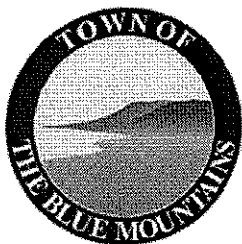


STAFF REPORT: BUILDING & BY-LAW DEPARTMENT

REPORT TO: Finance & Administration
Committee

MEETING DATE: February 17th, 2009

REPORT NO.: SRB.09.02

SUBJECT: Draft Noise By-law

PREPARED BY: Sharon Long, Admin. Assistant ,
Building & By-law

A. Recommendations

THAT Council receive Staff Report SRB.09.02 respecting Draft Noise By-law comments received during the public consultation process.

B. Background

The Finance & Administration Committee at its meeting of February 23, 2008 received Staff Report No. SRB.08.41 "Draft Noise By-law" and the related Draft Noise By-law for information purposes and directed that Staff report back to the Committee following a Public Consultation Process ("PCR") related to the Draft Noise By-law.

Council at its meeting of October 6, 2008 reviewed the Finance & Administration Committee Report of September 23, 2008 and provided comments related to the Draft By-law (Addendum "B").

The PCP Notice appeared on the Town's Webpage, was advertised in the Courier-Herald and Enterprise-Bulletin and at the Beaver Valley Community Centre, L.E. Shore Public Library, The Depot and as part of the Community Announcement segment on the Peak FM, appeared on the Blue Mountain Ratepayer's Association website and was directly circulated by way of email to numerous stakeholders in the community (Addendum "C").

Initially, the PCP was to run for 45 days with an expiry date of January 3, 2009. Given concerns from the public as to the timing of the PCP related to them not be aware of the Consultation Process, the Consultation Period was extended to January 19, 2009.

A significant amount of work is yet to be done in the way of evaluating comments received to-date (Addendum "D") and developing a Final Draft for Council's consideration. Additional comments/input from Council on the Draft and/or comments received are welcome and encouraged prior to Staff developing a Final Draft.

C. The Blue Mountains' Strategic Plan

Providing a strong, well managed municipal government.

D. Environmental Impacts

Addressing environmental impact of noise transmission.

E. Budget Impact

N/A

D. Attached

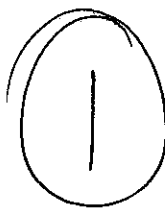
1. Staff Report SRB.08.41
2. Council Minutes of October 6, 2008.
3. Draft Noise By-law
4. NPC-205
5. Summary of comments received.

Prepared by:

Respectfully submitted:

Sharon Long
Administrative Assistant
Building & By-law

David Finbow
Director, Building & By-law



STAFF REPORT: BUILDING & BY-LAW DEPARTMENT



REPORT TO: Finance & Administration
Committee

MEETING DATE: September 23rd, 2008

REPORT NO.: SRB.08.41

SUBJECT: Draft Noise By-law

PREPARED BY: Sharon Long, Administrative
Assistant Building & By-law

A. Recommendations

THAT the Finance & Administration Committee receive Staff Report No. SRB.08.41 "Draft Noise By-law" and the related Draft Noise By-law for information purposes and that the Director, Building & By-law, report back to the Committee following a public consultation process related to the Draft Noise By-law.

B. Background

1. On January 28th, 2002, Council approved Noise By-law No. 2002-9 and has subsequently approved two amendments thereto.
2. Over the past number of months, the number of requests for exemption to the Noise By-law has become more frequent and problematic for both Staff and Council.
3. In the spring of this year, through dialogue with Council, it was determined that it was time for the municipality to review the Noise By-law and to develop more quantifiable criteria as it relates to noise.
4. The Ministry of the Environment has released a number of publications related to noise. Publication NPC-205 specifically addresses "Stationary Sources in Class 1 & 2 Areas (Urban)" and includes specific quantifiable criteria expressed in dB for stationary sources such as industrial and commercial establishments or ancillary transportation facilities, affecting points of reception in Class 1 and 2 Areas (Urban).
5. Over the past two years, the Town's By-law Division has acquired a sound level meter and a member of staff has been trained in its use.
6. Significant research has been conducted with respect to the type/nature of municipal noise by-laws and the attached draft is based heavily on the City's of Toronto and Barrie Noise By-laws.

7. It is recommended that the Finance & Administration Committee receive this Report and Draft By-law and that the Director, Building & By-law, report back to the Committee following a public consultation process.

C. Environmental Impacts

Potential mitigation of noise related issues/concerns.

D. Budget Impact

Additional costs will be incurred in future years related training and equipment and, an increased awareness of the Town's role in Noise By-law Enforcement may create additional demands on By-law Enforcement.

