

Tuesday, October 1, 2013, 5:15 pm.
City Hall, Council Chambers

<u>Committee Members</u>	<u>Areas of Responsibility</u>	
Councillor M. Kalivas, Chair	Economic Development	Economic Development
Councillor J. Baker	Planning	Advisory Team
Councillor T. Blanchard	Chamber of Commerce	Museum Board
Councillor M. McFall	DBIA	Library Board
Mayor D. Henderson,	Heritage Brockville	Arts Centre
Ex-Officio		Tourism

COMMITTEE AGENDA

DELEGATION(S) AND PRESENTATION(S)

- 3 - 20 1. YMCA of Brockville and Area
 Sueling Ching, Chief Executive Officer

Ms. Ching will present the Brockville YMCA's New Strategic Plan to the Committee.

Nil.

STAFF REPORTS

- 21 - 39 1. 2013-111-10
Noise By-law

1. *THAT a new By-law, being a by-law to control noise in the City of Brockville be adopted.*
2. *THAT City of Brockville By-law 138-80 be rescinded in full as of the date that final approval is granted by the Ministry of the Attorney General.*

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2. 2013-113-10
Appointment of Area Weed Inspectors

THAT City Council authorize the appointment of the positions of Chief Building Official and Inspection Officers as Area Weed Inspectors under the Weed Control Act; and

THAT City Council authorize the City Clerk to submit the necessary by-law(s) directly to Council for when it is deemed necessary to:

- i. appoint an employee as an area weed inspector under the Weed Control Act;*
- ii. repeal the appointment of an area weed inspector as a result of changes in employment or duties; or*
- iii. to make technical amendments to current appointments (for example, to reflect a name change).*

NEW BUSINESS - REPORT FROM MEMBERS OF COUNCIL

Nil.

CONSENT AGENDA

ADJOURNMENT

THAT the Economic Development and Planning Committee adjourned its meeting until the next regular meeting scheduled for November 4, 2013.



YMCA of Brockville and Area

Strategic Plan 2013-2017

Creating the plan . . .

- Board and staff analysis of our YMCA strengths, weaknesses, opportunities, threats
- Environmental scan and analysis
- Community consultations with local government, health and children's mental health
- Strategic planning committee of the board to create mission, vision and strategic directions
- Action planning committee of staff to create tactics
- Consultative expertise from Emmett & Associates

The Community We Have

- Highest ever social assistance case load.
- 667 social housing units available in the community and a growing demand for rent to income properties, especially for seniors and single adults over the age of 50 years.
- 100 people on waiting list for long-term care, currently only 60 beds available.
- The need for all types of care for seniors is growing.
- The “Grey Tsunami” is top of mind in the community, housing, senior care needs, physical activity.
- 80% of children in licensed home care, are subsidized.
- Full day kindergarten has increased the demand for Early Childhood Educators in the community.
- There is an identified need to support seniors to maintain their independence.
- Senior care needs are greatest in Brockville, Prescott and Gananoque.

The Community We Have

- High incidence of chronic diseases in the community. The opportunity exists to influence healthy lifestyles.
- Higher smoking rates in the community than the rest of Ontario.
- 1/3 of people physically active, 1/3 of people active 30 minutes per day, 1/3 of people not physically active.
- 60% of the population of Brockville and area is either overweight or obese; this has an impact on chronic disease.
- Higher incidence of alcohol abuse and cannabis use in young men which continues in adult years.
- 20% of young people report anxiety, depression and substance abuse. Early recognition of mental health issues critical.
- Healthy child development critical, especially in the first 6 years of life.
- Physical falls is the main reason for visits to the hospital – prevention of falls and being physically active will help seniors to maintain their balance and their overall health.

The Community We Have

- There is a huge opportunity to influence healthy nutrition and physical activity to prevent health issues.
- Current caseload for Children's Mental Health is 1,200 kids a year and could easily be double the need for support.
- Critical transportation barriers for children outside of Brockville.
- 1 in 5 children in Ontario have mental health issues and early intervention is critical.
- Access to recreation, day camp, kids clubs and play opportunities seen as critical supports. The Y is viewed as a key partner for these activities.
- Aging population is seen as a large emerging issue for the community.
- A growing divide between those who have and those who don't.
- Require more regional cooperation to serve the population – 27 levels of government to administer 35,000 people is no longer relevant.

