



## ***COMMITTEE MINUTES***

## **Economic Development & Planning Committee**

Tuesday, October 04, 2011, 4:15 p.m.  
City Hall, Council Chambers

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### **Roll Call**

#### **Committee Members:**

Councillor M. Kalivas, Chair

Councillor D. Beatty

Councillor J. Earle (entered at 4:30 p.m.)

#### **Regrets:**

Councillor J. Baker

Mayor D. Henderson, Ex-Officio

#### **Staff:**

Ms. V. Baker, Secretary, Clerk's Department (Recording Secretary)

Mr. J. Fauschou, Planner I

Mr. A. McGinnis, Planner II

Ms. M. Pascoe-Merkley, Director of Planning

Ms. S. Seale, City Clerk

#### **Others:**

Mr. N. Gardiner, Recorder & Times

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The Chair called the meeting to order at 4:17 p.m.

### **DISCLOSURE OF INTEREST**

Nil

### **CORRESPONDENCE**

Nancy Hauk, MagnetSigns Thousands Islands

Portable Signs (Sign By-law)

Moved by: Councillor Beatty

THAT Council authorizes the formation of an adhoc committee to review Sign By-law with respect to portable signs.

CARRIED

Ms. Hauk made a power point presentation to the committee. *(A copy is attached to the minutes.)*

*Councillor Earle entered the meeting at 4:30 p.m.*

Mr. McGinnis provided an overview of the process for enforcement of the by-law. He stated that the majority of those notified have applied for a sign permit.

Ms. Pascoe Merkley stated that the purpose of the sign by-law is not to garner revenue from the permits but to regulate signs for the esthetics of the community.

### **STAFF REPORTS**

2011-100-10

Proposed Amendment to Sign By-law 84-89, 103 Broome Road, Pro Oil Change,  
Owner: Pakenham Holdings Limited

Moved by: Councillor Earle

THAT City of Brockville Sign By-law 84-89 be amended to allow a ground sign to be constructed at 103 Broome Road, City of Brockville. Said sign to include an electronic message board, with a maximum sign area of 4.64 m<sup>2</sup> (50 ft<sup>2</sup>) per side.

CARRIED

2011-102-10

Proposed Mural, 26 King Street East, Brockville

Moved by: Councillor Beatty

THAT approval be granted to erect a mural on the east wall of 26 King Street East, City of Brockville.

CARRIED

2011-103-10

Amendment to Condominium Agreement Removal of Access to Children's Play Area  
Leeds Condominium Plan No. 31 (The Camelot)

Moved by: Councillor Beatty

THAT approval be granted to Leeds Condominium No. 31 to amend the Declaration of Condominium to release its interest in an easement described as Parts of Lots 1, 2 and 3 on Registered Plan 380 designated as Parts 3 and 4 on Reference Plan 28R-8849.

CARRIED

2011-089-09 Addendum  
Review of Noise By-law

Moved by: Councillor Beatty

THAT the matter be tabled to the EDP Committee meeting of December 2011.

TABLED

Mr. McGinnis spoke to the report and noted that the report incorrectly stated that the Noise by-law temporary exemption section for requests exceeding 6 months should be changed to 3 months.

Councillor Earle asked if decibel meters would be used for enforcement. Ms. Pascoe Merkley stated that the city police would enforce late night noise complaints. The Police Chief indicated that the noise by-law would be enforced by common sense and reasonableness and that they would not use decibel meters. There is no full time enforcement staff for late night enforcement.

Councillor Earle stated that the noise by-law is reasonable at 11 p.m. but a patio etc. has the potential to go beyond 11 p.m. and police enforcement is cost prohibitive. Councillor Earle stated he had concerns that if a decibel meter was not used then a definition of reasonable needs to be established.

Councillor Beatty stated that he would like to see the common sense approach as it seems to have worked in the past. It is not a black and white issue and has gray areas. The recent complaints have had to do with construction.

Mr. Fuller distributed material related to the noise by-law. *(A copy is attached to the minutes.)*

Mr. Fuller stated that a noise by-law and a definition of noise is needed. The definition needs to be objective and not subjective. It also needs to be balanced and fair.

Ms. Clarke stated that the DBIA would like more time to review Mr. Fuller's letter. Ms. McDonald stated that the Chamber of Commerce has sent a letter of support to Mr. Fuller

### **CONSENT AGENDA**

Moved by: Councillor Beatty

THAT the following items be placed on the Consent Agenda:

1. MagnetSigns Thousand Island  
Portable Signs (Sign By-Law)
2. 2011-100-10  
Proposed Amendment to sign by-law 84-89, 103 Broome Road,  
Pro Oil Change, Owner: Pakenham Holdings Limited
3. 2011-102-10  
Proposed Mural, 26 King Street East, Brockville
4. 2011-103-10  
Amendment to Condominium Agreement Removal of Access to  
Children's Play area, Leeds Condominium Plan No. 31 (The Camelot)

CARRIED

The meeting adjourned at 5:17 p.m.

## PORTABLE SIGNS



NANCY HAUK, MAGNETSIGNS  
OCT 4, 2011

## WHY AM I HERE?

- To discuss Portable Signs
- To be part of the Solution!