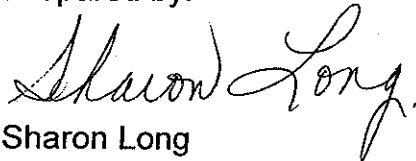
D. Strategic Plan

Providing a strong, well managed municipal government.

E. Addendums

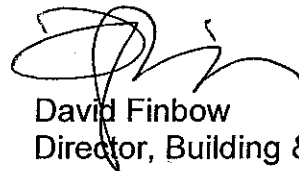
- A. Draft Noise By-law
- B. Publication NPC - 205

Prepared by:



Sharon Long
Administrative Assistant
Building & By-law

Respectfully submitted:



David Finbow
Director, Building & By-law

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E.3 Finance and Administration Committee Report – September 23, 2008

Councillor Gamble then reviewed the Finance and Administration Committee Report dated September 23, 2008

Regarding Recommendation No. 2, Draft Noise By-Law, SRB.08.41, Bob noted concern with the indicated noise levels and how the Town should deal with situations such as factories and noted he would like to see more information in the draft By-law.

Councillor Kennedy then spoke, questioning how the Thornbury Business Improvement Area would be involved, Director of Building and By-Law Enforcement David Finbow replying the draft By-law is complex and has challenges and public consultation would be completed through Communications and Economic and Development Coordinator Lisa Kidd and the Ministry of the Environment. David then noted some members of the BIA area accept the draft by-law and some do not, further noting Council will have some decisions to make as far as provisions in the By-law, but further noted input is also needed from the public.

Deputy Mayor McKinlay then spoke, noting he can foresee that people will believe that Council is going to shut the Town down as far as noise issues. Duncan further noted people rely on local home industries and facilities and the Town needs services and people have to earn a living. David replied that the draft By-law is more permissive than the current By-law, noting commercial loading and unloading for example is also more permissive than in the current Noise By-law.

Cameron then noted the reference to a \$100 fee for a noise exemption and questioned if this would be required each time an exemption is sought, David replying yes, noting there are real costs associated in dealing with a noise exemption request.

Duncan then questioned if the Bylaw would change Council's ability to make exemptions to the noise-by-law, David replying that the fee for an exemption to the noise by-law would likely dissuade people from seeking exemptions as costs would be included, further noting that exemptions should be minimized.

Cameron then questioned if a downtown business would be able to make noise until 11:00 p.m. without an exemption, David replying yes.

David then noted Staff are attempting to create a By-law that is discernable to the general public.

Councillor McGee then questioned how other areas such as Clarksburg or Craigleith are dealt with, David replying that businesses in those areas will likely come forward to seek information.

Bob then noted there are guidelines from the Ministry of the Environment that note measurable levels of noise at certain times of the day.

Councillor Martin then spoke, questioning the levels of noise in residential areas coming from commercial areas at 10:00 p.m., David replying he will explore this and report back.

Regarding Recommendation No. 3, Ravenna Hall Addition & Septic, SRB.08.60, Councillor Gamble then commented that this project is to provide satisfactory facilities at the Ravenna Hall, noting the front of the hall will be removed to facilitate a road widening.

Deputy Mayor McKinlay then spoke, noting he is pleased this project is proceeding, noting it is a great step forward for the community.

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TOWN OF THE BLUE MOUNTAINS

BY-LAW No. 200 ___ - ___

Being a By-law to prohibit and regulate noises within the municipality.

WHEREAS Section 129 of the *Municipal Act* enables the councils of local municipalities to pass by-laws for prohibition or regulation within the municipality of noises likely to disturb the inhabitants;

AND WHEREAS the *Municipal Act* further prohibits the making of noises likely to disturb the inhabitants unless a permit is obtained from the municipality and allows municipalities to impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans;

AND WHEREAS Council of the Corporation of the Town of The Blue Mountains deems it expedient to pass a by-law for the prohibition or regulation of noise within the municipality;

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

1. TITLE

This By-law shall be referred to as "The Noise By-law."

2. TECHNICAL TERMS

In this By-law, all words and definitions that are of technical nature and are related to sound and vibration shall have the meanings specified by the Ministry of Environment in Publication NPC-101 - Technical Definitions.

3. DEFINITIONS

"Applicant" means a person or persons seeking an exemption of either a temporary or permanent nature from the provisions and requirements of this By-law;

"Authorized Emergency Vehicle" means an ambulance, vehicle of the fire service, vehicle of the municipal, provincial or federal police, armored cars while carrying cash or securities, equipment, facilities or vehicles operated by or for a public utility company while actively engaged in the construction, maintenance or repair of any highway, and any equipment, facilities or vehicles operated by or for the Town, County of Grey, Bell Canada, Canada Post or the Ministry of Transportation.