The Community We Have

This is the first generation of children that is not expect to live as long as their parents. Why?

- Poverty
- Unhealthy Lifestyles
- Childhood Obesity

The Community We Want

- **Job creation**
- **Healthy and happy people**
- **Economically stable**
- **1 government for Brockville and area ****
- **Collaboration/Partnerships ***
- **Healthy Living ***
- **Working together**
- **Moving forward**
- **Jobs for youth**
- **Learning**
- **Bringing generations together**
- **Higher levels of education**
- **Open doors – especially to newcomers to Canada**

The YMCA We Need



Values

Caring – Honest
Respect – Responsibility

Inclusiveness



Vision

The YMCA of Brockville and Area is a community catalyst for healthy living, personal development and social responsibility.

Mission

Strengthening community
is our cause.

Transforming lives is what
we do.

Strategic Plan 2013-2017

Ignite.

Inspire.

Innovate.

Impact.

Strategic Objectives

To achieve our vision, this plan focuses on four key strategic objectives. These objectives are interdependent – the achievement in one area will strengthen our capacity to achieve outcomes in another area.



Growth – My Y Opens Doors

Expand our reach;

- Grow membership and participation through program and facility renewal.
- Extend programs and services to underserved communities
- Increase engagement and services to various demographics

Impact – My Changes Lives

Inspire Healthy Living;

- Ignite community change through advocacy, collaboration and education
- Provide the information, motivation and opportunities for individuals to pursue healthy living - spirit, mind and body.
- Engage and develop leaders and volunteers in our communities.

Value – My Y is a Change Maker

Build our brand;

- Increase awareness of the community value of our YMCA.
- Create a philanthropic culture that results in increased impact/access.
- Develop strategic partnerships that align with our values and goals.

Excellence – My Y is Strong

Deliver our promise;

- Inspire staff and volunteers to deliver on the brand promise.
- Meet or exceed benchmarks for service standards, program quality, financial ratios and organizational strength.
- Increase capacity through innovation.

Together we are . . .

Building Healthy Communities

**20SEPTEMBER2013
REPORT TO THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE
1OCTOBER2013**

**2013-111-10
NOISE BY-LAW**

**M. PASCOE MERKLEY
DIRECTOR OF PLANNING
ANDREW MCGINNIS
PLANNER II**

RECOMMENDATION

1. **THAT** a new By-law, being a by-law to control noise in the City of Brockville be adopted.
2. **THAT** City of Brockville By-law 138-80 be rescinded in full as of the date that final approval is granted by the Ministry of the Attorney General.

PURPOSE

The purpose of this report is to provide recommendation on adopting a new by-law which would replace By-law 138-80, being a by-law to control noise within the City of Brockville.

BACKGROUND

City of Brockville By-law 138-80, was adopted on 22 July 1980.

Recently, staff began to undertake a review of Noise By-law 138-80 as amended, and made recommendations to Council respecting a revised noise by-law. Multiple meeting were held, agency recommendations were taken into consideration and a draft of a new by-law to control noise in the City of Brockville was endorsed by Council on 10 January 2013, to be set to the Ministry of the Attorney general for draft approval.

ANALYSIS

City staff have since received draft approval from the Ministry provided that minor format changes are incorporated into the schedule to the by-law. These changes were very minor and did not change the intent of the initial by-law accepted by Council in January 2013 (a copy of the proposed By-law is attached as **Schedule "A"**).

However, an addition of set fines has been established and set at \$300.00 per infraction (a Set Fine list is attached as **Schedule "B"**). This set fine was determined by looking at five (5) comparable cities which had set fines ranging from \$150.00 to \$400.00. Staff

believes that setting the fine at \$300.00 will deter persons from continuing and/or having a reoccurring offence pertaining to a violation of the noise by-law.

POLICY IMPLICATIONS:

Section 128 of the Municipal Act, 2001, provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that in the opinion of Council are or could become public nuisances;

Section 129 of the Municipal Act, 2001, provides that a municipality may pass bylaws to prohibit and regulate with respect to noise;

FINANCIAL CONSIDERATIONS


As previously stated in Report 2013-010-01, the revised by-law proposes the establishment of fees for processing applications for exemption to the noise by-law, and for processing of appeals filed respecting decisions on applications filed for exemption. The fees will be established through the City's User Fee By-law.


