

## THE CORPORATION OF THE CITY OF THOROLD

## BY-LAW NO. 102-2025

A BY-LAW TO REGULATE NOISE IN THE CITY OF THOROLD.

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WHEREAS sections 9, 10 and 11 of the *Municipal Act*, 2001, S.O. 2001, C.25, as amended, provides that a Municipality has the capacity, rights, powers and privileges of a natural Person for the purpose of exercising its authority under this or any other Act.

AND WHEREAS subsection 129 of the *Municipal Act*, 2001, S.O. 2001, C.25, as amended, authorizes municipalities to pass by-laws to prohibit and regulate with respect to Noise.

AND WHEREAS subsection 391(1) of the *Municipal Act*, 2001, S.O. 2001, C.25, as amended, provides that a Municipality may impose fees and charges on Persons,

- a) for services or activities provided or done by or on behalf of it;
- b) for costs payable by it for services or activities provided or done by or on behalf of any other Municipality or any local board; and,
- c) for the use of its property including property under its control.

AND WHEREAS subsection 23.2(1) of the *Municipal Act*, 2001, S.O. 2001, C.25, as amended, authorizes a municipality to delegate certain functions to an individual who is an officer, employee or agent of the municipality.

AND WHEREAS it is in the public interest to reduce noise in the City of Thorold so as to preserve, protect and promote public health, safety, welfare and peace and quiet for the inhabitants of the City.

AND WHEREAS the Council of the City of Thorold approved the recommendations of Report CLK 19-2025 at the Council meeting held on December 9, 2025.

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the City of Thorold enacts as follows:

**SECTION 1 GENERAL PROVISIONS****1.1 SHORT TITLE**

- 1.1.1 This By-Law shall be known as the "Noise Control By-Law".

**1.2 DEFINITIONS**

- 1.2.1 In this By-Law:

- (1) "Agricultural Operation" has the same meaning as contained in the *Farming and Food Production Protection Act*, 1998, S.O. 1998, C.1, as amended, or any successor legislation.

- (2) “Animal” means any member of the Animal kingdom, other than a human, and without limiting the generality of the foregoing, includes dogs, cats, and birds.
- (3) “Applicant” means a person seeking an exemption from the provisions of this By-law.
- (4) “City Clerk” means the City Clerk for the City of Thorold.
- (5) “Construction” includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavation, blasting and detonation of explosive devices other than fireworks, the laying of pipe and conduit, equipment installation and alteration and the structural installation of Construction components and materials in any form or for any purpose, and includes any associated or related work.
- (6) “Construction Equipment” means any equipment or device designed and intended for use in Construction, or material handling, including but not limited to, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders, or other material handling equipment.
- (7) “Conveyance” means and includes any vehicle or other device employed to transport a Person or Persons or goods from place to place.
- (8) “Council” means the Council of the City of Thorold.
- (9) “Emergency” means a situation or an impending situation, often dangerous, caused by the forces of nature, an accident, an intentional act or otherwise, which arises suddenly and calls for prompt action.
- (10) “Motor Vehicle” includes an automobile, motorcycle, motor assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include a streetcar, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine.
- (11) “Municipality” means the land within the geographic limit of the City of Thorold.
- (12) “Noise” means any unwanted sound or vibration that is unwanted or disturbing to Persons.
- (13) “Normal Farm Practice” has the same meaning as contained in the *Farming and Food Production Protection Act*, 1998, S.O. 1998, C. 1, as amended, or any successor legislation.
- (14) “Officer” means a Municipal Law Enforcement Officer, a Building Inspector, a Fire Chief, a Deputy Fire Chief, a Fire Prevention Officer or a Health Inspector or other Person appointed or employed by the Municipality for the enforcement of by-laws.