"Construction" means the 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.

"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, trenches, cranes, derricks, loaders, scrapers, pavers, generators, off highway haulers or trucks, ditches, compactors and rollers, pumps, concrete mixers, graders, or other material handling equipment.

"Construction Site" means the area or portion of land used for or under construction or any other area used for any purpose related to the construction or for any related purposes.

"Conveyance" means a vehicle and any other device used to transport a person or persons or goods from place to place but does not include any vehicle or device operated only within the premises of a person.

"Council" means the Council of The Town of The Blue Mountains

"Domestic Animal" means an animal that is housed and fed by a person and which actually lives in physical proximity to humans, including but not limited to pets such as dogs, cats and birds, guard animals, food species such as chickens, etc.

"Downtown Business Improvement Area" means the Downtown Business Improvement Area as defined by By-law by the Town of The Blue Mountains from time to time.

"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.

"Minister" means the Ministry of the Environment.

"Motor Vehicle" means any motorized conveyance and includes any 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 vehicle running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine.

"Motorized Conveyance" means a conveyance propelled or driven otherwise than by muscular, gravitation or wind power.

"Municipality" means the land within the geographic boundaries of The Town of The Blue Mountains.

"Noise" means unwanted sound.

"Officer" means a person appointed by Council as a Municipal Law Enforcement Officer, a Police Officer, or other individual duly appointed to enforce this By-law.

"Permit" means a permit or written authorization of a temporary or permanent nature, issued by the Town Clerk or Council of The Town of The Blue Mountains, which provides an exemption(s) to the requirements and provisions of this by-law.

"Person" means any individual, corporation, partnership, company, association or party and the heirs, executors, administrators of other legal representative of such person to whom the context can apply according to law, shall include any group of persons comprising a society or other organization and shall include the plural wherein the context requires. Wherever the word "he" or "him" is used, it shall mean and include the feminine or neuter gender wherever the context so requires.

"Point of Reception" means any point on a premise, which is a building, of a person where sound or vibration originating from other than those premises is received;

"Publication – NPC" means a specified publication of Ministry of the Environment as set out in Section 5 of this By-law

"Residential Area" means any area of the municipality where residential use is permitted under the provisions of the applicable Town of The Blue Mountains Zoning By-law save and except for those areas, or parts thereof, that permit both residential and non-residential uses.

"Residential Renovations" means construction that does not require any building permits and renovations are constructed without operation of heavy equipment.

"Shall" is mandatory and not directory.

"Source" or "Source of Sound or Vibration" means an activity, matter, thing, or tangible personal property or real property, from which sound or vibration is emitted.

"Sound" is a sensation caused in the ear due to a vibration of surrounding air or other medium.

"Special Event" means an event that has been sanctioned as such by the Town.

"Stationary Source" means a source of sound, which does not normally move from place to place and includes the premises of a person as one stationary source unless the dominant source on the premises is construction equipment or a conveyance.

"Town Clerk" means the Clerk of The Town of The Blue Mountains or his designate.

"Town" means The Town of The Blue Mountains.

4. GENERAL

"In general, noises are annoying because they are heard over and above the level of the so-called "background" or surrounding environmental noise climate at a particular location. The standard for environmental noise acceptability of stationary sources is therefore expressed as the difference between noise from the source and the background noise.

The background noise is essentially made up of the road traffic noise which creates an "urban hum". It may also include contributions from existing industry or commercial activity adjacent to the stationary source under investigation. Contributions of these secondary noise sources are considered to be a part of urban hum and may be included in the measurements or calculation of the background sound levels." Publication NPC-205

The sound level limits specified in Section 8 of Publication NPC-205, "the sound level limit expressed in terms of the One Hour Equivalent Sound Level (L_{eq}) is the background One Hour Equivalent Sound Level (L_{eq}) typically caused by road traffic", represents the limitation on noise produced by stationary sources.

5. PROHIBITIONS

- (i) No person shall emit or cause or permit the emission of sound resulting from an act listed in Schedule "A" – Prohibitions by Time and Place.

- (ii) Notwithstanding any other provision of this By-law, no person shall emit or cause or permit the emission of sound such that the level of resultant sound at a point of reception located in a residential area exceeds the applicable sound level limit as established and prescribed by The Ministry of the Environment in the following Publications, as may be applicable:

- a) Publication NPC – 101 Technical Definitions
- b) Publication NPC – 102 Instrumentation
- c) Publication NPC – 103 Procedures
- d) Publication NPC – 104 Sound Level Adjustments
- e) Publication NPC – 115 Construction Equipment
- f) Publication NPC – 117 Domestic Outdoor Power Tools
- g) Publication NPC – 118 Motorized Conveyances
- h) Publication NPC – 119 Blasting
- i) Publication NPC – 205 Stationary Source
- j) Publication NPC – 206 Road Traffic
- k) Publication NPC – 216 Residential Air Conditioners.