Fines issued are paid to the Provincial Offences Court and collected by the Province. Of the \$300.00 proposed charge, the court retains \$5.00 for their administration fee and a victim surcharge of \$50.00 is set to the Ministry of the Attorney General. The remaining \$245.00 of each charge is issued back to the City of Brockville on a quarterly basis.

CONCLUSION

Staff recommend that Council adopt the new by-law and submit it back to the Ministry for final approval.



M. Maureen Pascoe-Merkley, MCIP, RPP
Director of Planning

Andrew McGinnis, MCIP, RPP
Planner II

B. Casselman
City Manager

SCHEDULE "A" TO REPORT 2013-111-10

City of Brockville

Ontario, Canada



**A By-Law to
Control Noise in the City of Brockville**

By-Law No. xxx-2013

Enacted by Council October 1, 2013

The Corporation of the City of Brockville
By-law Number 080-2013

A By-law to Control Noise in the City of Brockville

WHEREAS Section 128 of the Municipal Act, 2001, provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that in the opinion of Council are or could become public nuisances;

AND WHEREAS Section 129 of the Municipal Act, 2001, provides that a municipality may pass bylaws to prohibit and regulate with respect to noise;

AND WHEREAS in the opinion of Council for the Corporation of the City of Brockville, excessive sounds and inadequately controlled noise may impair public health, safety and welfare and could become a public nuisance;

AND WHEREAS it is the opinion of Council for the Corporation of the City of Brockville, that to the benefit of individuals and the public at large, there must be regulations and prohibitions to the making of noise;

NOW THEREFORE, the Council of the Corporation of the City of Brockville enacts as follows:

(1) **Interpretation**

In this by-law,

- (a) "approved sound meter" shall mean an instrument meeting American National Standard Institute's Standard SI-4-1971 or the most recent revision thereof for Type 1 or Type 2 sound meters, or an instrument and the associated recording and analyzing equipment that will provide equivalent data;
- (b) **Construction**
"construction" includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, the laying of pipe and conduit whether above or below ground level, street and highway building, concreting, equipment installation and alteration and the structural installation of construction components and materials in any form or for any purpose, and includes any work in connection therewith;
- (c) **Construction Equipment**
"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, heaters, fans, boilers, off-highways haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders or other material handling equipment;
- (d) **Conveyance**
"Conveyance" includes a vehicle and any other device employed to transport a person or persons or goods from place to place but does not include any such device or vehicle if operated only within the premises of a person;

- (e) Council
"Council" means the Council of the Corporation of the Municipality of Brockville;
- (f) dBA
"dBA" means the sound level in decibels obtained when using a sound level meter with the A-weighting;
- (g) Highway
"highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for, or used by, the general public for the passage of vehicles;
- (h) Minister
"Minister" means Minister of the Environment;
- (i) Ministry
"Ministry" means Ministry of the Environment;
- (j) Motor Vehicle
"motor vehicle" includes an automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power; but does not include the cars of electric or steam railways, 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 within the meaning of The Highway Traffic Act;
- (k) Motorized Conveyance
"motorized conveyance" means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power;
- (l) Municipality
"municipality" means the land within the geographic limit of the Municipality of Brockville;
- (m) Noise
"noise" means unwanted sound prohibited in this by-law;
- (n) Persistent
"persistent" means continuing to exist or endure over a prolonged period exceeding 15 minutes.
- (o) Point of Reception
"point of reception" means any point on the premises of a person where sound originating from other than those premises is received;
- (p) "sound level" shall mean the total sound level in decibels of all sound as measured with an approved sound meter with a reference pressure of 20 micro-pascals using the "A" weighted network (scale) at slow response.
The unit of measurement shall be defined as dB(A) or dBA.

(2) **Zones**

In this by-law

(a) **Residential Area**

"Residential Area" means those areas of the municipality specified as follows:
"residential area" means any area in the City of Brockville designated for residential use in any by-law in force from time to time passed pursuant to section 34 of the Planning Act, R.S.O. 1990, c.P.13, or any predecessor or successor of that section.