- (15) "Permit" means a permit issued pursuant to the provisions of this By-law.
- (16) "Persistent" means constantly repeated over a period of 30 consecutive minutes.
- (17) "Person" means and includes a corporation, a partnership and the heirs, executors, administrators, successors and other legal representatives of a person to whom the context can apply according to law, as well as an individual.
- (18) "Point of Reception" means any point on the premises of a person where sound originating from other than those premises is received.
- (19) "Region" means The Corporation of the Regional Municipality of Niagara or the geographical area of the Municipality, as the context requires.
- (20) "Residential Area" means any area of the Municipality where residential use is permitted under the provisions of the Comprehensive Zoning By-Law of the City of Thorold, as amended from time to time.
- (21) "Source" means an activity, matter, thing or tangible Personal property or real property, from which sound or vibration is emitted.

### **1.3 EXEMPTIONS**

- 1.3.1 This By-Law shall not apply to a Person who emits or causes or permits the emission of sound or vibration in connection with:
- (1) a Regional, Provincial or Federal Police Service, Fire Service, or Emergency Medical Service vehicle, while said vehicle is being used in the performance of duties.
  - (2) any activity that is integral to the operation of any railway, canal or waterway within the legislative authority of Parliament.
  - (3) a matter of public necessity or public Emergency.
  - (4) the operation of machines and equipment by or on behalf of the Municipality or Region, including but not limited to snow removal equipment, road cleaning equipment, grass cutting or field maintenance equipment, tree and shrub pruning, garbage and recycling collection, and other similar equipment necessary for the conducting of municipal business.
  - (5) signaling devices used for traffic and pedestrian control at intersections, crosswalks and other transportation control locations such as, but not limited to, railway or canal and waterway crossings.
  - (6) the operation of equipment in conjunction with Municipal, Regional, Provincial and Federal Construction, maintenance and Emergency projects.
  - (7) the discharge of consumer fireworks, display fireworks or pyrotechnic special effects fireworks provided such discharge complies with all applicable laws, City policies and by-laws.

- (8) bells, chimes or clocks associated with religious or public buildings or uses.
- (9) activities that are part of Normal Farm Practices carried out as a part of an Agricultural Operation.
- (10) operation of machinery by or on behalf of a public utility.
- (11) any function or event for which a Noise Permit has been issued, provided the terms and conditions of the temporary Noise Permit are complied with.
- (12) any special community event or activity, provided it is operating under the permission of the Municipality in accordance with the City of Thorold Special Events Policy and Procedures Manual as well as any terms or conditions established as part of the permission granted by Council.
- (13) the use in a reasonable manner of vehicles and equipment when utilized for the clearing and the removal of snow from private property.
- (14) operations or activities for which the Ministry of the Environment or the Ministry of Natural Resources has granted approval, provided the activity is in compliance with the conditions of said approval.

## **SECTION 2 PROHIBITIONS**

### **2.1 GENERAL PROHIBITIONS**

- 2.1.1 Where a source of sound is subject to one or more provisions of this By-law, the most restrictive provision shall prevail.
- 2.1.2 No Person shall, at any time within the limits of the Municipality, cause or permit to be caused any noise created by any of the acts set out below, which noise is clearly audible at a point of reception:
  - (1) the sounding of any bell, horn, siren or other warning device on any Motor Vehicle for an unnecessary or unreasonable period of time, except in the operation of a Motor Vehicle in a normal and safe manner or when Permitted by law;
  - (2) the grating, grinding or rattling sound caused by the condition or disrepair or maladjustment of any Motor Vehicle or part or accessory thereof;
  - (3) the sound created by the operation of any Motor Vehicle, trailer or other vehicle bearing material, articles or things that are loaded upon such vehicle in such a manner as to create excessive Noise;
  - (4) the sound from the discharge into the open air of the exhaust of any steam engine, internal combustion engine (including the engine of any Motor Vehicle), or pneumatic device without an effective exhaust or intake muffling device in good working order and in constant operation that prevents Noises that are loud or explosive;
  - (5) the operation of an engine or motor, in or on, any Motor Vehicle or item of attached auxiliary equipment for a continuous period exceeding ten (10) minutes while such Motor Vehicle is stationary in a residential zone, unless:

