



Staff Report

Operations – Engineering and Capital Projects

Report To: COW - Operations, Planning and Building Services
Meeting Date: March 17, 2026
Report Number: OPS.26.015
Title: Relief of Noise By-Law for Construction of Grey Street Forcemain and Outfall
Prepared by: Mike Humphries, Senior Infrastructure Capital Project Coordinator

A. Recommendations

THAT Council receive Staff Report OPS.26.015, entitled “Relief of Noise By-Law for Construction of Grey Street Forcemain and Outfall”;

AND THAT Council grant relief from the provisions of the Noise By-law to complete the installation of the Forcemain and Outfall from May 4th to May 8th or May 11th to 15th (alternate date).

B. Overview

This report provides the details of a request for relief from the provisions of the Noise By-law for Council’s consideration.

C. Background

By-Law 2002-9 prohibits the operation of construction vehicles or the act of construction between the hours of 7:00pm and 7:00am which is likely to disturb the peace, quiet, comfort or repose of any other inhabitant within or having quiet enjoyment of the lands upon which is located any dwelling unit, apartment building, hotel, motel or any other type of residence unless written permission to specifically extend or alter the herein before mentioned periods has been given in writing by Council. In addition, the Town’s By-Law 2002-60 amends By-Law 2002-9 to allow noises and sounds authorized by the municipality.

Arnott Construction (Arnott) is the Town’s contractor for the Bay Street East and Grey Street Reconstruction project. Arnott is required to install the proposed Forcemain and Effluent Outfall pipe across King Street East (Highway 26) at Grey Street. In order to complete the underground work, lane restrictions are required on King Street East.

D. Analysis

Staff are seeking relief from By-Law 2002-9 to allow for work between 7:00pm and 7:00am. The proposed working days are May 4th, 2026 – May 8th, 2026 and the alternate date in case of unforeseen delays is May 11th, 2026 – May 15th, 2026. This is contingent on receiving MTO approval. If MTO approval is not obtained the crossing will be completed at a later date and as soon as possible. The Contractor has submitted a proposal (included as attachment #2) with the intent of completing the underground work across King Street East in the shortest timeframe possible and reducing the impact on traffic. The proposal includes reducing King Street East to a single lane with alternating direction of flow controlled by a combination of Temporary Traffic Lights and Flag Persons. The work is to be completed over 4 consecutive days, Monday 7:00am to Friday 7:00am including night work. The night work would be limited to the King Street East intersection and former Foodland property only.

When seeking relief from By-Law 2002-9, notices are to be sent to all residents within 120 meters of the work. The nearest affected properties are greater than 120m from the work zone and the residents on Bay Street East are more than 150 meters from the proposed work zone. Therefore, a notice is not required as outlined by the By-Law. However, notices will be provided to affected businesses along King Street East, a press release will be completed notifying the public, and a notice posted on the project webpage. Advanced warning signage is also being considered to notify the public a week in advance of the work.

The Contractor has estimated that if the work was completed during normal construction hours it would take approximately 2-4 weeks.

By working 24 hours a day the work can be completed in 4 days and avoid extended traffic congestion on Highway 26 and minimize the impact on residents.

E. Strategic Priorities

1. Communication and Engagement

We will enhance communications and engagement between Town Staff, Town residents and stakeholders

2. Organizational Excellence

We will continually seek out ways to improve the internal organization of Town Staff and the management of Town assets.

3. Community

We will protect and enhance the community feel and the character of the Town, while ensuring the responsible use of resources and restoration of nature.

4. Quality of Life

We will foster a high quality of life for full-time and part-time residents of all ages and stages, while welcoming visitors.

F. Environmental Impacts

N/A

G. Financial Impacts

The estimated cost for this work would be approximately \$15,000 and would be taken from the project Contingency Allowance through a Contract Change Order. A budget increase is not required. These costs are for the rental of portable street lighting and shift premiums required for the night work. Traffic Control is already included in the construction contract.

H. In Consultation With

Jim McCannell, Manager of Roads and Drainage

Jason Petznick, Communications Coordinator.

I. Public Engagement

The topic of this Staff Report has not been the subject of a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. A public notification will be provided in consultation with the Town's Communication and Customer Service Department.

Any comments regarding this report should be submitted to Mike Humphries, Senior Infrastructure Capital Project Coordinator, sricpc@thebluemountains.ca.