(b) **Quiet Zone**

"Quiet Zone" means those areas of the municipality specified as follows:
"quiet zone" means an area of the municipality so designated by Council in Appendix A of this by-law as a place where quiet is of a particular importance, such as, but not limited to, the immediate vicinity of a hospital.

(c) **Agricultural Area**

"Agricultural Area" means those areas of the municipality specified as follows:
"agricultural area" means any area in the City of Brockville designated for agricultural use in any by-law in force from time to time passed pursuant to section 34 of the Planning Act, R.S.O. 1990, c.P.13, or any predecessor or successor of that section.

2. Administration and Delegation of Authority

- (1) The Planning Department is responsible for the administration of this by-law.
- (2) All Peace Officers, Provincial Offences Officers and Municipal Law Enforcement Officers with the authority to enforce the by-laws of the Municipality are responsible for enforcing the provisions of this by-law.
- (3) The Chief Planning Officer or his/her designate is delegated the authority to grant temporary exemptions to this by-law.

3. General prohibitions

No person shall emit or cause or permit the emission of sound resulting from an act listed herein, and which sound is clearly audible at a point of reception:

- (1) Racing of any motorized conveyance other than in a racing event regulated by law.
- (2) The operation of a motor vehicle in such a way that the tires squeal.
- (3) The operation of a residential air conditioner, pool pump or filter, heat pump or the like that is not in proper working order and exceeds 50 dBA;
- (4) The operation of any combustion engine or pneumatic device without an effective exhaust or intake muffling device in good working order.

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- (5) The operation of a vehicle or a vehicle with a trailer resulting in banging, clanking, squealing or other like sounds due to improperly secured load or equipment, or inadequate maintenance.
 - (6) The operation of an engine or motor in, or on, any motor vehicle or item of attached auxiliary equipment for a continuous period exceeding five (5) minutes, while such vehicle is stationary in a Residential Area or a Quiet Zone unless:
 - (i) 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; or,
 - (ii) 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; or,
 - (iii) weather conditions justify the use of heating or refrigerating 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 purposes of delivery or loading; or,
 - (iv) prevailing low temperatures make longer idling periods necessary immediately after starting the motor or engine; or
 - (v) the idling is for the purpose of cleaning and flushing the radiator and associated circulation system for seasonal change of antifreeze, cleaning of the fuel system, carburetor or the like, when such work is performed other than for profit.
 - (7) The operation of a motor vehicle horn or other warning device except where required or authorized by law or in accordance with good safety practices.
 - (8) The operation of any item of construction equipment in a Quiet Zone or Residential Area without effective muffling devices in good working order.
 - (9) Use of construction equipment shall not create noise likely to cause a nuisance or disturb the inhabitants or exceed 85 dBA when measured at the point of reception.

4. Exemption

Public Safety

Notwithstanding any other provision of this by-law, it shall be lawful during an emergency to emit or cause or permit the emission of sound in connection with emergency measures undertaken:

- (a) for the immediate health, safety or welfare of the inhabitants or any of them: or,
- (b) for the preservation or restoration of property; unless such sound is clearly of a longer duration or nature more disturbing, than is reasonably necessary for the accomplishment of such emergency purpose.

5. Grant of Exemption

(1) Application for Temporary Exemption (up to 3 months)

(1) Application

Notwithstanding anything contained in this by-law, any person may make application to the Chief Planning Officer to be granted an exemption from any of the provisions of this by-law.

The application shall be made in writing at least thirty (30) days prior to the event or activity and shall contain, at a minimum, the following information:

- a) the name and address of the applicant;
- b) the name and address of the organization represented by the applicant, if applicable;
- c) a description of the source of sound in respect of which the exemption is sought;
- d) a drawing of the proposed property showing the location of the noise source that is the subject of the exemption and the distance to the nearest residential use that may be effected;
- e) the particular provision or provisions of the by-law from which the exemption is sought;
- f) the period of time, of a duration not in excess of three (3) months, for which the exemption is sought;
- g) the location of the event or activity for which the exemption is sought;
- h) the reason why the exemption should be granted; and,
- i) the applicable fee as set out in the City's Fee By-law.

(2) Decision

In deciding whether to grant the exemption, the Chief Planning Officer or his/her designate may require that notification be given.