- (a) the original equipment manufacturer specifically recommends a longer idling period for normal and efficient operation of the Motor Vehicle in which case such recommended period shall not be exceeded;
  - (b) 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-mixed concrete trucks, lift platforms and refuse compactors;
  - (c) weather conditions justify the use of heating or refrigeration systems powered by the motor or engine for the safety and welfare of the operator, passengers or Animals, or the preservation of perishable cargo, and the vehicle is stationary for the purposes of deliver or loading;
  - (d) prevailing low temperatures make longer idling periods necessary immediately after starting the motor or engine; or
  - (e) the idling is for the purpose of cleaning and flushing the radiator and associated circulation system for seasonal change of anti-freeze, cleaning of the fuel system, carburetor or the like, when such work is performed other than for profit;
- (6) the racing of any motorized Conveyance other than in a racing event regulated by law.
  - (7) the operation of a Motor Vehicle in such a way that the tires squeal.
  - (8) the sound from or created by any radio, amplifier, loudspeaker, public address system, or equipment, device or instrument that emits sound when the same is used or operated from any Motor Vehicle, trailer or other form of Conveyance.
  - (9) the sound or Noise from any steam or air whistle attached to or used in connection with any stationary boiler or other machine of mechanism, except for the purpose of giving notice to workers of the time to commence or cease work or as a warning of danger.
  - (10) the sounding of any alarm, bell, horn, siren or other warning device for an unnecessary or unreasonable period of time.
  - (11) the Persistent barking, calling, whining or similar Persistent Noise caused by any domestic Animal audible at a Point of Reception in a Residential Area at any time.
- 2.1.3 No Person shall, at any time within the limits of the Municipality, cause or permit to be caused any noise created by any of the acts set out below:
- (1) the sound or Noise from or created by any radio, television, record player, tape player, amplifier, loud speaker, public address system, musical instrument or equipment, device or instrument that emits sound when the same is played or operated in such a manner or with such volume that it is clearly audible within a residential unit with the windows closed, other than the one in which the sound originates;
  - (2) the sound from or created by any instrument, radio, amplification device, loudspeaker, public address system, equipment or device that emits sound when the same is used or operated for the purpose of advertising or for attracting attention to any performance or sale,

show or display of goods or services and projects such sound into any street or other public place;

## **2.2 PROHIBITIONS BY TIME**

- 2.2.1 No Person shall, within the limits of the Municipality, cause or permit to be caused, any noise resulting from any of the acts set out below, which noise is clearly audible at a point of reception:
- (1) the racing of any motorized Conveyance when regulated by law between 12:00 am and 9:00 am or 11:00 am on Sundays and Holidays.
  - (2) the sound or Noise produced by the venting release or pressure relief of air, steam or other gaseous material, product or compound from any autoclave, boiler, compressor, pressure vessel, pipe, valve, machine, device or system between 11:00 pm of one day and 7:00 am of the following day.
  - (3) the sound or Noise produced by an industrial property, not otherwise exempt by this by-law, between 11:00 pm of one day and 7:00 am of the following day.
  - (4) any shouting, yelling, hooting, whistling or singing which disturbs the peace, quiet, comfort or repose of any Person in any dwelling unit, hotel or other type of residence and arises between 11:00 pm of one day and 7:00 am of the following day.
  - (5) the operation of any Construction Equipment in connection with any Construction between 9:00 pm of one day and 7:00 am of the following day and all day on Sundays and Holidays.
  - (6) the operation of any tool for domestic purposes other than snow removal equipment between 11:00 pm of one day and 7:00 am of the following day and 9:00 am on Sundays and Holidays.
  - (7) the operation of any auditory, signaling device, including but not limited to the ringing of bells or gongs and the blowing of horns or sirens or whistles, or the production, reproduction or amplification of any similar sounds by electronic means, except where required or authorized by law or in accordance with good safety practices between 7:00 pm of one day and 7:00 am of the following day and all day on Sunday and Holidays.
  - (8) the detonation of fireworks or explosive devices between 11:00 pm of one day and 7:00 am of the following day and 9:00 am on Sundays and Holidays.
  - (9) the operation of a toy, model or replica of a larger device, which model or replica has no function other than amusement, and which is not a Conveyance between 7:00 pm of one day and 7:00 am the following day and 9:00 am on Sundays and Holidays.
  - (10) the operation of any motorized Conveyance other than on a highway or other place intended for its operation between 9:00 pm of one day and 7:00 am the following day and 9:00 am on Sundays and Holidays.

