

Recommendations for Amendment of Municipality of Essex Noise By-Law

January 7, 2026

Noise by-laws of all Essex County municipalities, except Windsor, were reviewed. Noise by-laws were also reviewed for municipalities in the Ontario wine-growing regions Niagara and Prince Edward County. (Appendices)

General Noise Prohibition

- the Noise By-law does not presently prohibit noise that does not arise from a listed act, and frequently relies on decibel levels as an objective measure to regulate noise. Decibels are only one dimension of sound that determine whether sound becomes unwanted noise.
- we request that “Section 2.0 General Prohibitions” of the Noise By-law be amended by adding the following language before Section 2.1:
 - *2.1 No Person shall make, cause or permit any unusual or unnecessary noise or vibration or noise which is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the Inhabitants of the Town.*and renumbering and amending Section 2.1 in the existing by-law as follows:
 - *2.2 Without restricting the generality of the Section 2.1, no Person within the boundary of the Town shall emit ...*
- five of the 7 Essex municipalities and 10 of the 13 wine-growing region municipalities have general noise prohibitions of this nature in their noise bylaws.
- Ontario courts have accepted this language - specifically, “...likely to disturb...” - as an objective standard, as discussed in the article, “Noise By-laws – Preventing Vagueness and Uncertainty” that was originally published on the Ontario Bar Association’s Municipal Law Section Newsletter on December 4, 2021. (Appendix)

Hooting, hollering, and yelling

- the Essex Noise bylaw prohibits noise from “yelling, shouting, and hooting” in Residential and Commercial areas “at all times”, but is “N/A” in Agricultural areas (Schedule A).
- according to the 2021 Census of Population, approximately 30% of Essex’ residents live in rural areas outside of the Town’s settlement areas. This rural area includes a number of scattered areas designated “Residential” in the Town’s Official Plan, but the vast majority of the rural area is designated “Agricultural”, and the many residents of this area are not afforded the same protection against “hooting, hollering, and yelling” noise as the other residents of the Town.
- Section 7 of the Noise By-law explicitly permits noise produced as part of “normal farming practices”.
- We request that Schedule A of the noise by-law be amended by replacing “N/A” for yelling, shouting, and hooting in Agricultural areas “At all times”.