The Chief Planning Officer or his/her designate may refuse to grant any exemption or may grant the exemption applied for or any exemption of lesser effect and any exemption granted shall specify the time period, not in excess of three (3) months, during which it is effective and may contain such terms and conditions as the Chief Planning Officer or his/her designate sees fit.

(3) Appeals

Where the Chief Planning Officer or his/her designate refuses to grant an exemption under this section, the Chief Planning Officer or his/her designate shall notify in writing, the applicant and any other person who had requested notification, advising them that they may appeal the decision within ten (10) days of the date of the notice.

This appeal shall be requested in writing accompanied by the applicable fee as set out in the City's Fee By-law to the City Clerk of the Corporation of the City of Brockville. The appropriate standing committee shall hold a hearing pursuant to the

provisions of the Statutory Powers Procedure Act within thirty (30) working days of the City Clerk's receipt for a hearing.

Such committee may:

- (a) Issue an exemption;
- (b) Refuse to issue an exemption; or
- (c) Issue an exemption with conditions

The committee's decision on the appeal is final.

(4) Appeal of Conditions of Approval

Where the Chief Planning Officer or his/her designate grants an exemption with conditions under this section, the Chief Planning Officer or his/her designate shall notify in writing, the applicant and any other person who had requested notification, advising them that they may appeal the decision within ten (10) days of the date of the notice.

This appeal shall be requested in writing accompanied by the applicable fee as set out in the City's Fee By-law to the City Clerk of the Corporation of the City of Brockville. The appropriate standing committee shall hold a hearing pursuant to the provisions of the Statutory Powers Procedure Act within thirty (30) working days of the City Clerk's receipt for a hearing.

Such committee may:

- (a) Dismiss the appeal;
- (b) Amend the conditions of approval; or
- (c) Withdraw the approval and refuse the exemption;

The committee's decision on the appeal is final.

(5) Breach

Breach by the applicant of any of the terms or conditions of any exemption granted shall render the exemption null and void.

(2) Application for Exemption (greater than 3 months)

(1) Application

Notwithstanding anything contained in this by-law, any person may make application to Council to be granted an exemption from any of the provisions of this by-law.

The application shall be made in writing at least sixty (60) days prior to the event or activity and shall contain, at a minimum, the following information:

- a) the name and address of the applicant;
- b) the name and address of the organization represented by the applicant, if applicable;

- c) a description of the source of sound in respect of which the exemption is sought;
- d) a drawing of the proposed property showing the location of the noise source that is the subject of the exemption and the distance to the nearest residential use that may be effected;
- e) the particular provision or provisions of the by-law from which the exemption is sought;
- f) the period of time for which the exemption is sought;
- g) the location of the event or activity for which the exemption is sought;
- h) the reason why the exemption should be granted; and,
- i) the applicable fee as set out in the City's Fee By-law.

(2) Decision

In deciding whether to grant the exemption, notification is to be given to persons within 120.0 metres (393.0 feet) in order to provide those persons in support or opposed to the application an opportunity to be heard and may consider such other matters as Council sees fit.

Council may refuse to grant any exemption or may grant the exemption applied for or any exemption of lesser effect and any exemption granted shall specify the time period during which it is effective and may contain such terms and conditions as Council sees fit.

Council's decision to issue an exemption, refuse to issue an exemption or to set terms and conditions for the exemption is final.

(3) Breach

Breach by the applicant of any of the terms or conditions of any exemption granted shall render the exemption null and void.

6. Exemption of Traditional, Festive or Religious Activities

Notwithstanding any other provision of this by-law, this by-law does not apply to a person who emits or causes or permits the emission of sound in connection with any of the listed traditional, festive, religious and other activities.

- (1) Festivities in connection with statutory holidays.
- (2) Official City festivities or festivities authorized by the City.
- (3) The use of bells or chimes normally associated with municipal or church activities.
- (4) The collection of Municipal garbage and refuse by or on behalf of the City of Brockville.
- (5) The plowing and removal of snow by or on behalf of the City of Brockville.
- (6) The sanding and salting of roads and sidewalks by or on behalf of the City of Brockville.
- (7) The sweeping of streets by or on behalf of the City of Brockville.
- (8) Any road and sewer maintenance activities by, or on behalf of, the City of Brockville.

