation.
- 1.16 **Officer** means a Municipal Enforcement Officer, a Police Officer or other person appointed by Town Council to enforce this by-law.
- 1.17 **Permit** means the same as permitting and is the failure to take action so as to prevent the emission of sound likely to disturb.
- 1.18 **Point of reception** means any place on a property where sound is heard, the source of which does not originate from the property.
- 1.19 **Power Outage** means the hydro service normally provided to a property is temporarily unavailable for any reason other than the termination of the service for lack of payment.
- 1.20 **Private Event** means an event held on public or private property with restricted access.
- 1.21 **Property** means a parcel of land or contiguous parcels of land in one ownership.
- 1.22 **Repeated Alarm Incidents** means false fire or burglar alarms occurring more than twice per calendar year on a property.
- 1.23 **Restricted Access** means admission to the event or participation in the event is restricted to those persons who have previously registered for the event or have been invited to attend the event but does not include the general public.
- 1.24 **Restaurant** has the same meaning as found within the Town's Comprehensive Zoning By-Law 2010-04, as amended.
- 1.25 **Rural (RU) Zone:** as defined by the Town's Comprehensive Zoning By-law 2010-04, as amended.

- 1.26 School** means the use of land, buildings, or structures as a training centre, an elementary or secondary school, private school or community college authorized by the Province of Ontario.
- 1.27 Town** means the Corporation of the Town of Gravenhurst.
- 1.28 Urban Centre** as defined within the Gravenhurst Official Plan.
- 1.29 Vehicle** includes a motor vehicle, trailer, traction engine, farm tractor, road building machine, bicycle and any vehicle drawn, propelled, or driven by any kind of power, including muscular power.

## **2. GENERAL PROHIBITIONS**

- 2.1** No person shall cause or permit the emission of noise, which noise is audible at a point of reception which is likely to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the inhabitants of the Town.
- 2.2** No person shall cause or permit the emission of noise which is clearly audible at a point of reception resulting from an act or emanating from a device listed in Schedule 'A'.
- 2.3** No person shall cause or permit the emission of noise which is clearly audible at a point of reception resulting from an act or emanating from a device listed in Schedule 'B'.
- 2.4** No person shall cause or permit any unnecessary noise within 150 metres of a hospital, nursing home or seniors' rest home.

## **3. GENERAL EXEMPTIONS**

- 3.1** It shall be lawful during an emergency to cause or permit the emission of noise in connection with emergency measures for the immediate health, safety, or welfare of the general public or for the preservation or restoration of property, unless such noise is clearly of longer duration or its nature more disturbing than is reasonably necessary for the accomplishment of such emergency purposes.
- 3.2** The provisions of this by-law shall not apply to incidental noise generated or created by:
- a) An authorized event totaling less than three hours in duration between the hours of 7:00 a.m. and 11:00 p.m.;
- 3.3** The provisions of this by-law shall not apply to noise generated or created by:
- a) Any emergency or public service vehicle when responding to a call;
  - b) The ringing of bells in connection with any place of worship or religious service;

- c) The ringing of fire alarms or burglar alarms. This shall not apply to repeated incidents of false fire alarms or burglar alarms;
- d) A manufacturing, processing, fabricating or assembly operation lawfully in existence and in continuous operation since prior to December 23, 2003;
- e) The operation of snow plowing or snow removal equipment on public or private property or to the cleaning of streets or sidewalks by Town-owned equipment or equipment being used under contract to the Town;
- f) Trains, railways and railway operations subject to regulation by the Government of Canada;
- g) Aircraft, airports, and airport operations subject to regulation by the Government of Canada;
- h) Farming activities recognized as a Normal Farm Practice and carried on as part of an agricultural operation;
- j) Continuous barking from an impounded or surrendered dog on the property of the Ontario Society for the Prevention of Cruelty to Animals, a Town contracted pound keeper or a dog owned and used by the Ontario Provincial Police or other police service;
- k) A community event, a private event or other activity when a noise exemption has been granted by Council;
- l) The operation of a generator during a power outage;
- m) Explosives used in regulated blasting activities as defined by Ontario Provincial Standards 120 General Specification for the Use of Explosives;
- n) Parades authorized by the Town;
- o) Sidewalk Sales authorized by the Town;
- p) The use of the Gravenhurst Lions Pavilion as authorized by the Town; or
- q) The use of the Barge in Gull Lake Park as authorized by the Town.

#### **4. NOISE EXEMPTIONS**

- 4.1** Notwithstanding the prohibitions contained in this by-law, any person may submit a noise by-law exemption application to Council. Council may grant or refuse to grant any such exemption request and may grant a conditional exemption subject to any restrictions as Council deems appropriate. Any noise exemption granted by Council

shall specify the time period and dates during which the exemption is in effect.

**4.2** An application for a noise by-law exemption shall be made in writing to the Director of Development Services and shall be accompanied by an application fee as outlined in the Town's User Fees and Service Charges By-law currently in effect. The application shall contain:

- a) the name and address of the applicant;
- b) a description of the noise in respect of which the exemption is being sought;
- c) the period of time and date(s) for which the exemption is being sought;
- d) a description of the source and location in respect of which an exemption is sought;  
and
- e) the reason(s) why the exemption is being sought and why it should be granted.

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

## **5. ADMINISTRATION AND ENFORCEMENT**

### **5.1 ENTRY AND INSPECTION**

An Officer may, at all reasonable times, enter upon land for the purpose of carrying out an inspection to determine compliance with this by-law.

### **5.2 OBSTRUCTION**

No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this by-law. Any person who is alleged to have contravened any of the provisions of this by-law shall identify him/herself to the Officer upon request. Failure to identify upon request shall be deemed as obstruction of the Officer.