6. GENERAL PROHIBITION

Notwithstanding any other provision of this By-law, no person shall emit or cause or permit the emission of sound likely to disturb another person in a residential area between 9:00 p.m. of one day and 7:00 a.m. of the following day where the noise is clearly audible at the point of reception.

7. EXEMPTIONS AND PERMITS

- (i) Notwithstanding any other provision of this By-law, the provisions and requirements of this By-law shall not apply to any person who emits or causes or permits the emission of sound in connection with any activities listed in Schedule "B", Permanent Exemptions, or to impulsive sound, or blasting, or to any person or activity for which a permit has been issued under the authority of this By-law.
- (ii) Every application for exemption shall be made to the Town Clerk in writing and shall contain:
- a) The name and address of the applicant;
 - b) A description of the source of sound or vibration and resulting noise in respect of which exemption is sought;
 - c) A statement of the particular requirement or provision of the By-law from which exemption is sought;
 - d) The reasons for which, in the applicant's opinion, the exemption should be granted;
 - e) In the case of a temporary exemption, a statement of the actions, steps or other such measures, if any, planned or presently being taken, by the applicant, intended to bring about compliance with the By-law; and,
 - f) Any additional information deemed necessary by the Town Clerk or Council to consider an application made under this section.
- (iii) The applicant shall, upon application to the Town Clerk, submit an application fee in the amount of \$100.00. The application fee is non-refundable.
- (iv) No application shall be deemed complete until the applicant has provided any and all information as required by the Town Clerk or Council and has paid the application fee as required in Section 6.1.2. Where additional costs may be incurred by the applicant, such costs shall be borne by the applicant.
- (v) The Town Clerk may, upon written application by any person, issue a permit of a Temporary Exemption to the applicant from any provision or requirements of this By-law as the Town Clerk deems appropriate.
- (vi) Where the application is for a permanent exemption, the Town Clerk will make appropriate public notification of any duly completed application on behalf of the applicant prior to recommendations for consideration of such application by Council.

- (vii) Where deemed appropriate by Council, the Town Clerk may issue a Permit of a Permanent Exemption to exempt the applicant from any provision or requirement of this By-law.
- (viii) Any permit issued in accordance with the provisions of Section 7 (v) or Section 7 (vii) of this By-law may specify any terms and conditions under which the permit is issued.
- (ix) Where an application is not approved or approved upon terms and conditions or to a lesser extent than the exemption applied for, the Town Clerk shall set out in writing the reasons therefore and shall serve a copy of the decision upon the applicant.
- (x) 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 or vibration in connection with emergency measures undertaken for:
 - a) The immediate health, safety or welfare of the inhabitants or any of them; or,
 - b) The preservation or restoration of property; or,
 - c) Unless such sound or vibration is clearly audible for a longer duration or of a nature more disturbing than is reasonably necessary for the accomplishment of such emergency purpose.

8. SEVERABILITY

Should any section of this By-law be declared by a Court of competent jurisdiction to be invalid for any reason, the provision shall be deemed conclusively to be severed from the by-law and the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.

9. ADMINISTRATION AND ENFORCEMENT

- (i) The Town Clerk or his designate shall administer the provisions of this By-law.
- (ii) The provisions of this By-law shall be enforced by an officer, as defined within this By-law.

10. PENALTIES

Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction, is liable to the penalty specified by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

11. REPEAL

Upon the passage of this By-law, that By-law 2002-9 and all amendments thereto are hereby repealed.

12. ENACTMENT

This By-law shall have effect immediately upon the final passing thereof.