IF I ASKED YOU:

**"WHAT IS THE BEST  
WAY TO GET TO  
GANANOQUE"**

## WHAT IS A PORTABLE SIGN

"City Hall considers portable signs to be not for permanent advertising, but rather for such things as special sales or events" ~ M. Pascoe Merkley

"Effective, high-impact, advertising solution" ~Magnetisigns

"A vital advertising tool to attract new customers and generate sales." ~ Business who use portable signs

## READER SIGN VALUE

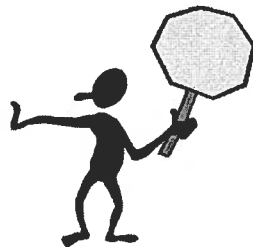
- Cannot be turned off, thrown away, spam filtered or avoided
- Communicating 24 hrs/day for 7 days/wk
- Message delivered to target audience when near location
- Create impulse buys; thus increasing sales

## PORTABLE SIGN USAGE

Year Round	Year Round	Events/Sales
The Brickz	Palm Beach Mega Tan	ICI Paints
Superstore	Tip Top Tailors	Ford
Expedis	Subway	UCDSB
Dentistry@Brockville	Money Mart	Pentecostal Church
Computer Liquidators	Mark's	Brockville Tourism
New Horizon	Life Time Memorial	
Ocean Tanning	3- 6 Months	
Sports Experts	Jiffy Auto	
Boston Pizza	UCDSB - Westminster	
Future Shop	Radford's	

*\*Note: Many of these businesses would not be able to put permanent signs*

## SIGN BY-LAW 84-89



## BACKGROUND – By Law

DATE	Location	COMMENT
1989		Portable sign added to by-law
July 18, 2000		Amendment to By-Law changing maximum time frame from 1 month to 3 months
Aug. 12, 2008	EDP	Arnold Dixon & RJ Woods – request to amend by-law allowing permitting of portable signs for 12 months
Dec 2, 2008	EDP	Report 2008-191-12- Staff members completed review, comparison and amendments to by-law not recommended
July 19, 2009	EDP	Letter from John Woods – 1 year license proposal
Oct 6, 2009	EDP	a) Report 2009-107-07-Enforcement Techniques b) Amend by-law to allow approval for Short Wording
May 7, 2010	Plan Dept	Enforcement - 30 signs in violation
June, 2011	Plan Dept	Enforcement - 41 signs in violation

## BACKGROUND – Business View

- Place signs without permits
- City came around once a year for permitting
- Fragmentation of other media – creating increase use of portable signs
- 2010 – violation letters received with paragraph about fines
- Perceived that some city councillors driving the enforcement
- 2011 – violation letters with fines stated received again

## SOME COMPARISONS

MUNICIPALITY/ TOWNSHIP	MAX. PERMIT LENGTH	MAX DAYS PER YEAR
Brockville	90	90
*Kingston	90	365
Smiths Falls	365	365
*Perth	183 (4mths)	365
Cornwall	1	1
Belleville	90	
Augusta Township	n/a	365
Elizabethtown/Kitley	n/a	365
Edwardsburg / Cardinal	n/a	365
Prescott	1	365

## SUGGESTED AMENDMENTS

- 1.
- 2.
- 3.

Who am I to know what is best for the 'whole'

## WE KNOW...

**May 7, 2010**

**30** portable signs in violation within  
the city of Sign By-law 84-89

**June, 2011**

**41** portable signs in violation within  
the city of Sign By-law 84-89

## WHAT IS THE PROBLEM?

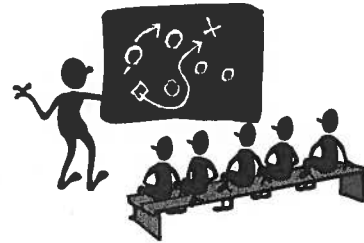
"a proliferation of portable signs lacking permits-  
City & Council

Some businesses want to "do it on the cheap" and  
not get permanent sign - Permanent Sign owner

The city not supporting businesses by taking away  
our advertising  
- Portable Sign Users

Restrictive by-law limiting businesses' ability to  
advertise, thus potentially impacting sales  
- Magnetsigns

## FINDING THE SOLUTION



WORKING TOGETHER

## VESTED INTEREST



## FINDING THE SOLUTION

**THAT** EDP Committee support the  
establishment of an **Ad Hoc Committee**,  
tasked with finding the best solution for the  
Portable Sign problem.

**THAT** the ad hoc committee report back  
to the EDP Committee within 3 months

*\* I would be willing to champion this Ad Hoc Committee*



## **Noise By-Law Review**

We request a deferral of one month to allow the DBIA time for review. The revised report was issued 3 business days prior to this meeting.

For a Downtown Business District, a time limit of 11pm is reasonable.

We need a subjective limit to measure noise after 11pm with an acceptable threshold (ex. Decibels). The current By-Law is ~~10~~ years old and does not address the lower-limit of noise.

This matter needs to be addressed prior to proceeding with a multi-million dollar waterfront restaurant that will inherently violate this By-Law.

Comparables:

### **Victoria, BC**

Most comprehensive of the 3 comparables. It clearly outlines different areas (Quiet, Intermediate, Harbour Intermediate and Activity) and allocated a decibel level for each according to the time of day. (See chart) It is important to note that this decibel level is measured at a distance of 50 feet.

There are prohibited types of noises (shouting, megaphone use, radio, tv, dog barking etc.) and the goal is not to disturb the quiet, peace and enjoyment of the neighbourhood. Exemptions are listed (Police or Fire vehicle, ambulances, approved gatherings etc.)

Areas such as Advertising, Construction, Commercial, Power Equipment, Leaf Blowers etc. the rules are all outlined for time and decibel level.

## **Ottawa, ON**

Ottawa has a clear and comprehensive Noise By-Law as well that is measured by decibels. Each type of noise is outlined and a permitted decibel level is provided. No zones or maps are included in the By-Law.

Prohibited types of noise or restrictions:

- Ringing a bell, blowing a horn or shouting in a manner that disturbs inhabitants of the City. (Exempt - Ringing of bells in connection with a religious service.)
- Air Conditioners, Heat Pumps, Compressors, Condensers, Chillers, Cooling Towers, Exhaust Fan, Exhaust Systems, Intake Fan Generators, Commercial Dryer Pumps, Filtration Systems and similar devices  
Noise exceeding 50 dBA when measured at the point of reception (a portable generator in an emergency situation would be exempt).
- Construction: Operating vehicles or equipment in connection with the construction of any building, structure, highway, or motorcar after 10 p.m. and before 7 a.m. (9 a.m. on Sunday and stat holidays).
- Unnecessary Noise- Causing unnecessary vehicle noise such as sounding the horn, revving the engine or squealing the tires.
- Power Equipment -Chainsaws, Power Lawn Mowers, Leaf Blowers, Power Tools and similar devices  
Operating power equipment after 9 p.m. and before 7 a.m. (9 a.m. on Saturdays, Sundays and stat holidays).