- (11) the operation of any commercial car wash with air-drying equipment between 11:00 pm of one day and 7:00 am the following day and 9:00 pm on Sundays and Holidays.
- (12) the playing of any music between 11:00 pm of one day and 7:00 am the following day and 11:00 pm and 9:00 am on Sundays and Holidays.
- (13) the sound caused by the discharge or any gun or other firearm, air gun, spring-gun of any class or type that is clearly audible at a Point of Reception in a Residential Area between 9:00 pm of one day and 7:00 am of the following day and 9:00 am on Sundays and Holidays, except if lawfully discharged by a peace Officer in the performance of their duties.

### **SECTION 3 TEMPORARY NOISE PERMITS**

#### **3.1 APPLICATION**

- 3.1.1 Every Person who wishes to make application for a temporary Noise Permit shall file a completed application in the form provided by the Municipality at least sixty (60) days prior to the commencement of the event or activity for which the temporary noise permit is required.
- 3.1.2 Every application for a temporary Noise Permit shall be submitted on the form prescribed by the Municipality for the purpose and shall be accompanied by:
  - (1) the name and address of the Applicant
  - (2) a description of the event
  - (3) the location of the event or activity for which the temporary Noise Permit is sought
  - (4) a description of the Source of sound and level of sound for which the temporary Noise Permit is sought
  - (5) the times of day, and the period of time for which the temporary Noise Permit is sought
  - (6) the reason why the temporary Noise Permit should be granted
  - (7) a statement of the steps, if any, planned or presently being taken to minimize the sound or Noise
  - (8) the non-refundable application fee as set out in Schedule "B" of this by-law
- 3.1.3 No application shall be deemed complete until the Applicant has provided any and all information required by this by-law and all necessary fees as provided in Schedule "B" have been paid in full.

#### **3.2 AUTHORITY TO ISSUE**

- 3.2.1 The following power and authority shall be delegated to the City Clerk or designate, which may include the Deputy City Clerk or Manager of By-law, with respect to temporary Noise Permits:
  - (1) to issue a temporary Noise Permit; and

- (2) to refuse to issue, cancel, revoke or suspend a temporary Noise Permit, and to impose conditions (including special conditions) on a temporary Noise Permit.
- 3.2.2 The City Clerk or designate shall post public notice on the municipality's website for a period of seven (7) days, advising of the specifics of the application and that those who wish to object to the application can file notice of their objection not less than forty-five (45) days prior to the event or activity.
- 3.2.3 The City Clerk or designate shall provide notice to Council of the decision made under article 3.2.1 with respect to each application.
- 3.2.4 The City Clerk or designate shall report to Council annually a summary of the temporary Noise Permits issued and refused.

### **3.3 PERMIT CONDITIONS**

- 3.3.1 In making a determination under subsection 3.2, the City Clerk or designate shall:
- (1) consider any negative effects the issuance of the temporary Noise Permit may have on neighbouring properties or on the Municipality;
  - (2) consider any benefits the issuance of the temporary Noise Permit may have on neighbouring properties or on the Municipality;
  - (3) consider any previous violation of this by-law or temporary Noise Permit conditions by the Applicant; and
  - (4) consider anything else the City Clerk or designate may reasonably find relevant to the application.
- 3.3.2 The City Clerk or designate may impose conditions on a temporary Noise Permit, including but not limited to:
- (1) the type and volume of sounds that may be made;
  - (2) the times during which the sounds may be made;
  - (3) the date of expiry of the temporary Noise Permit;
  - (4) requiring the posting of security prior to the activity or event; and
  - (5) that the Applicant, City staff or professional engineer monitor the sound levels resulting from the event or activity and require a report of the findings of the engineer be filed with the City Clerk or designate within thirty (30) days of the event or activity, all at the expense of the Applicant.
- 3.3.3 Where the City Clerk or designate has made a decision under sentence 3.2.1(2), they shall give written notice of that decision to the Applicant by email, or by regular mail to the last known address of that Person, at least thirty (30) days before the event. The written notice shall:
- (1) set out the grounds of the decision;
  - (2) give reasonable particulars of the grounds;
  - (3) be signed by the City Clerk or designate; and
  - (4) state that the Applicant is entitled to appeal the decision by submitting the prescribed request form to the City Clerk within ten

(10) days after the date the notice is sent, along with the stipulated appeal fee.