Ellen Anderson, Mayor

Stephen Keast, Clerk

**“SCHEDULE A”
PROHIBITIONS BY TIME AND PLACE**

TYPE OF ACT	PROHIBITED PERIOD OF TIME
The operation of any auditory signaling device, including but not limited to the ringing of bells or gongs and the blowing of horns or sirens or whistles, or the production, reproduction or amplification of any similar sounds, except where required or authorized in accordance with good safety practices.	At any time.
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.	At any time.
Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, produce, materials, or refuse.	a) 11:00 p.m. of one day to 7:00 a.m. of the next day except as provided below: b) On Sundays - From 12:00 midnight to 10:00 a.m. and from 2:00 p.m. to 12:00 midnight. c) On Statutory Holidays - From 12:00 midnight to 10:00 a.m. and from 2:00 p.m. to 12:00 midnight
The operation of any construction equipment in connection with construction, unless otherwise exempt under the provisions of this By-law	7:00 p.m. of one day to 7:00 a.m. of the next day save and except for Sundays and Statutory Holidays.
The operation of any construction equipment without effective muffling devices in good working order and in constant operation	At any time
The detonation of fireworks or explosive devices	7:00 p.m. of one day to 7:00 a.m. of the next day (9:00 a.m. on Sundays)
The operation of a combustion engine which, is, or is used in, or is intended for use in, a toy or a model or replica of a larger device, which model or replica has no function other than amusement and which is not a conveyance	7:00 p.m. of one day to 7:00 a.m. of the next day (9:00 a.m. on Sundays)
The operation of any motorized conveyance other than on a highway or other place intended for its operation	7:00 p.m. of one day to 7:00 a.m. of the next day (9:00 a.m. on Sundays)
The venting, release or pressure relief of air, steam or other gaseous material, product or compound from any autotlave, boiler, pressure vessel, pipe, valve, machine, device or system	11:00 p.m. of one day to 7:00 a.m. of the next day (9:00 a.m. on Sundays)
Persistent barking, calling or whining or other similar persistent noise making by any domestic pet	At any time
The operation of any powered or non-powered tool for domestic purposes other than snow removal	11:00 p.m. of one day to 7:00 a.m. of the next day (9:00 a.m. on Sundays)
The operation of solid waste bulk lift or refuse compacting equipment	11:00 p.m. of one day to 7:00 a.m. of the next day (9:00 a.m. on Sundays)
The operation of commercial car wash	11:00 p.m. of one day to 7:00 a.m. of the next day (9:00 a.m. on Sundays)
Yelling, shouting, hooting, whistling or singing or similar sounds	9:00 p.m. of one day to 7:00 a.m. of the next day (9:00 a.m. on Sundays)
The operation of a sound emitting pest control device	11:00 p.m. of one day to 7:00 a.m. of the next day (9:00 a.m. on Sundays)
Racing of any motorized conveyance other than in a racing event regulated by-law	At any time
The operation of a motor vehicle in such a way that the tires squeal	At any time
The operation of any combustion engine without an effective exhaust muffling device in good working order and in constant operation	At any time
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	At any time
The operation of a motor vehicle horn or other warning device except where required or authorized by law in accordance with good safety practices	At any time
<p>The idling of an engine or motor in, or on, any motor vehicle or item of attached auxiliary equipment for a continuous period exceeding five minutes, while such vehicle is stationary in a Residential Area or, unless</p> <p>a) the vehicle is in an enclosed structure constructed so as to effectively prevent excessive noise emission;</p> <p>b) 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;</p>	At any time

- | | |
|---|--|
| <ul style="list-style-type: none">c) such operation of the 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 or refuse compactors and heat exchange systems;d) 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 preservation of perishable cargo;e) prevailing low temperatures make longer idling periods necessary, immediately after starting the motor or engine; orf) 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. | |
|---|--|

DRAFT

**"SCHEDULE B"
PERMANENT EXEMPTIONS**

Type of Act	Restriction
Any bona fide agricultural use or practice engaged in by a bona fide farmer or employee thereof on any land used for agricultural purposes.	N/A
The operation of snow making machinery or snow grooming equipment.	N/A
The operation of snow removal equipment.	N/A
Noises or sounds related to the use of lands known as Part of Lot 5 and Part of Lot 6, Concession 8, Roll No.: 7-046-02, by the Blue Ridge Sportsmen's Club Inc.	Making of noise or sounds between the hours of 9:00 p.m. one day and 8:00 a.m. of the next day are prohibited.
Noises or sounds authorized by the Blue Mountain Village Association originating within the "Village at Blue Mountain" (Parts 1-40, 16R-7451)	Making of noises or sounds between the hours of 11:00 p.m. one day and 8:00 a.m. of the next day.
The use of bells or chimes normally associated with church activities.	N/A
The operation of equipment in conjunction with Town projects or reconstruction projects, general maintenance and emergency maintenance projects.	N/A
The operation of authorized emergency vehicles.	N/A
All activities directly associated with the conduct of an authorized special event.	Making of noise or sounds between the hours of 11:00 p.m. one day and 8:00 a.m. of the next day are prohibited.
<p>THORNBURY BUSINESS IMPROVEMENT AREA</p> <p>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 with it being noted that sounds that are emitted from the source cannot exceed the sound level limits specified in Section 8 of Publication NPC-205 at a point of reception within a residential area.</p>	11:00 p.m. of one day to 9:00 a.m. of the next day.