## **Kingston, ON**

Kingston has a Noise By-Law similar to Brockville's; however, outlines clear Noise Prohibitions based on Zones that include Residential vs. Other areas. A Map is provided that clearly outlines Res vs. Other. The two zones differ in the allowable timeframe for different activities mainly use of equipment to allow for more flexibility.

There are Noise Prohibitions and exceptions similar to those listed above and prohibited times for noise.

Commercial	Industrial	Residential	dB Level
Threshold For Hearing			0
Good Recording Studio		Breathing	10
		Rustling Leaves	15
		Whisper, Mosquito	20
Library		Living / Dining Room	30
Refrigerator Hum		Kitchen / Bathroom	40
Quiet Office	Power Lawn Mower	Home Office	50
		Birds at 10'	55
Conversational Speech			60
Piano Practice		Electric Shaver	60
Business Office		Piano Practice	65
Noisy Restaurant	Implant Office	Street Traffic	70
Chamber Music		Barking Dog	75
Classroom		Alarm Clock	75
		Television / Dishwasher	75
Airplane at 1 mile	Manual Machines	Vacuum Cleaner	80
Reception / Lobby Area	Handsaw	Garbage Disposal	85
Motor Bus		Telephone Dial Tone	85
Applause in Auditorium		Lawn Mower	85
OSHA Required Hearing Protection in Factory			85
Teleconference Room		Train at 100'	90
Subway	Farm Tractor	Teenage Stereo	90
Sustained Exposure May Cause Hearing Loss			90
Music Practice Room	Electric Drill	Walkman at 5/10	94
French Horn	Average Factory Noise	Blender	100
Orchestra	Diesel Truck	Motorcycle	105
Computer Room	Printing Press	Train	105
Bass Drum	Heavy Truck	Power Saw	110
Dog Kennel	Power Mower	Baby Crying	110
Symphony Orchestra	Punch Press	Squeaky Toy to Ear	110
Pain Begins			120
Disco	Sandblasting	Shot Gun	120
Cymbal Crash	Pneumatic Clipper	Air Raid Siren	130
Dragcar Racing	Military Jet	Shotgun	140
Rock Concert	Aircraft Carrier Deck	Jet Takeoff	140
Chest Wall Begins to Vibrate			150
Ear Drum Breaks Instantly			160
Death of Hearing Tissue			180
Loudest Possible Sound			194