- 3.3.4 Where no appeal is submitted in accordance with article 3.4.1 within ten (10) days after the notice is given, the decision of the City Clerk or designate is final.
- 3.3.5 Notice of the decision of the City Clerk or designate made under sentence 3.2.1(2) is deemed to be given on the day the notice is sent, whether by email or regular mail.

### **3.4 APPEAL**

- 3.4.1 Any Applicant can appeal the decision of the City Clerk or designate under sentence 3.2.1(2) by submitting the following to the City Clerk:
- (1) the prescribed request for appeal form; and
  - (2) the required appeal fee as prescribed in Schedule “B” of this by-law.
- 3.4.2 Where an Applicant has filed for an appeal in accordance with sentence 3.4.1, the matter shall be brought before Council by way of a report at the next scheduled regular City Council meeting.
- 3.4.3 Council may direct the City Clerk or designate to issue the temporary Noise Permit, including imposing any conditions, or refuse to issue the temporary Noise Permit.

### **3.5 PERMIT EXPIRY**

- 3.5.1 Any temporary Noise Permit issued under this By-law shall expire on the date set out on the temporary Noise Permit, or if no date is set out on the temporary Noise Permit, forty-eight hours after its issuance.

### **3.6 BREACH OF TERMS AND CONDITIONS**

- 3.6.1 Where a temporary Noise Permit is granted by the City Clerk or designate, any breach of any terms or conditions of the Permit shall render the Permit null and void.

## **SECTION 4 ADMINISTRATION AND ENFORCEMENT**

### **4.1 ENFORCEMENT**

- 4.1.1 Where an Officer is satisfied that this by-law has been contravened, the Officer may make an order, known as an Order to Discontinue Activity, requiring the Person who contravened the by-law, or who caused or Permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravention.

- 4.1.2 An Order to Discontinue Activity shall provide:
- (1) the municipal address of the property on which the contravention occurred, or is occurring;
  - (2) the date of the contravention;
  - (3) the reasonable particulars of the contravention of the by-law; and
  - (4) the date by which there must be compliance with the Order.
- 4.1.3 The Order to Discontinue Activity may be served Personally on the Person to whom it is directed or by registered mail to the last known address of that Person, in which case it shall be deemed to have been given on the third day after it is mailed. Service on a corporation can be affected by registered mail to the corporate mailing address.
- 4.1.4 No Person shall contravene an Order to Discontinue Activity.
- 4.1.5 Where the Officer has determined that an activity producing Noise or sound is not in compliance with this by-law or with an Order to Discontinue Activity, the fee set out in Schedule “B” of this by-law for inspection may be imposed on the owner, Person responsible for the Noise or sound, or temporary Noise Permit holder.
- 4.1.6 The fee imposed under article 4.1.5 shall constitute a debt of the Person to the Municipality. The Municipality may add these fees to the tax roll and collect them in the same manner as municipal taxes on any property for which all the owners are responsible for paying the fees.

## **4.2 OFFENCES AND PENALTIES**

- 4.2.1 Any Person who contravenes the provisions of this by-law is guilty of an offence.
- 4.2.2 Each Person and/or corporation who contravenes a provision of this By-law shall:
- (a) When a penalty Notice is in accordance with the City of Thorold Administrative Penalty By-law, be liable to pay to the City and Administrative Penalty in the amount specified by the Administrative Penalty By-law, for each day or part of a day on which the contravention continues; or
  - (b) Upon conviction, be liable to fines as provided for in the *Provincial Offices Act*, R.S.O. 1990, as amended
- 4.2.3 Despite article 4.2.2 above, where the person convicted is a corporation, the corporation is liable:
- (1) upon a first conviction to a fine of not more than \$10,000.00; and
  - (2) on a subsequent conviction to a fine of not more than \$25,000.00.
- 4.2.3 Any Director or Officer of a corporation who knowingly concurs in the contravention of this by-law is guilty of an offense.
- 4.2.4 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person who is exercising a power or performing a duty under this by-law, including carrying out an inspection.