7. Prohibitions by Time, Place and Sound Levels

- (a) No person shall emit or cause or permit the emission of sound resulting from any act listed in Table 1 if clearly audible at a point of reception located in an area of the municipality indicated within a prohibited time shown for such an area.
- (b) No person shall make, cause or permit to be made within the City of Brockville a continuous sound with a sound level that, measured at a point of reception on an approved sound meter, exceeds allowable sound levels noted in Table 2.

8. Severability

If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

9. Offence and Penalty Provisions

Any person who contravenes and provision of this By-law is guilty of an offence and, upon conviction, is subject to a fine as provided in the *Provincial Offences Act*, as amended, and to any other applicable penalties.

10. Site Specific Exemptions

- 1) That Black & Decker Canada Inc. be granted relief to this by-law with respect to snow plowing at the location known municipally as 100 Central Avenue, Brockville.

11. Short Title

This By-law may be referred to as the "Noise By-law".

Given Under the Seal of the Corporation of the
City of Brockville
and Passed this 24th, day of September, 2013

Mayor

City Clerk

Table 1
PROHIBITIONS BY TIME, PLACE and SOUND LEVELS

	Prohibited period of Time, Place and Sound Levels	
	<u>Quiet Zone</u>	<u>Residential Area</u>
1. The detonation of fireworks or explosive devices not used in construction.	At all times	At all times
2. The discharge of firearms.	At all times	At all times
3. The operation of a combustion engine which, (i) is, or (ii) is used in, or (iii) is intended for use in, a toy, or a model or replica of any device, which model or replica has no function other than amusement and which is not a conveyance.	At all times	At all times
4. The operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers, and intended for the production, reproduction or amplification of sound which may include music.	At all times	B
5. The operation of any auditory signalling 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.	At all times	D & E
6. The operation of any powered rail car including but not limited to refrigeration cars, locomotives or self-propelled passenger cars, while stationary on property not owned or controlled by a railway governed by the Canada Railway Act.	At all times	B
7. The operation of any motorized conveyance other than on a highway or other place intended for its operation.	At all times	B

	Prohibited period of Time, Place and Sound Levels	
	<u>Quiet Zone</u>	<u>Residential Area</u>
8. The venting, release or pressure relief of air, steam or other gaseous material, product or compound from any autoclave, boiler, pressure vessel, pipe, valve, machine, device or system.	At all times	A
9. Persistent barking, calling or whining or other similar persistent noise making by any domestic pet.	At all times	A
10. The operation of a commercial car wash with air drying equipment.	At all times	D & E
11. Yelling, shouting, hooting, whistling, or singing.	At all times	A
12. The operation of a power assisted hang glider or parafoil.	At all times	D & E
13. The operation of any item of snow making equipment.	At all times	E
14. All selling or advertising by shouting or outcry or amplified sound.	At all times	D & E
15. 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.	D & E	D & E
16. The operation of any equipment in connection with construction.	D & E	D & E
17. The operation or use of any tool for domestic purposes other than snow removal.	C	B
18. The operation of a commercial car wash of a type other than mentioned in item 10.	C	A

Suggested Restricted Times:

- A** 23:00 one day to 07:00 next day (09:00 Sundays)
- B** 21:00 one day to 07:00 next day (09:00 Sundays)
- C** 17:00 one day to 07:00 next day (09:00 Sundays)
- D** All day Sundays and Statutory Holidays
- E** 19:00 one day to 07:00 next day.

Table 2

PROHIBITIONS BY TIME, PLACE and SOUND LEVELS

Type of Land Use	Time Interval	Maximum Allowable Sound Level (dbA)
Residential	Night-time	50
	Daytime	55
Quiet Zone	Night-time	50
	Daytime	50
Agricultural	Night-time	65
	Daytime	70