J. Attached

1. Office Consolidation of Noise By-Law 2002-9
2. Contractor's Traffic Control Plan

Respectfully submitted,

Mike Humphries
Senior Infrastructure Capital Project Coordinator

Pruthvi Desai
Manager of Capital Projects

Alan Pacheco
Director of Operations

For more information, please contact:
Mike Humphries, Senior Infrastructure Capital Project Coordinator
sricpc@thebluemountains.ca
519-599-3131 extension 277

Report Approval Details

Document Title:	OPS.26.015 Relief of Noise By-Law for Construction of Grey Street Forcemain and Outfall.docx
Attachments:	- Attachment 1 Office Consolidation of Noise By-Law 2002-9.pdf - Attachment 2 Contractor's Traffic Control Plan.pdf
Final Approval Date:	Mar 5, 2026

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

Pruthvi Desai - Mar 5, 2026 - 10:53 AM

Alan Pacheco - Mar 5, 2026 - 10:55 AM

CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW 2002 – 9

Office Consolidation
(By-laws 2002-60 & 2004-16)

Being a By-law to prohibit or regulate noises within the municipality likely to disturb.

WHEREAS Section 210 (138) of the *Municipal Act*, chap. M.45, R.S.O. 1990 and amendments thereto enables the councils of local municipalities to pass by-laws for prohibition or regulation within the municipality of noises likely to disturb the inhabitants;

AND WHEREAS section 61 of the *Provincial Offences Act*, chap. P.33, R.S.O. 1990 and amendments thereto provides for a general maximum penalty upon conviction not to exceed \$5,000.00;

AND WHEREAS it is deemed expedient to pass a by-law for the prohibition or regulation of noise within the municipality in a format that would allow enforcement by both a Municipal Law Enforcement Officer and the Ontario Provincial Police;

NOW THEREFORE the Council of the Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. THAT no person shall make noise or cause noise to be made or permit noise to be made that would be likely to disturb the inhabitants of the municipality.
2. THAT for the purposes of Section 1, the following noises or sounds, among others, shall be deemed likely to disturb the inhabitants of the municipality:
 - (a) The sound or noise from, or created by, any radio, television, phonograph, or any other electronic device, or any musical or sound producing instrument of whatsoever kind when such radio, television, phonograph, device or instrument is played or operated in such a manner or with such volume likely to disturb the peace, quiet, comfort or repose of any inhabitant within, or having quiet enjoyment of the lands upon which is located, any dwelling unit, apartment building, hotel, motel, or any other type of residence.
 - (b) The yelling, shouting, hooting, whistling, singing, or any other sound made by an individual in such a manner which is likely to disturb the peace, quiet, comfort or repose of any other inhabitant within, or having quiet enjoyment of the lands upon which is located, any dwelling unit, apartment building, hotel, motel or any other type of residence.
 - (c) The operation of construction vehicles or the act of construction between the hours of 19:00 hours of any weekday to 07:00 hours of the next weekday save and except Saturday from 08:00 hours to 13:00 hours which is likely to disturb the peace, quiet, comfort or repose of any other inhabitant within, or having quiet enjoyment of the lands upon which is located, any dwelling unit, apartment building, hotel, motel or any other type of residence, unless written permission to specifically extend or alter the hereinbefore mentioned time periods has been given in writing by Council.

- (d) The sound from the operation of any powered or non-powered tool, for domestic purposes (other than snow removal) which is operated in such a manner likely to disturb the peace, quiet, comfort or repose of any inhabitant within, or having quiet enjoyment of the lands upon which is located, any dwelling unit, apartment building, hotel, motel or any other type of residence, between the hours of 23:00 hours of one day to 07:00 hours of the next day (09:00 hours on Sundays).
- (e) The persistent noise made by any domestic pet, or any animals kept for commercial purposes, likely to disturb the peace, quiet, comfort, or repose of any inhabitant in the same building or in the neighbourhood, at any time.
- (f) The grating, grinding, rattling noise or any other noise caused by a condition of disrepair or maladjustment of any motor vehicle or other vehicle whatsoever or part or accessory thereof likely to disturb the peace, quiet, comfort or repose of any other inhabitant within the municipality.

