



Report to Council

Department: Development Services
Division: 49
Date: March 3, 2025
Prepared by: Lori Chadwick, Director, Development Services
Report Number: Development Services-2025-01
Subject: Noise By-law Amendments
Number of Pages: 5 plus attachments

Recommendation(s)

That Development Services Report 2025-01 entitled Noise By-law Amendments prepared by Lori Chadwick, Director, Development Services dated March 3, 2025 be received, and

That By-law 2242, being a by-law to repeal and replace By-law 2038 to prohibit and regulate noise in the Town of Essex, be read a first and second time and provisionally adopted on March 3, 2025.

Purpose

The purpose of this report is to summarize proposed amendments to the Town's Noise By-law and seek Council's direction to adopt By-law 2242, being a by-law to repeal and replace By-law 2038, to prohibit and regulate noise in the Town of Essex.

Background and Discussion

Noise within the Town of Essex is currently regulated under By-law 2038, being a by-law to prohibit and regulate noise, and is **attached** to this Report. Complaints related to excessive

sounds and inadequately controlled noise are investigated and are enforceable, if applicable, by both the Town's By-law Enforcement Officers and the Ontario Provincial Police (OPP).

Administration has initiated a review of the Town's Noise By-law in an effort to address resident concerns regarding amplified noise, to improve enforcement effectiveness, and to simplify language surrounding bird bangers. The following areas of concern were identified in the current Noise By-law:

- Acceptable noise levels at a point of reception, particularly resulting from sounds created by radios, sound equipment, loudspeakers, or musical- or sound-producing instruments or equipment.
- Professional judgement and discretion regarding the reasonableness of the noise and enforcement measures.
- Complicated language and technical terms surrounding bird bangers.

According to the Town's Noise By-law, no person in the Town of Essex shall emit, cause, or permit the emission of noise resulting from "sound from or created by a radio, phonograph, tape player, television, public address system, sound equipment, loud speaker, or any musical or sound producing instrument of whatever kind when the same is played or operated in such a manner or with such volume as to disturb the peace, quiet, comfort or repose of any individual in any office, dwelling house, apartment, hotel, hospital or any other type of residence, and which sound is clearly audible at a Point of Reception". Point of Reception means any premises or location where sound is received, other than the premises from which the sound originates.

The Ministry of the Environment, Conservation, and Parks (MECP) acknowledges that sound is a natural part of our surroundings, however can become noise pollution when it is unwanted, loud, and results in negative impacts on human health. According to MECP, noises are considered to be at an acceptable level if they are between 40 and 60 decibels, or match the ambient background noise, whichever is louder. For reference purposes, the following are typical noises and their decibel levels:

Faint to moderate sounds:

- 20 decibels – watch ticking
- 30 decibels – whispering
- 40 decibels – refrigerator
- 50 decibels – moderate rainfall
- 60 decibels – dishwasher

Loud sounds:

- 70 decibels – city traffic
- 80 decibels – noisy restaurant

Very loud sounds:

- 90 decibels – lawn mower
- 100 decibels – chainsaw
- 110 decibels – car horn
- 120 decibels – rock concert
- 130 decibels – jet engine 100 feet away
- 140 decibels – shotgun blast

As currently in force, the Town's Noise By-law requires Enforcement Officers and the OPP to make a professional judgement regarding the reasonableness of noise and whether it is a disturbance at a point of reception. As such, Administration is proposing to amend the Noise By-law to incorporate maximum decibel readings to measure the intensity of sound at a point of reception to consider common standards and objectively investigate a noise complaint.

Specifically, MECP's Environmental Noise Guideline for Stationary and Transportation Sources (NPC-300) were used to determine the following proposed amendments to the Town's Noise By-law to incorporate acceptable levels of noise resulting from radios, sound equipment, loudspeakers, etc. at the point of reception:

- A maximum of 45 decibels, or the ambient background noise, whichever is louder, between the hours of 7:00 AM and 4:00 PM
- A maximum of 55 decibels, or the ambient background noise, whichever is louder, between the hours of 4:00 PM and 11:00 PM

- A maximum of 40 decibels, or the ambient background noise, whichever is louder, between the hours of 11:00 PM and 7:00 AM

A Sound Level Meter, commonly known as a Decibel Reader, is proposed to be used by the Town's By-law Enforcement Officers to measure noise levels when investigating noise complaints. For consistency, Administration proposes to provide the OPP Essex & Harrow Detachments with a minimum of two (2) Sound Level Meters identical to the Town's.

Lastly, with respect to the language surrounding bird bangers, Administration proposes that Section 8 of the current By-law be revised with straightforward language and the elimination of complicated terminology in an effort to simplify enforceability, including the removal of Schedule B from the current By-law.

A revised tracked changes version of the current Noise By-Law 2038 is **attached** to this Report, which proposes updates to Definitions, General Prohibitions, Bird Banger Regulations, Temporary Noise Permits, and the Schedules. Administration also proposes to make application with the Ministry of the Attorney General to update the short-form wording for fines that can be issued for by-law offences. A standalone proposed new Noise By-Law, being By-law 2422, is also **attached** to this Report.

Financial Impact

The costs for Sound Level Meters are nominal and can be captured in the By-law Enforcement Operating Budget.

Consultations

Joe Malandrucolo, Director, Legal & Legislative Services

Kevin Carter, Manager, By-law Enforcement/Chief Building Official

By-law Enforcement Team

Link to Strategic Priorities

- Embrace asset management best practices to build, maintain, and continuously improve our municipally owned infrastructure.
- Leverage our Town's competitive advantages to promote jobs and economic investment.
- Take care of our natural environment and strengthen the sense of belonging to everyone who makes Essex "home".
- Deliver friendly customer service in an efficient, effective, and transparent manner while providing an exceptional working environment for our employees.
- Build corporate-level and community-level climate resilience through community engagement and partnership and corporate objectives.

Report Approval Details

Document Title:	Noise By-law Amendments - Development Services-2025-01.docx
Attachments:	- By-Law-No.-2038---Noise-Control-By-Law.pdf - By-Law No. 2038 - Noise Control By-Law - Redline amendments.docx - By-Law No. 2422 - New Noise Control By-Law - Clean.docx
Final Approval Date:	Feb 26, 2025

This report and all of its attachments were approved and signed as outlined below:



Joseph Malandrucolo, Director, Legal and Legislative Services/Clerk - Feb 25, 2025 - 11:45 PM



Doug Sweet, Chief Administrative Officer - Feb 26, 2025 - 8:12 AM