SCHEDULE "B" TO REPORT 2013-111-10

City of Brockville Part 1 Provincial Offences Act By-law xxx-2013, Noise Control

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1.	Producing sound clearly audible on another person's property by racing a motorized conveyance.	Section 3(1)	\$300.00
2.	Squealing tires so as to produce sound audible on the premises of another person.	Section 3(2)	\$300.00
3.	Permit the operation of a residential air conditioner, pool pump or filter, heat pump or the like in excess of 50 dBA	Section 3(3)	\$300.00
4.	Producing sound clearly audible on the premises of another person by the operation of a combustion engine (pneumatic device) without a muffler.	Section 3(4)	\$300.00
5.	Producing sound clearly audible on another person's property by the operation of a vehicle or trailer with an improperly secured load.	Section 3(5)	\$300.00
6.	Producing sound clearly audible on another person's property by the operation of stationary vehicle's engine while in a Residential or Quiet Zone.	Section 3(6)	\$300.00
7.	Producing sound clearly audible on another person's property by the operation of a motor vehicle horn not authorized by law.	Section 3(7)	\$300.00
8.	Producing sound clearly audible sound in a Quiet Zone or Residential Area from construction equipment without working muffling device	Section 3(8)	\$300.00
9.	Producing sound exceeding 85 dBA from construction equipment	Section 3(9)	\$300.00
10.	Producing sound clearly audible on another person's property, by the detonation of fireworks in a Residential or Quiet Zone.	Section 7(a)	\$300.00
11.	Producing sound clearly audible on another person's property by the discharge of a firearm in a Residential or Quiet Zone.	Section 7(a)	\$300.00
12.	Producing sound clearly audible on another person's property by the operation of a combustion engine in a toy or model in a Residential or Quiet Zone.	Section 7(a)	\$300.00
13.	Producing sound clearly audible on another person's property by electronic amplification of sound in a Quiet Zone.	Section 7(a)	\$300.00
14.	Producing sound clearly audible on another person's property by electronic amplification of sound in a Residential Zone between 9 pm through to 7 am Monday to Saturday.	Section 7(a)	\$300.00

Note: The general penalty provisions for the offences listed above is section 9 of Bylaw xxx-2013, a certified copy of which has been filed.

City of Brockville
Part 1 Provincial Offences Act
By-law xxx-2013, Noise Control

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
15.	Producing sound clearly audible on another person's property by electronic amplification of sound in a Residential Zone between the hours of 9 pm through to 9 am Sunday.	Section 7(a)	\$300.00
16.	Producing sound clearly audible on another person's property by operation of an auditory signaling device in a Quiet Zone and not authorized by law.	Section 7(a)	\$300.00
17.	Producing sound clearly audible on another person's property by operation of an auditory signaling device in a Residential Zone between the hours of _____.	Section 7(a)	\$300.00
18.	Producing sound clearly audible on another person's property by operation of a motorized conveyance in a place not intended for its operation in a Quiet Zone.	Section 7(a)	\$300.00
19.	Producing sound clearly audible on another's property by operation of a motorized conveyance in a place not intended for its operation between the hours of 9 pm and 7 am in a Residential Zone.	Section 7(a)	\$300.00
20.	Producing sound clearly audible on another property by the release of gaseous substances in a Quiet Zone.	Section 7(a)	\$300.00
21.	Producing sound clearly audible on another's property by the release of gaseous substances in a Residential Zone between 11 pm and 7 am.	Section 7(a)	\$300.00
22.	Permitting a domestic pet to make a persistent noise clearly audible on another's property in a Quiet zone.	Section 7(a)	\$300.00
23.	Permitting a domestic pet to make a persistent noise clearly audible on another's property in a Residential Zone between 11 pm and 7 am.	Section 7(a)	\$300.00
24.	Producing sound, clearly audible on another's property by the operation of a commercial car wash with air drying equipment in a Quiet zone.	Section 7(a)	\$300.00
25.	Producing sound, clearly audible on another's property by the operation of a commercial car wash with air drying equipment in a Residential Zone between 7 pm and 7 am.	Section 7(a)	\$300.00
26.	Producing sound, clearly audible on another property by the operation of a commercial car wash with air drying equipment in a Residential Zone on Sunday or a Statutory Holiday.	Section 7(a)	\$300.00

Note: The general penalty provisions for the offences listed above is section 9 of Bylaw xxx-2013, a certified copy of which has been filed.