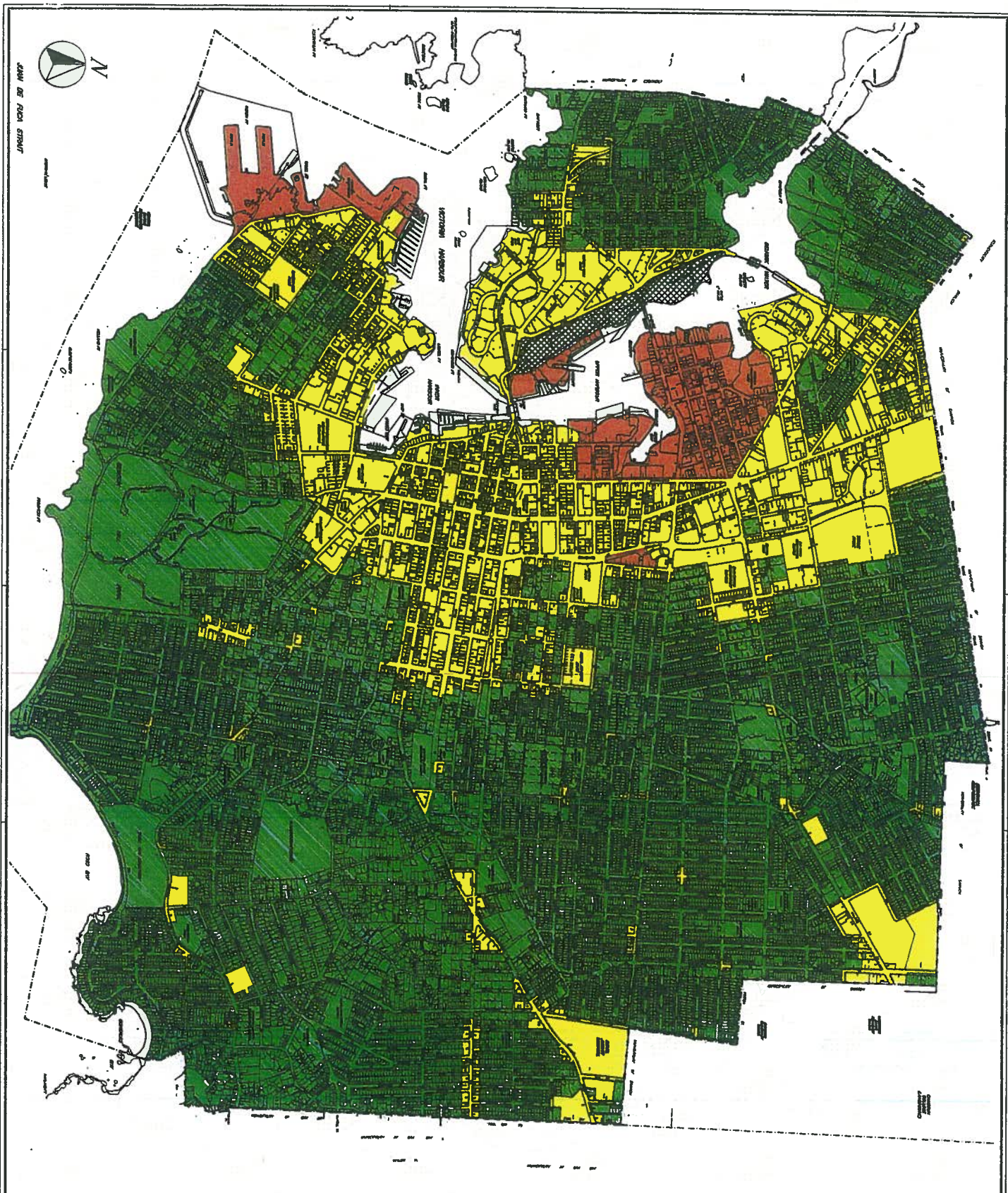
## Schedule B

## Summary of Districts' Permitted Noise Levels

		NOISE RECEIVER DISTRICT							
		QUIET		INTER-MEDIATE		HARBOUR INTER-MEDIATE		ACTIVITY	
		Day	Night	Day	Night	Day	Night	Day	Night
NOISE SOURCE DISTRICT	QUIET	55	45	55	50	55	50	60	60
	INTER-MEDIATE	60	50	60	55	60	55	65	65
	HARBOUR INTER-MEDIATE	60	50	60	55	60	55	65	65
	ACTIVITY	60	55	65	60	67.5	60	70	70

Table 1: Equivalent Sound Level ( $L_{eq}$ ) Limits (expressed in dBA) for sound or noise created and received in the "Quiet", "Intermediate" and "Activity" Noise Districts





# City of Victoria Noise District Map

## LEGEND

- Quiet District
- Intermediate District
- Harbour Intermediate District
- Activity District

Date: February 17, 2004

Scale: Not to Scale







**NO. 03-12**

**A BYLAW OF THE CITY OF VICTORIA**

The purpose of this Bylaw is to consolidate and update the provisions of the Noise Abatement Bylaw, and to establish noise zones within the City within which certain noise levels may not be exceeded at certain times.

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**Schedule B – Summary of Districts' Permitted Noise Levels**

Under its statutory powers, including sections 8(3)(b) & (h), 16, 17, 62, 64, 260 to 263 of the *Community Charter*, the Council of the City of Victoria enacts the following provisions:

## **PART 1 – INTRODUCTION**

### **Title**

- 1** This Bylaw may be cited as the “NOISE BYLAW”.

### **Interpretation of technical standards**

- 2** Where an abbreviation or technical standard is used in this Bylaw but is not defined specifically or by context, it should be interpreted by reference to the definitions and technical standards published by the Canadian Standards Association (CSA), the American Standards Institute (ANSI), the International Organization for Standardization (ISO) or the International Electro-Technical Commission (IEC), as applicable and, unless the context otherwise requires.

### **Definitions**

- 3** In this Bylaw,

**“Activity District”**

means those areas so described in this Bylaw and so indicated on the Noise District Map set out in Schedule A;

**“approved sound meter”**

means an instrument which is capable of measuring levels of sound pressure in accordance with the minimum requirements for either Type 1 (precision) or Type 2 (general purpose) sound level meters as specified in ANSI S1.4 [1983], IEC 651 [1979] and IEC 804 [1984] standards;

**“A-weighted sound level”**

means the sound pressure level measured (in units of A-weighted decibels, or dBA) using the “A” weighting network of an approved sound meter;

**“construction”**

includes

- (a) the erection, alteration, repair, relocation, dismantling, demolition and removal of a building;



- (b) structural maintenance, power-washing, painting, land clearing, earth moving, grading, excavating, the laying of pipe and conduit (whether above or below ground), street or road building and repair, concrete placement, and the installation, or removal of construction equipment, components and materials in any form or for any purpose;
- (c) any work being done in connection with any of the work listed in paragraphs (a) or (b);

**"commercial premises"**

means premises used to sell, or offer for sale, goods or services;

**"C-weighted sound level"**

means the sound pressure level measured (in units of C-weighted decibels, or dBC) using the "C" weighting network of an approved sound meter;

**"daytime"**

means

- (a) from 7:00 a.m. to 10:00 p.m. on a week day or Saturday;
- (b) from 10:00 a.m. to 10:00 p.m. on a Sunday or holiday;

**"equivalent sound level or  $L_{eq}$ "**

means that constant or steady A-weighted sound level which, in a given situation and time period, conveys the same sound energy as does the actual time-varying A-weighted sound level, where  $L_{eq}$  is measured using an integrating approved sound meter meeting ANSI S1.4 [1983], IEC 651 [1979] and IEC 804 [1984] specifications;

**"fast response"**

means the predetermined meter response setting of an approved sound meter having a 0.125 second time constant and meeting the specifications of ANSI S1.4 [1983] or IEC 651 [1979];

**"frequency analysis"**

means the separation of sound into its various frequency components using an instrument such as a real-time analyzer;

**"Harbour Intermediate District"**

means those areas so described in this Bylaw and so indicated on the Noise District Map set out in Schedule A;

**"holiday"**

means

- (a) New Year's Day, Good Friday, Easter Monday, Victoria Day, Canada Day, British Columbia Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and December 26, and
- (b) the day following a day that is named in paragraph (a) and that falls on a Sunday;

**"impulsive sound"**

means any sound that has the following defining characteristics:

- (a) the onset is abrupt and the decay rapid, and
- (b) the duration of individual impulses is
  - (i) less than one second, and
  - (ii) brief compared to the occurrence rate;

**"Intermediate District"**

means those areas so described in this Bylaw and so indicated on the Noise District Map set out in Schedule A;