3. THAT this By-law does not affect:

- a) Any bona fide agricultural use or practice engaged in by a bona fide farmer or employee thereof.
- b) The operation of snow-making machinery or snow-grooming vehicles.
- c) The operation of snow-removal equipment.
- d) Noises or sounds authorized by the municipality. (By-law No. 2002-60)
- e) Noises or sounds related to the non-residential use of land that is permitted by a by-law enacted by the municipality pursuant to Section 34 of the *Planning Act* between the hours of 07:00 hours and 19:00 hours. (By-law 2002-60)
- f) Noises or sounds related to the non-residential use of land that is permitted pursuant to the regulations made under the *Niagara Escarpment Planning And Development Act* between the hours of 07:00 hours and 19:00 hours. (By-law 2002-60)
- g) Noises or sounds authorized by the Blue Mountain Village Association originating within the "Village at Blue Mountain" (Parts 1-40, 16R-7451) between the hours of 07:00 hours and 23:00 hours. (By-law No. 2002-60)
- h) Noises or sounds related to the use of lands known as Part of Lot 5 and Part of Lot 6, Concession 8, Roll No.: 7-046-02, by the Blue Ridge Sportsmen's Club Inc. between the hours of 08:00 and 21:00 on any day, subject to any Provincial or Federal Statute or Regulation with regard to the discharge of firearms and/or weapons. (By-law 2004-16)

4. THAT every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a penalty as provided in the *Provincial Offences Act*.

5. THAT should any section, clause or provision of this By-law be declared by a court of a competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or in part hereof, other than the part which was declared to be invalid.

6. THAT Township of Collingwood By-laws No. 92-28, 95-37 and 96-9, Town of Thornbury By-law No. 20A-1983 and Town of The Blue Mountain By-law No. 2000-44 are hereby rescinded and repealed.

Read a first and second time this 28 day of January, 2002.

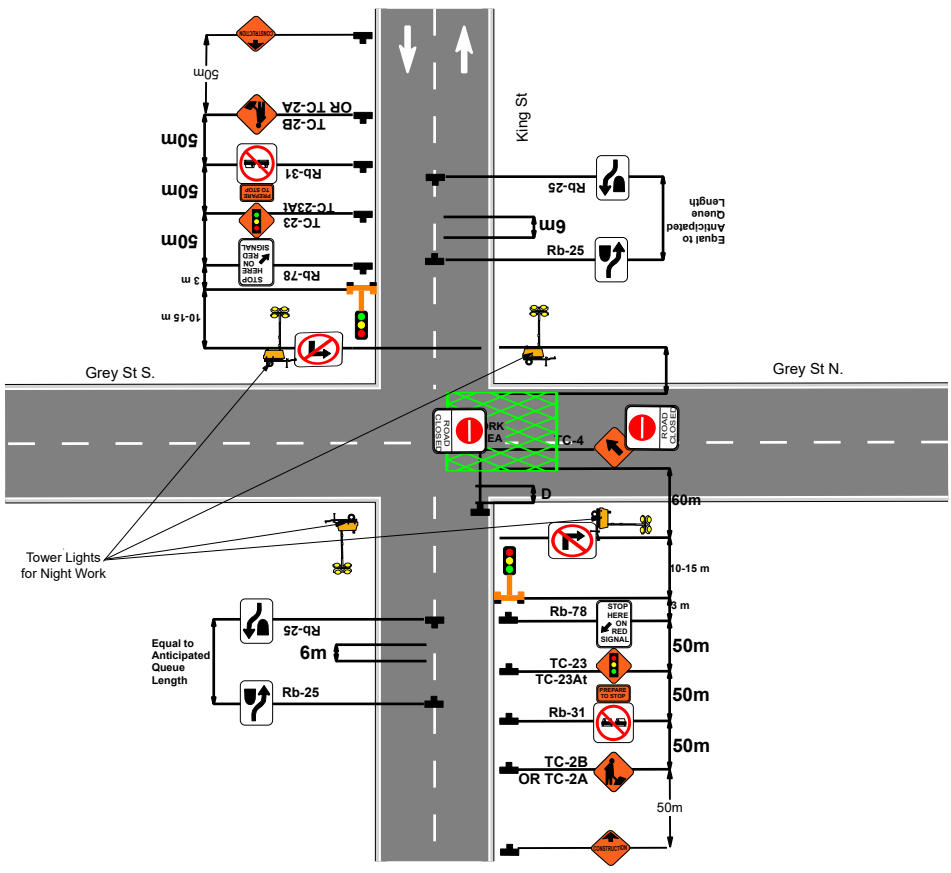
Read a third time and passed this 28 day of January, 2002

.....
Ross Arthur, Mayor

.....
Stephen Keast, Clerk

Arnott Construction Limited
 Traffic Control Plan 7- Crossing King St East at Grey St. N
 North Bound Lane Closed with Portable Traffic Control
 TS-16 Book 7

Note:
 -Advance Warning Signs - stating Greys St N
 Closed use Egin St
 placed north of Mill St and South of Grey St N.
 -Grey St N Closed King St. East to Bay St.N.



N.T.S.