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Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
27.	Yelling, whistling or singing clearly audible on another's property in a Quiet Zone.	Section 7(a)	\$300.00
28.	Yelling, whistling or singing clearly audible on another's property in a Residential Zone between 11 pm and 7 am.	Section 7(a)	\$300.00
29.	Producing sound, clearly audible on another's property by operation of a power assisted hang glider in a Quiet Zone.	Section 7(a)	\$300.00
30.	Producing sound, clearly audible on another's property by operation of a power assisted hang glider in a Residential Zone between 7 pm and 7 am.	Section 7(a)	\$300.00
31.	Producing sound clearly audible on another's property by operation of a power assisted hang glider in a Residential Zone on Sunday or a Statutory Holiday.	Section 7(a)	\$300.00
32.	Producing sound, clearly audible on another's property by operation of snow-making equipment in a Quiet Zone.	Section 7(a)	\$300.00
33.	Producing sound, clearly audible on another's property by operation of snow-making equipment in a Residential zone between 7 pm and 7 am.	Section 7(a)	\$300.00
34.	Producing sound, clearly audible on another's property by operation of construction equipment in a Residential Zone on Sunday or a Statutory Holiday.	Section 7(a)	\$300.00
35.	Producing sound, clearly audible on another's property by operation of construction equipment in a Residential Zone between 7 pm and 7 am.	Section 7(a)	\$300.00
36.	Producing sound, clearly audible on another's property by operation of construction equipment in a Quiet zone on Sunday or a Statutory Holiday.	Section 7(a)	\$300.00
37.	Producing sound, clearly audible on another's property by operation of construction equipment in a Quiet zone between 7 pm and 7 am.	Section 7(a)	\$300.00
38.	Producing sound, clearly audible on another's property by operation of any tool used for domestic purposes (except snow removal) in a Quiet Zone between 5 pm and 7 am.	Section 7(a)	\$300.00
39.	Producing sound, clearly audible on another's property by the operation of any tool used for domestic purposes (except snow removal) in a Residential Zone between 9 pm and 7 am.	Section 7(a)	\$300.00

Note: The general penalty provisions for the offences listed above is section 9 of Bylaw xxx-2013, a certified copy of which has been filed.

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Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
40.	Producing sound clearly audible on another's property by the operation of a commercial car wash, not using air drying equipment in a Quiet zone.	Section 7(a)	\$300.00
41.	Produce sound greater than maximum allowable sound level	Section 7(b)	\$300.00

Note: The general penalty provisions for the offences listed above is section 9 of Bylaw xxx-2013, a certified copy of which has been filed.

September 25, 2013

REPORT TO ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE

October 1, 2013

2013-113-10

Appointment of Area Weed Inspectors

Sandra Seale

City Clerk

Maureen Pascoe Merkley

Director of Planning

RECOMMENDED

THAT City Council authorize the appointment of the positions of Chief Building Official and Inspection Officers as Area Weed Inspectors under the *Weed Control Act*; and

THAT City Council authorize the City Clerk to submit the necessary by-law(s) directly to Council for when it is deemed necessary to:

- i. appoint an employee as an area weed inspector under the *Weed Control Act*;
- ii. repeal the appointment of an area weed inspector as a result of changes in employment or duties; or
- iii. to make technical amendments to current appointments (for example, to reflect a name change).

PURPOSE

The City is required to appoint one or more area weed inspectors by by-law, under subsection 6(1) of the *Weed Control Act*. The purpose of the report is to request Council approval for the appointments and to authorize the City Clerk to bring by-laws forward to Council for ratification as deemed necessary for changes to the area weed inspectors' appointments.

BACKGROUND

The *Weed Control Act*, as amended requires single-tier municipalities to appoint one or more "area" municipal weed inspectors by by-law under subsection 6(1) of the *Weed Control Act*. The Ministry of Agriculture, Food and Rural Affairs has contacted the City to confirm the appointed area weed inspector(s).

ANALYSIS/OPTIONS


In 2002, Brent Caskenette, as Deputy Chief Building Official was designated as "Municipal" weed inspector as permitted under subsection 8(1) of the *Weed Control Act*. The subsequent by-law to appoint Mr. Caskenette as Chief Building Official did not include the appointment as weed inspector.

FINANCIAL CONSIDERATIONS

Remuneration of duties undertaken as an area weed inspector is included in the remuneration received as a City employee.

CONCLUSION

The adoption of this report will allow the City to meet the requirements under the Weed Control Act with respect to changes in appointments of area weed inspectors and identification of new area weed inspectors in an expeditious manner.

for 

S. Seale
City Clerk



M. Pascoe Merkley
Director of Planning



B. Casselman
City Manager