**"intermittent sound"**

means any sound or noise which is subject to rapid fluctuations in level of 5 dBA or more with the fluctuations occurring with a degree of regularity or repetitiveness at intervals of from 3 minutes to and including 5 minutes;

**"leaf blower"**

means a portable machine, used for blowing or sucking up leaves, grass or debris including backpack, handheld or rolling units and those that accept vacuum attachments, but excluding vehicle-mounted units;

**"motorcycle"**

means a motorized vehicle mounted on two or three wheels and, without restricting the generality of the foregoing, includes those motor vehicles commonly known as motorcycles, scooters and power bicycles;

**"motor vehicle"**

means a vehicle propelled by any power other than muscular power except motorcycles, aircraft or motor vehicles that run only upon rails;

**"nighttime"**

means any time not included within the definition of daytime under this Bylaw;

**"point of reception"**

means a position that is located at least 1.2 m above the surface of the ground, and that is

- (a) a position on, or just inside, the property line of the real property occupied by the recipient of a noise or sound, that represents the shortest distance between that property and the other property from which that noise or sound emanates, or
- (b) a position within the property line of the real property occupied by the recipient of a noise or sound that best represents the location at which that noise or sound, emanating from another property, is received and the resulting disturbance experienced;

**"power equipment"**

means any equipment or machinery used in lawn and garden care or in building and property maintenance, including but not limited to leaf blowers, edge trimmers, rototillers, lawn mowers, pressure washers, carpet cleaning equipment and hand-operated power tools;

**"premises"**

- (a) means the area contained within the boundaries of a legal parcel of land and any building situated within those boundaries, and
- (b) means that each unit, the common areas of the building, and the land within the apparent boundaries of the lot are each separate premises where a building contains more than one unit of commercial, industrial or residential occupancy;

**"Quiet District"**

means those areas so described in this Bylaw and so indicated on the Noise District Map set out in Schedule A;

**"representative time period" and "RTP"**

means the noise measurement period over which a sample of the level or character of the sound under consideration will be taken for the purposes of sections 5 to 8, according to the following categories of sound:

- (a) for constant sounds, such as, without limitation, those sounds produced by fixed-speed fans, heat pumps, pool pumps or other steadily-operating machinery, the RTP is 1 minute;

- (b) for sounds that fluctuate in level or character in a repeatable fashion over periods of from three seconds to one minute, such as, without limitation, those sounds produced by industrial or manufacturing processes, the RTP is 5 minutes;
- (c) for sounds that fluctuate in level or character in a repeatable fashion over periods of from 1 to 5 minutes, such as, without limitation, sounds produced by an air compressor or other cyclical noise sources, the RTP is 15 minutes;
- (d) for sounds that fluctuate in level and/or character in a repeatable fashion over periods of between 5 and 10 minutes, the RTP is 30 minutes;
- (e) where several noise sources operate simultaneously, each with its own patterns of operation and or movement, such as, without limitation, in a shipyard or a recycling/materials-handling operation, the RTP is 30 minutes;
- (f) for a noise source that exhibits significant variations in output over a time period of one hour or more, the RTP is the period known to, or expected to, generate the maximum overall noise levels at the point of reception;

**"residential premises"**

means any parcel of real property utilized primarily for residential accommodation, and includes hotels and motels;

**"tonal sound"**

means any sound which contains one or more pure tone components including without limitation the "hum" or a fan or heat pump or the "whine" of a hydraulic pump or power saw.

**Determining presence of tonal sound**

- 4** For the purposes of the administration and enforcement of this Bylaw, the presence of tonal sound may be determined by conducting a one-third octave band frequency analysis of the noise (from 31.5 Hz. to 16 kHz.) and applying the following criteria if tonal sound is suspected but is not obvious:

- (a) the level of the one-third octave band under consideration, or, in the case of a pair of bands, the arithmetic average of the levels of these two bands, is more than 1 dB higher than the level of each of the adjacent bands on either side of the band, or pair of bands, under consideration, and
- (b) the difference between the level of the one-third octave band under consideration, or, in the case of a pair of bands, the arithmetic average of the levels of the two bands, and the arithmetic average of the two adjacent bands on either side of the band or pair of bands under consideration, is 3 dB or more.

**PART 2 –NOISE LEVELS****Quiet District permitted noise levels**

- 5** In a Quiet District a person must not make, cause or permit to be made or caused, any sound or noise that, when measured with an approved sound meter over a representative time period, has an equivalent sound level, or  $L_{eq}$ , which
- (a) during the daytime exceeds
    - (i) 55 dBA when received at a point of reception in a Quiet District;
    - (ii) 55 dBA when received at a point of reception in an Intermediate District;
    - (iii) 55 dBA when received at a point of reception in a Harbour Intermediate District;
    - (iv) 60 dBA when received at a point of reception in an Activity District, or
  - (b) during the nighttime exceeds
    - (i) 45 dBA when received at a point of reception in a Quiet District;
    - (ii) 50 dBA when received at a point of reception in an Intermediate District;
    - (iii) 50 dBA when received at a point of reception in a Harbour Intermediate District;
    - (iv) 60 dBA when received at a point of reception in an Activity District.

**Intermediate District permitted noise levels**

- 6** In an Intermediate District a person must not make, cause or permit to be made or caused, any sound or noise that, when measured with an approved sound meter over a representative time period, has an equivalent sound level, or  $L_{eq}$ , which
- (a) during the daytime exceeds
    - (i) 60 dBA when received at a point of reception in a Quiet District;
    - (ii) 60 dBA when received at a point of reception in an Intermediate District;
    - (iii) 60 dBA when received at a point of reception in a Harbour Intermediate District;
    - (iv) 65 dBA when received at a point of reception in an Activity District, or
  - (b) during the nighttime exceeds:
    - (i) 50 dBA when received at a point of reception in a Quiet District;

- (ii) 55 dBA when received at a point of reception in an Intermediate District;
- (iii) 55 dBA when received at a point of reception in a Harbour Intermediate District;
- (iv) 65 dBA when received at a point of reception in an Activity District.