**SOUND LEVEL LIMITS FOR
STATIONARY SOURCES IN
CLASS 1 & 2 AREAS (URBAN)**

PUBLICATION NPC-205

OCTOBER 1995



**Ministry
of the
Environment**

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ISBN 0-7778-4922-4
PIBS 3406E

Sound Level Limits for Stationary Sources in Class 1 & 2 Areas (Urban)**Publication NPC-205**

October 1995

This Publication establishes sound level limits for stationary sources such as industrial and commercial establishments or ancillary transportation facilities, affecting points of reception in Class 1 and 2 Areas (Urban). It replaces Publication NPC-105 "Stationary Sources" of the "Model Municipal Noise Control By-Law, Final Report, August 1978".

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1. SCOPE

This Publication establishes sound level limits for stationary sources such as industrial and commercial establishments or ancillary transportation facilities, affecting points of reception in Class 1 and 2 Areas (Urban). The limits apply to noise complaint investigations carried out in order to determine potential violation of Section 14 of the Environmental Protection Act. The limits also apply to the assessment of planned stationary sources of sound in compliance with Section 9 of the Environmental Protection Act, and under the provisions of the Aggregate Resources Act and the Environmental Assessment Act.

This Publication does not address sound and vibration produced by blasting; blasting in quarries and surface mines is considered in Reference [7].

The Publication includes an Annex, which provides additional details, definitions and rationale for the sound level limits.

2. REFERENCES

Reference is made to the following publications:

- [1] NPC-101 - Technical Definitions
- [2] NPC-102 - Instrumentation
- [3] NPC-103 - Procedures
- [4] NPC-104 - Sound Level Adjustments
- [6] NPC-206 - Sound Levels due to Road Traffic
- [7] NPC-119 - Blasting
- [8] NPC-216 - Residential Air Conditioning Devices
- [9] NPC-232 - Sound Level Limits for Stationary Sources in Class 3 Areas (Rural)
- [10] NPC-233 - Information to be Submitted for Approval of Stationary Sources of Sound
- [12] ORNAMENT, Ontario Road Noise Analysis Method for Environment and Transportation, Technical Document, Ontario Ministry of the Environment, ISBN 0-7729-6376, 1989

References [1] to [4] and [7] can be found in the
Model Municipal Noise Control By-Law, Ontario Ministry of the Environment, Final Report, August 1978.

3. TECHNICAL DEFINITIONS

"Ambient sound level"
means Background sound level.

"Background sound level"
is the sound level that is present in the environment, produced by noise sources other than the source under impact assessment. Highly intrusive short duration noise caused by a source such as an aircraft fly-over or a train pass-by is excluded from the determination of the background sound level.

"Class 1 Area"
means an area with an acoustical environment typical of a major population centre, where the background noise is dominated by the urban hum.

"Class 2 Area"

means an area with an acoustical environment that has qualities representative of both Class 1 and Class 3 Areas, and in which a low ambient sound level, normally occurring only between 23:00 and 07:00 hours in Class 1 Areas, will typically be realized as early as 19:00 hours.

Other characteristics which may indicate the presence of a Class 2 Area include:

- absence of urban hum between 19:00 and 23:00 hours;
- evening background sound level defined by natural environment and infrequent human activity; and
- no clearly audible sound from stationary sources other than from those under impact assessment.

"Class 3 Area"

means a rural area with an acoustical environment that is dominated by natural sounds having little or no road traffic, such as the following:

- a small community with less than 1000 population;
- agricultural area;
- a rural recreational area such as a cottage or a resort area; or
- a wilderness area.

Other technical terms are defined in Reference [1] and in the Annex to Publication NPC-205.

4. ESTABLISHMENT OF LIMITS - OBJECTIVE

The sound level limit at a point of reception must be established based on the principle of "predictable worst case" noise impact. In general, the limit is given by the background sound level at the point of reception. The sound level limit must represent the minimum background sound level that occurs or is likely to occur during the operation of the stationary source under impact assessment.

5. BACKGROUND SOUND LEVELS

The time interval between the background sound level measurement and the measurement of the sound level produced by the stationary source under impact assessment should be minimized as much as possible. Preferably, the two measurements should be carried out within one hour of each other.

6. SOUND LEVELS DUE TO STATIONARY SOURCES**(1) Complaint Investigation of Stationary Sources**

The One Hour Equivalent Sound Level (L_{eq}) and/or the Logarithmic Mean Impulse Sound Level (L_{LM}) produced by the stationary sources shall be obtained by measurement performed in accordance with Section 7.

(2) Approval of Stationary Sources

The One Hour Equivalent Sound Level (L_{eq}) and/or the Logarithmic Mean Impulse Sound Level (L_{LM}) produced by the stationary sources shall be obtained by measurement or prediction. The estimation of the L_{eq} and/or L_{LM} of the stationary source under impact assessment shall reflect the principle of "predictable worst case" noise impact. The "predictable worst case" noise impact occurs during the hour when the difference between the predicted sound level produced by the stationary source and the background sound level of the natural environment is at a maximum.