**4.3 FEES AND PENALTIES**

- 4.3.1 Any fee required by or described in this By-Law shall be as set out in Schedule “B” to this By-Law, while any Administrative Penalties are set out in Schedule “A” to this By-law.

**4.4 VALIDITY**

- 4.4.1 Should a court of competent jurisdiction declare a part or whole of any provision of this By-Law to be invalid or of no force and effect, the provision or part is deemed severable from this By-Law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under the law so as to provide a minimum standard for noise control.
- 4.4.2 Where a provision of this By-Law conflicts with the provision of another By-Law, Act, or Regulation in force within the City of Thorold, the provisions that establish the higher standards shall prevail.

**4.5 TRANSITION RULES**

- 4.5.1 After the date of the passing of this By-Law, those By-Laws identified under subsection 4.6 shall apply only in those instances in which an order has been issued prior to the date of passing of this By-Law, and then only in such instances until such time as the actions required by such order has been completed or any enforcement proceedings with respect to such order have been concluded.

**4.6 BY-LAWS REPEALED**

- 4.6.1 By-Law No. 37-2014 of The Corporation of the City of Thorold, and any amendments made thereto, are hereby repealed.

**4.7 ENACTMENT**

- 4.7.1 This By-Law shall come into force and effect on the day after it is passed.

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Terry Ugolini, Mayor

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Nicholas Debono, City Clerk

**SCHEDULE "A"**  
**TO NOISE CONTROL BY-LAW NO. 102-2025**  
**"SCHEDULE OF ADMINISTRATIVE MONETARY PENALTIES"**

<b>BY-LAW REFERENCE</b>	<b>SHORT FORM WORDING</b>	<b>SET PENALTY</b>
2.1.2.(1)	Cause or permit noise from a bell, horn, siren or other warning device on a motor vehicle	\$300
2.1.2.(2)	Cause or permit noise from grating, grinding or rattling sound by motor vehicle in disrepair	\$300
2.1.2.(3)	Cause or permit noise by the operation of a motor vehicle, trailer or other vehicle bearing material or articles	\$300
2.1.2.(4)	Cause or permit loud or explosive noises from exhaust of engine or pneumatic device	\$300
2.1.2.(5)	Cause or permit noise from the operation of an engine/motor/auxiliary equipment exceeding 10 minutes	\$300
2.1.2.(6)	Cause or permit noise from the racing of any motorized conveyance	\$300
2.1.2.(7)	Cause or permit noise by the squealing of tires of a motor vehicle	\$300
2.1.2.(8)	Cause or permit noise from a radio, amplifier, loud speaker, public address system or equipment from a motor vehicle, trailer or conveyance	\$300
2.1.2.(9)	Cause or permit noise from steam or air whistle	\$300
2.1.2.(10)	Cause or permit the persistent operation of a horn or other warning device	\$300
2.1.2.(11)	Cause or permit persistent barking, calling whining or similar persistent noise by domestic animal	\$300
2.1.3.(1)	Cause or permit noise from device or instrument that is audible within residential unit with windows closed	\$300
2.1.3.(2)	Cause or permit noise from device or instrument for advertising that is audible from street or public place	\$300
2.2.	Cause or permit noise during a prohibited time	\$300

SCHEDULE "B"  
TO NOISE CONTROL BY-LAW NO. 102-2025  
"SCHEDULE OF FEES"

**APPLICATIONS**

1. Non-Refundable Application Fee ..... \$75.00

**APPEALS**

2. Appeal Fee ..... \$250.00

**INSPECTIONS**

3. Inspection Fee .....\$75.00