#### **Harbour Intermediate District permitted noise levels**

**7** In a Harbour Intermediate District a person must not make, cause or permit to be made or caused, any sound or noise that, when measured with an approved sound meter over a representative time period, has an equivalent sound level, or  $L_{eq}$ , which

- (a) during the daytime exceeds
  - (i) 60 dBA when received at a point of reception in a Quiet District;
  - (ii) 60 dBA when received at a point of reception in an Intermediate District;
  - (iii) 60 dBA when received at a point of reception in a Harbour Intermediate District;
  - (iv) 65 dBA when received at a point of reception in an Activity District, or
- (b) during the nighttime exceeds
  - (i) 50 dBA when received at a point of reception in a Quiet District;
  - (ii) 55 dBA when received at a point of reception in an Intermediate District;
  - (iii) 55 dBA when received at a point of reception in a Harbour Intermediate District;
  - (iv) 65 dBA when received at a point of reception in an Activity District.

#### **Activity District permitted noise levels**

**8** In an Activity District a person must not make, cause or permit to be made or caused, any sound or noise that, when measured with an approved sound meter over a representative time period, has an equivalent sound level, or  $L_{eq}$ , which

- (a) during the daytime exceeds
  - (i) 60 dBA when received at a point of reception in a Quiet District;
  - (ii) 65 dBA when received at a point of reception in an Intermediate District;
  - (iii) 67.5 dBA when received at a point of reception in a Harbour Intermediate District;
  - (iv) 70 dBA when received at a point of reception in an Activity District, or

- (b) during the nighttime exceeds
  - (i) 55 dBA when received at a point of reception in a Quiet District;
  - (ii) 60 dBA when received at a point of reception in an Intermediate District;
  - (iii) 60 dBA when received at a point of reception in a Harbour Intermediate District;
  - (iv) 70 dBA when received at a point of reception in an Activity District.

#### **Summary of Districts' permitted noise levels**

- 9 For convenience, the noise limits set out in sections 5 to 8 are summarized in the Table in Schedule B.

#### **Correction factors for sound levels**

- 10 For all purposes under this Bylaw, when assessing a sound relative to the limits set out in sections 5 to 8 and summarized in Schedule B, the following correction factors must be applied to the measured equivalent sound level whenever the sound has, as a defining characteristic, impulsiveness, tonality, or persistent intermittency:

##### ***Impulsiveness***

- (a) a +5 dB correction if the sound under consideration is impulsive in character;

##### ***Tonality***

- (b) a +5 dB correction if the sound under consideration is tonal (i.e., it contains one or more pure tone components);
- (c) in order for the tonality correction to apply if measurement is required to determine the presence of tonality, the level in the one-third octave band containing the tone, or the arithmetic average of the levels in a pair of bands containing the tone, must exceed the arithmetic average of the two adjacent bands
  - (i) by 3 dB or more for tones in the 500 Hz. to 16 kHz. bands,
  - (ii) by 5 dB or more for tones in the 160 to 400 Hz. bands,
  - (iii) and by 10 dB or more for tones in the 31.5 to 125 Hz. bands;

##### ***Intermittency***

- (d) a +5 dB correction if the sound under consideration is persistently intermittent;



**Multiple Corrections**

- (e) a correction equal to the sum of the corrections applicable under paragraphs (a) to (d) for each of the characteristics, described in those paragraphs, that the sound possesses to a maximum of 10 dB.

**PART 3 – TYPES OF NOISE****Noise disturbing neighbourhood**

- 11 (1) Subject to the other provisions of this Bylaw,
  - (a) a person must not make or cause a noise or sound in a street, park, plaza or similar public place which disturbs or tends to disturb the quiet, peace rest, enjoyment, comfort or convenience of persons in the neighbourhood or vicinity;
  - (b) a person who is the owner or occupier of, or is in possession or control of, real property must not make, suffer, or permit any other person to make, a noise or sound, on that real property, which can be easily heard by a person not on the same premises and which disturbs or tends to disturb the quiet, peace rest, enjoyment, comfort or convenience of persons in the neighbourhood or vicinity.
- (2) Subsection (1) does not apply to a person who makes, causes, or permits to be made or caused, a sound or noise in compliance with the provisions of sections 5 to 8.

**Prohibited types of noise**

- 12 (1) Without limiting the generality of section 11, the following conduct is specifically prohibited:
  - (a) shouting, using a megaphone or sound amplification device or making other noise in, at or on streets, parks, wharves, docks, piers, boat landings, ferry-landings, railway or bus stations or other public places;
  - (b) the playing of any radio, phonograph, cassette or CD player, television, musical instrument or sound amplification device whether in or upon a private premises or in any public place at such a volume (loudness) as to disturb or tend to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;
  - (c) within a Quiet District, the keeping or harbouring of any dog, bird or other animal, which barks or emits cries or other noises in a persistent manner that may easily be heard by a person not on the same premises and which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;



- (d) the operation of any automobile, truck, motorcycle, bus or other motorized vehicle which by reason of disrepair, the use of a muffler that fails to cool and expel exhaust gases from the engine without excessive noise, mode of operation of the vehicle (squealing of tires except during emergency braking to avoid accidents, over-revving of engine or excessive acceleration of vehicle) or any other cause, creates noise or sound which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;
  - (e) the production of amplified sound from a radio, cassette tape or CD player or other playback device or amplification equipment, or the sound of a musical instrument, that emanates from a motor vehicle and can easily be heard by a person of normal hearing acuity at a distance of 5 m (16.4 ft.) or more from the vehicle;
  - (f) the idling or other continuous running of the engine of a truck or bus for more than three minutes at the same location, except where the truck or bus is located within a garage or depot intended to be used for the long term parking of that vehicle.
- (2) Subsection (1) does not apply to a person who makes, causes, or permits to be made or caused, a sound or noise in compliance with the provisions of sections 5 to 8.