7. PROCEDURES

All sound level measurements and calculations shall be made in accordance with References [3], [6] and [12].

Sound from existing adjacent stationary sources may be included in the determination of the background One Hour Equivalent Sound Level (L_{eq}) if such stationary sources of sound are not under consideration for noise abatement by the Municipality or the Ministry of Environment and Energy.

8. SOUND LEVEL LIMITS - GENERAL

- (1) For impulsive sound, other than Quasi-Steady Impulsive Sound, from a stationary source, the sound level limit expressed in terms of the Logarithmic Mean Impulse Sound Level (L_{LM}) is the background One Hour Equivalent Sound Level (L_{eq}) typically caused by road traffic as obtained pursuant to Section 6 for that point of reception.
- (2) For sound from a stationary source, including Quasi-Steady Impulsive Sound but not including other impulsive sound, the sound level limit expressed in terms of the One Hour Equivalent Sound Level (L_{eq}) is the background One Hour Equivalent Sound Level (L_{eq}) typically caused by road traffic as obtained pursuant to Section 6 for that point of reception.

9. SOUND LEVEL LIMITS - SPECIFIC IMPULSIVE SOUNDS

- (1) For impulsive sound, other than Quasi-Steady Impulsive Sound, from a stationary source which is an industrial metal working operation (including but not limited to forging, hammering, punching, stamping, cutting, forming and moulding), the sound level limit at a point of reception expressed in terms of the Logarithmic Mean Impulse Sound Level (L_{LM}) is 60 dBAI, if the stationary source were operating before January 1, 1980, and otherwise is 50 dBAI.
- (2) For impulsive sound, other than Quasi-Steady Impulsive Sound, from a stationary source which is the discharge of firearms on the premises of a licensed gun club, the sound level limit at a point of reception expressed in terms of the Logarithmic Mean Impulse Sound Level (L_{LM}) is:
 - 70 dBAI if the gun club were operating before January 1, 1980; or
 - 50 dBAI if the gun club began to operate after January 1, 1980; or
 - the L_{LM} prior to expansion, alteration or conversion.
- (3) For impulsive sound, other than Quasi-Steady Impulsive Sound, from a stationary source which is not a blasting operation in a surface mine or quarry, characterized by impulses which are so infrequent that they cannot normally be measured using the procedure for frequent impulses of Reference [3] the sound level limit at a point of reception expressed in terms of the impulse sound level is 100 dBAI.

10. SOUND LEVEL LIMITS - PEST CONTROL DEVICES

- (1) For impulsive sound, other than Quasi-Steady Impulsive Sound, from a pest control device employed solely to protect growing crops, the sound level limit at a point of reception expressed in terms of the Logarithmic Mean Impulse Sound Level (L_{LM}) is 70 dBAI.
- (2) For sound, including Quasi-Steady Impulsive Sound but not including other impulsive sound, from a pest control device employed solely to protect growing crops, the sound level limit at a point of reception expressed in terms of the One Hour Equivalent Sound Level (L_{eq}) is 60 dBA.

11. PROHIBITION - PEST CONTROL DEVICES

The operation of a pest control device employed solely to protect growing crops outdoors during the hours of darkness, sunset to sunrise, is prohibited.

12. PRE-EMPTION

The least restrictive sound level limit of Sections 8, 9 and 10 applies.

13. EXCLUSION

No restrictions apply to a stationary source resulting in a One Hour Equivalent Sound Level (L_{eq}) or a Logarithmic Mean Impulse Sound Level (L_{LM}) lower than the minimum values for that time period specified in Table 205-1.

TABLE 205-1
Minimum Values of One Hour L_{eq} or L_{LM} by Time of Day

Time of Day	One Hour L_{eq} (dBA) or L_{LM} (dBAI)	
	Class 1 Area	Class 2 Area
0700 - 1900	50	50
1900 - 2300	47	45
2300 - 0700	45	45

Annex to Publication NPC-205 Sound Level Limits for Stationary Sources in Class 1 & 2 Areas (Urban)

October 1995

A.1. GENERAL

In general, noises are annoying because they are heard over and above the level of the so-called "background" or surrounding environmental noise climate at a particular location. The standard for environmental noise acceptability of stationary sources is therefore expressed as the difference between noise from the source and the background noise.

The background noise is essentially made up of the road traffic noise which creates an "urban hum". It may also include contributions from existing industry or commercial activity adjacent to the stationary source under investigation. Contributions of these secondary noise sources are considered to be a part of urban hum and may be included in the measurements or calculation of the background sound levels, provided that they are not under consideration for noise abatement by the Municipality or the Ministry of Environment and Energy.