**5.3** No person shall refuse to produce any documents or things required by an Officer under this By-law, and every person shall permit the entry, inspection, examination, or inquiry by an Officer.

**5.4** No person shall knowingly furnish false or misleading information to the Town or to an Officer with respect to this By-law.

## **6. OFFENCES AND PENALTIES**

**6.1** A person is guilty of an offence if the person;

- a) Fails to comply with a direction or other requirements under this By-law, or
- b) Contravenes any provision of the By-law.

- 6.2 A director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation is guilty of an offence.
- 6.3 An Officer may issue an Administrative Monetary Penalty to the Person, Owner, Agent or Person Responsible found in contravention of any provision of this By-law.
- 6.4 Any Person who contravenes any provision of this By-law is responsible for any fines and fees imposed under the Administrative Monetary Penalty System By-law.
- 6.5 Any Person who has been found in contravention of the By-law may request a review if the matter is in accordance with the Administrative Monetary Penalty System By-law.
- 6.6 Every person who contravenes any of the provisions of this By-law is guilty of an offence and shall be subject to a penalty in accordance with the Provincial Offences Act, R.S.O. 1990, c. P.33. as amended.
- 6.7 The court in which the contravention has been entered, and any court of competent jurisdiction, thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

## **7. SEVERABILITY**

- 7.1 If a court of competent jurisdiction declares any provision or part of this by-law to be invalid or unenforceable for any reason whatsoever, then the particular provision or part thereof shall be deemed to be severed from the remainder of the by-law and shall be valid and enforceable to the fullest extent permitted by law, unless the court makes an order to the contrary.

## **8. FORCE AND EFFECT**

- 8.1 That this By-law shall come into force and effect immediately upon passage.

## **9. REPEAL**

- 9.1 By-law number 2005-29 is repealed.

## **10. SHORT TITLE**

- 10.1 That this By-law shall be known as the Town of Gravenhurst Noise Control By-law.

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**10.1** That this By-law shall be known as the Town of Gravenhurst Noise Control By-law.

**READ AND PASSED** this 18th day of July, 2023.

  
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Mayor

  
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Clerk

**SCHEDULE 'A'**  
**PROHIBITED ACTS AND DEVICES**

1. Electronic equipment, sound equipment, loud-speaker, musical or sound producing instrument and all similar devices other than on the premises of a restaurant, place of entertainment or assembly hall as set out on Schedule "B".
2. A car radio or stereo which is audible at a distance of 9 metres (30 feet) from such motor vehicle.
3. An auditory signaling device including but not limited to the ringing of bells, repeated incidents of false alarms, gongs, sirens, horns, whistles and the production or reproduction of any similar sound by electronic means except where authorized or required by law.
4. The detonation of explosive devices or similar materials, except when used in construction or approved by the Town.
5. Continuous barking.
6. Continuous yelling, shouting, hooting or similar noises made by a human.
7. The use of any drum, horn, bell, radio or mechanical loudspeaker or other instrument, device, or apparatus for the purpose of advertising or attracting attention to any performance, show, sale of goods, wares, or merchandise.
8. The operation of an engine or motor in, or on, any motor vehicle or item of attached auxiliary equipment for a continuous period exceeding 15 minutes while such vehicle is stationary, except when:
  - a) The vehicle is in an enclosed structure so as to effectively prevent excessive noise emission;
  - b) The operation of such engine or motor is essential to a basic function of the vehicle or equipment including but not limited to, operation of ready-mix concrete trucks, lift platforms, refuse compactors and heat exchange systems;
  - c) Weather conditions justify the use of heating or refrigeration systems powered by the motor or engine for the health and safety of animals or the preservation of perishable cargo;
  - d) The operation of a stationary and/or moving motor vehicle on a property for a period exceeding 15 continuous minutes or a period exceeding 15 intermittent minutes in any one-hour period of time.
9. The noise caused by the discharge of a firearm except when:

- a) Discharged within a designated Rural (RU) Zone that is located outside of an Urban Centre, or
- b) Legally hunting, or
- c) Being operated at a legally established firing/gun range.

**SCHEDULE 'B'**  
**PROHIBITED ACTS AND DEVICES BY TIME AND PLACE**

1. Construction or the operation of any construction equipment whatsoever except in the case of emergency or as otherwise authorized by the Town between **9:00 p.m. to 7:00 a.m. Monday through Saturday unless a holiday, and between 9:00 p.m. and 9:00 a.m. on Sundays and holidays.**
2. The operation or use of any power tool, non-power tool or equipment for domestic purposes other than for snow removal between **9:00 p.m. and 7:00 a.m. Monday through Saturday unless a holiday, and between 9:00 p.m. and 9:00 a.m. on Sundays and holidays.**
3. The operation of a commercial car wash with air drying equipment between **9:00 p.m. and 7:00 a.m. Monday through Saturday unless a holiday, and between 9:00 p.m. to 9:00 a.m. on Sundays and holidays.**
4. The operation of a combustion engine which is, or is intended for use in, a toy, a model or a replica which has no function other than amusement, and which is not a motor vehicle between **9:00 p.m. and 7:00 a.m.**
5. The venting, release or pressure relief of air, steam or other gaseous material, product or compounds from any autoclave, boiler, pressure vessel, pipe, valve, machine, device, or system between **9:00 p.m. and 7:00 a.m.**
6. The operation of sound emitting pest control device between **9:00 p.m. and 7:00 a.m.**
7. A radio, phonograph, television, public address system, sound equipment, loudspeaker, musical or sound producing instrument and all similar devices on the premises of a restaurant, place of entertainment or assembly hall between **11:00 p.m. and 9:00 a.m.**