#### **Exemptions specified**

#### **13 This Bylaw does not apply to:**

- (a) a vehicle of the Police or Fire Department of the City, or an ambulance or other public service or emergency vehicle while engaged in a service of the public convenience or necessity;
- (b) the sounding of a horn or other signaling device upon any vehicle, boat or train where such sounding is properly and necessarily used as a danger or warning signal;
- (c) the use, in a reasonable manner, of an apparatus or mechanism for the amplification of the human voice or music in a public park, public facility or square in connection with a public meeting, public celebration, athletic or sports event or other public gathering, if
  - (i) that gathering is held under a permit issued under the authority of the Parks Regulation Bylaw, or
  - (ii) that gathering has received prior approval under section 20,
  - (iii) if the noise produced by that gathering does not exceed 90 dB when received at a Point of Reception or such other lower sound level specified in the permit or approval.

- (d) the use of bells or chimes by churches, and the use of carillons where such carillons have been lawfully erected;
- (e) a parade, procession, performance, concert, ceremony, event, gathering or meeting in or on a street or public space, if that is permitted in the City under a bylaw or statute;
- (f) a sound or noise resulting from the use, in a reasonable manner, of the premises of a Community Care Facility duly licensed under the *Community Care Facility Act*, or from the use of a similar institution;
- (g) a garbage collection service
  - (i) between 6:00 a.m. and 8:00 p.m. within an Activity District;
  - (ii) between 7:00 a.m. and 8:00 p.m. on a weekday;
  - (iii) between 10:00 a.m. and 8:00 p.m. on a Saturday, Sunday or holiday;
- (h) the noon cannon at Laurel Point;
- (i) municipal works including, but not limited to, the construction and repair of streets, sewers and other underground services;
- (j) the City's Parks Division maintenance work between 7:00 a.m. and 5:00 p.m. on any day;
- (k) the nightly cleaning of streets and sidewalks and the collection of garbage from sidewalk refuse bins within the downtown core area by the City's Public Works staff;
- (l) emergency repairs to buildings which cannot reasonably be delayed until normal working hours.

#### **Advertising**

- 14** A person who is the owner, occupier or in possession of any real property must not cause or permit audio advertising which
- (a) is directed at pedestrians or motorists on any street or sidewalk, or
  - (b) can be heard on any street or sidewalk.

#### **Commercial premises**

- 15** In commercial premises a person must not make, cause, or permit to be made or caused, noise or sound from a radio, television, tape or CD player or other sound playback device, public address system, or any other music or voice amplification equipment, musical instrument, whether recorded or live, whether amplified or not, the C-weighted equivalent sound level of which exceeds the following limits when measured at a point of reception:

- (a) 70 dBC during the daytime;
- (b) 65 dBC during the nighttime.

#### **Power equipment**

- 16** Despite any other provision of this Bylaw, but subject to sections 17 and 18, a person may, when using or operating power equipment between 8:00 a.m. and 8:00 p.m., make or cause a sound or noise that exceeds the sound level limits set out in sections 5 to 8 if the equivalent sound level does not exceed 75 dBA on an approved sound meter when received at the greater of the following distances from that power equipment:
- (a) at the point of reception;
  - (b) 15.2 m (50 ft.).

#### **Leaf blowers**

- 17** Despite any other provision of this Bylaw
- (a) a person may operate a leaf blower in or adjacent to a residential area, or a mixed residential and commercial area, only
    - (i) between 8:00 a.m. and 8:00 p.m. on a weekday;
    - (ii) between 9:00 a.m. and 5:00 p.m. on a Saturday, Sunday or holiday;
  - (b) after December 31, 2005 a person may operate a leaf blower only if it meets the Category 1 – dBA ≤ 65 (at 15.2 cm) equipment standard when tested at full throttle, as set out in ANSI S1.75-2-20001 published by the Portable Power Equipment Manufacturers Association.

#### **Chainsaws**

- 18** Despite any other provision of this Bylaw
- (a) subject to subsection (b), a person may operate a chainsaw in or adjacent to a residential area or mixed residential and commercial area only
    - (i) between 8:00 a.m. and 8:00 p.m. on a weekday;
    - (ii) between 9:00 a.m. and 5:00 p.m. on a Saturday, Sunday or holiday;
  - (b) a person must not at any time operate a chainsaw the equivalent sound level of which exceeds 85 dBA on an approved sound meter when measured at the greater of the following distances from that chainsaw:
    - (i) at the point of reception;

- (ii) 15.2m (50 feet).

### **Construction**

- 19** (1) A person must not at any time, in or adjacent to residential premises, make or cause sound or noise resulting from construction, the equivalent sound level of which exceeds 85 dBA on an approved sound meter when measured at the greater of the following distances from that source of sound or noise:
- (a) at the point of reception;
  - (b) 15.2 m (50 ft.).
- (2) Subsection (1) does not apply to construction work carried out within a street.
- (3) Subject to subsection (1), a person may carry out any construction that disturbs the quiet, peace, rest or enjoyment of the public, only
- (a) between 7:00 a.m. and 7:00 p.m. on a weekday that is not a holiday;
  - (b) between 10:00 a.m. and 7:00 p.m. on a Saturday that is not a holiday.

