



The Corporation of the Town of Tecumseh

Corporate Services & Clerk

To: Mayor and Members of Council

From: Laura Moy, Director Corporate Services & Clerk

Date to Council: September 14, 2021

Report Number: CS- 2021-25

Subject: Noise By-law Amendment

Recommendations

It is recommended:

That CS-2021-25 entitled “Noise By-law Amendments” be received;

And that the By-law No. 2002-07, as amended, respecting the emission of sounds **be amended** as recommended in CS-2021-25;

And that By-law No. 2021-67, being a by-law to further amend By-law No. 2002-07 as included on the September 14, 2021 Regular Council Agenda, **be adopted.**

Background

In November of 2020, the Province introduced amendments to the Municipal Act, 2001 through [Bill 215, Main Street Recovery Act, 2020](#) to help support economic recovery on main streets across Ontario and help ensure that important goods can continue to be delivered to businesses in communities as efficiently as possible.

To that end, from September 19, 2021 onwards, municipalities will not be able to regulate noise related to the delivery of goods to the following destinations:

1. Retail business establishments;
2. Restaurants, including cafes and bars;
3. Hotels and motels; and
4. Goods distribution facilities.

These changes will come into force on the same day as the expiry of the temporary regulations (O. Reg. 70/20 and O. Reg. 71/20.). These regulations, introduced at the outset of the COVID-19 pandemic, limit municipalities from regulating all noise related to the delivery of goods. From September 19, 2021 onwards, once the temporary regulations expire, municipalities will again have the authority to regulate delivery noise to destinations other than the four categories listed above.

The Minister of Municipal Affairs and Housing has regulation-making authority to authorize municipalities to regulate delivery noise to these four businesses, however there are no regulations proposed to be made at this time.

Comments

Many municipalities, as well as business and logistics sector stakeholders, have expressed support for providing more flexibility for deliveries because of the benefits they offer Ontario's main street businesses and the local communities these businesses serve. Local businesses also have an interest in working to ensure that they continue to be good neighbours while planning for deliveries of goods to their businesses.

Prior to the amendments to the Municipal Act, 2001 coming into force, a review was undertaken of the Noise By-law No. 2002-07, as amended, which regulates the emissions of sounds in the Town (Noise By-law), for any changes which may be necessary to align with the provincial legislative changes.

The Noise By-law in Table 4-1 Section 14 sets out the following prohibitions of sound between 9:00 p.m. to 6:00 a.m. in Commercial Areas resulting from:

Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, products, materials, or refuse whatsoever, unless necessary for the maintenance of essential services or the moving of private household effects.

"Commercial Area" is defined in the Noise By-law as those areas of the municipality designated as commercial in the Zoning By-laws of the former Town of Tecumseh No. 1746, Township of Sandwich South No. 85-18 and Village of St. Clair Beach 2065 (hereinafter collectively referred to as "Zoning By-laws").

Exemptions are set out in Paragraph 8 of the Noise By-law for Essential Services. Given that the definition of Commercial Area in the Zoning By-laws may include the four categories of businesses that municipalities will not be able to regulate noise related to the delivery of goods, commencing September 19, 2021, it is recommended that the following paragraph be added:

Notwithstanding any other provision of this by-law, noise related to the loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, products, materials, or refuse whatsoever to the following destinations is permissible:

1. Retail business establishments;

2. Restaurants, including cafes and bars;
3. Hotels and motels; and
4. Goods distribution facilities.

At the July 27, 2021, Regular Meeting of Council, authorization was given to the Director Corporate Services & Clerk to grant exemptions to the Noise By-law no later than 11:00 pm. Subsequently, at the September 8, 2021 Special Meeting of Council, the members extended the authorization given to the Director Corporate Services & Clerk to grant exemptions to the Noise By-law no later than 11:30 pm.

Since the original adoption of the Noise By-law, Council has appointed various positions for the purposes of by-law enforcement, including a By-law Enforcement Officer. In reviewing the Noise By-law, it was observed that the definition of "Noise Control Officer" includes a Police Officer of the Town of Tecumseh, or any person designated by Council as responsible for administration of this by-law from time to time. It is recommended that the Noise By-law also be amended to authorize a By-law Enforcement Officer to enforce the provisions.

By-law No. 2021-67 being a by-law to further amend the Noise By-law will be on the September 14, 2021 Regular Council Agenda for Council's consideration to approve the recommended amendment to Section 8 as described in this report, as well as the authorization given at the September 8, 2021 Special Meeting of Council to the Clerk to grant exemptions until 11:30 pm and to authorize a By-law Enforcement Officer to enforce the Noise By-law.

As the Noise By-law was first adopted in 2002 and has been amended over the years since, a more comprehensive review of the by-law will be undertaken and reported on to Council at a future date.

Consultations

Planning & Building Services
Fire & Emergency Services

Financial Implications

There are no financial implications.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable

Website Social Media News Release Local Newspaper

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Laura Moy, Dipl. M.M., CMMIII HR Professional
Director Corporate Services & Clerk

Reviewed by:

Brian Hillman, MA, MCIP, RPP
Director Planning & Building Services

Reviewed by:

Wade Bondy
Director Fire Services & Fire Chief, C.E.M.C.

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
None	