## **PART 4 – GENERAL**

### **Exemptions by permission**

- 20** (1) A person may submit an application for an exemption from the provisions of this Bylaw
- (a) to the Chief Building Inspector regarding construction issues if it is impossible or impractical to comply with section 19(1) or (3), or
  - (b) to the Director of Parks & Community Services regarding outdoor special events on public or private property if that person cannot comply with section 5 to 8, 11 or 12 as a result of an outdoor special event.
- (2) The Chief Building Inspector may
- (a) exempt construction work from the provisions of section 19(1) or (3), and
  - (b) determine the terms of an exemption under this subsection.
- (3) The Director of Parks & Community Services
- (a) may exempt an outdoor special event from the provisions of sections 5 to 8, 11 or 12;
  - (b) must not authorize an exemption for an outdoor special event that will produce a sound level that exceeds 90 dB when received at a point of reception;

- (c) may determine the terms of an exemption under this subsection.
- (4) An application for an exemption must be in writing and must contain all of the following:
  - (a) the name, address and telephone number of the applicant;
  - (b) the civic address of the location of the works or events;
  - (c) the building permit number, if applicable;
  - (d) the reasons for the requested exemption;
  - (e) a description of the source of noise in respect of which the exemption is sought;
  - (f) the exact period of time for which the exemption is requested;
  - (g) a statement of the measures planned or presently being taken to minimize the sound or noise created;
  - (h) a non-refundable application fee of \$50.00.
- (5) An application for an exemption must be submitted to the City within the following time limits for the following work or event for which the exemption is requested:
  - (a) at least 10 business days before construction work;
  - (b) at least 6 weeks before an outdoor special event that does not require street closures;
  - (c) at least 4 months before an outdoor special event, at which more than 1,000 individuals are expected to attend, that requires street closures.
- (6) The Director of Parks & Community Services may seek the direction of Council before consenting to an exemption for an outdoor special event.
- (7) The Mayor may reduce the time limit within which an application is required to be made under subsection (5) in the event of an emergency or other unforeseen circumstance.
- (8) The Chief Building Inspector and the Director of Parks & Community Services must advise a person who is denied an exemption of that person's right of reconsideration by Council.
- (9) A person who has been refused an exemption by a decision of the Chief Building Inspector or the Director of Parks & Community Services may apply to have Council reconsider that decision in accordance with the following procedures:
  - (a) the person may apply by notice to the Corporate Administrator within 14 days of the decision;

- (b) the person may address Council in writing or in person concerning the request for the exemption;
- (c) the Council may allow or refuse the exemption.

#### **Objectionable noises**

- 21** The noises and sounds prohibited by Sections 5 to 8, 11, 12, and 15 to 19 of this Bylaw are considered by Council for the City of Victoria to be objectionable and liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.

#### **Severability**

- 22** No provision of this Bylaw depends for its validity on the validity of any other provision.

#### **Offences and penalties**

- 23** (1) A person who contravenes a provision of this Bylaw is guilty of an offence and liable upon conviction to the penalties imposed by the *Offence Act* and this Bylaw.
- (2) The minimum penalty for a contravention of a provision of this Bylaw is a fine of \$200.

#### **Repeal**

- 24** Bylaw No. 90-160, the Noise Abatement Bylaw is repealed.

READ A FIRST TIME the	<b>26<sup>TH</sup></b>	day of	<b>JUNE</b>	, 2003
READ A SECOND TIME the	<b>26<sup>TH</sup></b>	day of	<b>JUNE</b>	, 2003
READ A THIRD TIME the	<b>11<sup>TH</sup></b>	day of	<b>MARCH</b>	, 2004
ADOPTED on the	<b>25<sup>TH</sup></b>	day of	<b>MARCH</b>	, 2004

**"ROBERT G. WOODLAND"**  
CORPORATE ADMINISTRATOR

**"ALAN LOWE"**  
MAYOR

**City of Brockville**

**Ontario, Canada**



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

**By-Law No. ???-2011**

**Enacted by Council , 2011**



**THE CORPORATION OF THE CITY OF BROCKVILLE**  
**BY-LAW NUMBER ???-2011**

**A BY-LAW TO CONTROL NOISE IN THE CITY OF BROCKVILLE**  
**AND TO REPEAL BY-LAW 138-80**

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WHEREAS it is expedient to exercise the power conferred upon the Council by the most current Environmental Protection Act, as amended, and other statutory authority; and

WHEREAS a recognized body of scientific and technological knowledge exists by which sound may be substantially reduced; and

WHEREAS the people have a right to and should be ensured an environment free from unusual, unnecessary, or excessive sound which may degrade the quality and tranquility of their life or cause nuisance; and

WHEREAS it is the policy of the Council to reduce and control such sound;

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

(a) Interpretation

(a) In this by-law,

(a) 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;

(b) 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;

(c) 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;

(d) Council

"Council" means the Council of the Corporation of the Municipality of Brockville;



- (e) dba  
"dba" means the sound level in decibels obtained when using a sound level meter with the A-weighting;
- (f) 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;
- (f) Minister  
"Minister" means Minister of the Environment;
- (g) Ministry  
"Ministry" means Ministry of the Environment;
- (h) 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;
- (i) Motorized Conveyance  
"motorized conveyance" means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power;
- (j) Municipality  
"municipality" means the land within the geographic limit of the Municipality of Brockville;
- (k) Noise  
"noise" means unwanted sound;
- (l) Persistent  
"persistent" means continuing to exist or endure over a prolonged period exceeding 15 minutes.
- (m) 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.

(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.

- (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 AND PLACE

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.

## 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.

**Table 1**  
**PROHIBITIONS BY TIME AND PLACE**

	Prohibited period of Time	
	<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
8. The venting, release or pressure relief of air, steam or other gaseous material, product or	At all times	A



**Prohibited period of Time**

	<u>Quiet Zone</u>	<u>Residential Area</u>
compound from any autoclave, boiler, pressure vessel, pipe, valve, machine, device or system.		
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.

**GIVEN UNDER THE SEAL OF THE CORPORATION OF THE  
CITY OF BROCKVILLE AND PASSED  
THIS      DAY OF      , A.D., 2011**

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

This By-law is approved pursuant to the provision of the  
Environmental Protection Act, as amended, at Toronto, this  
day of      , 2011.

## Appendix A

DRAFT