The sound level limits specified in Section 8 of Publication NPC-205 represent the general limitation on noise produced by stationary sources. Some noises, however, are annoying no matter where or in what kind of environment they exist. High level impulsive noises represent a special category and, consequently, are restricted by an absolute limitation. Sections 9 and 10 of this Publication provide criteria of acceptability for specific impulsive noise sources.

A.2. APPLICATION

The limits presented in Publication NPC-205 are designed for the control of noise from sources located in industrial, commercial or residential areas. The limits apply to points of reception located in Class 1 and Class 2 Areas.

Sound level limits contained in Publication NPC-205 do not apply to the excluded noise sources listed in Section A.3.(2) and neither do they apply to any equipment, apparatus or device used in agriculture for food crop seeding, chemical spraying or harvesting. In addition, several specific noise sources have been addressed in separate Publications. Limits for residential air conditioners are contained in Publication NPC-216 - Residential Air Conditioning Devices, Reference [8] and the limits for blasting operations in quarries and surface mines are contained in Publication NPC-119 - Blasting, Reference [7].

A.3. STATIONARY SOURCES

The objective of the definition of a stationary source of sound is to address sources such as industrial and commercial establishments or ancillary transportation facilities. In order to further clarify the scope of the definition, the following list identifies examples of installations, equipment, activities or facilities that are included and those that are excluded as stationary sources.

(1) Included Sources

Individual stationary sources such as:

- Heating, ventilating and air conditioning (HVAC) equipment;
- Rotating machinery;
- Impacting mechanical sources;
- Generators;
- Burners;
- Grain dryers.

Facilities, usually comprising many sources of sound. In this case, the stationary source is understood to encompass all the activities taking place within the property boundary of the facility. The following are examples of such facilities:

- Industrial facilities;
- Commercial facilities;
- Ancillary transportation facilities;
- Aggregate extraction facilities;
- Warehousing facilities;
- Maintenance and repair facilities;
- Snow disposal sites;
- Routine loading and unloading facilities (supermarkets, assembly plants, etc.).

Other sources such as:

- Car washes;
- Race tracks;
- Firearm Ranges.

(2) Excluded Sources

Specific sources or facilities:

- Construction activities;
- Transportation corridors, i.e. roadways and railways;
- Residential air conditioning devices including air conditioners and heat pumps;
- Gas stations;
- Auditory warning devices required or authorized by law or in accordance with good safety practices;
- Occasional movement of vehicles on the property such as infrequent delivery of goods to convenience stores, fast food restaurants, etc.

Other noise sources, normally addressed in a qualitative manner in municipal noise by-laws:

- The operation of auditory signalling devices, 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;
- Noise produced by animals kept as domestic pets such as dogs barking;
- Tools and devices used by occupants for domestic purposes such as domestic power tools, radios and televisions, etc., or activities associated with domestic situations such as domestic quarrels, noisy parties, etc;
- Noise resulting from gathering of people at facilities such as restaurants and parks.

Activities related to essential service and maintenance of public facilities such as but not limited to roadways, parks and sewers, including snow removal, road cleaning, road repair and maintenance, lawn mowing and maintenance, sewage removal, garbage collection, etc.

A.4. PREDICTABLE WORST CASE IMPACT

The assessment of noise impact requires the determination of the "predictable worst case" impact. The "predictable worst case" impact assessment should establish the largest noise excess produced by the source over the applicable limit. The assessment should reflect a planned and predictable mode of operation of the stationary source.

It is important to emphasize that the "predictable worst case" impact does not necessarily mean that the sound level of the source is highest; it means that the excess over the limit is largest. For example, the excess over the applicable limit at night may be larger even if the day-time sound level produced by the source is higher.

A.5. DEFINITIONS

In the interpretation of Publication NPC-205, the following definitions are of particular relevance:

- Ancillary Transportation Facilities
"Ancillary transportation facilities" mean subsidiary locations where operations and activities associated with the housing of transportation equipment (or personnel) take place. Examples of ancillary transportation facilities include, but are not limited to, substations, vehicle storage and maintenance facilities, fans, fan and vent shafts, mechanical equipment plants, emergency services buildings, etc;
- 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; "construction" excludes activities associated with the operation at waste and snow disposal sites;
- 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, off-highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders, or other material handling equipment;
- 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;
- 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;
- 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 diesel, 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;
- Motorized Conveyance
"Motorized conveyance" means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power;
- Noise
"Noise" means unwanted sound;
- Point of Reception
"Point of reception" means any point on the premises of a person where sound or vibration originating from other than those premises is received.

For the purpose of approval of new sources, including verifying compliance with Section 9 of the Environmental Protection Act, the point of reception may be located on any of the following existing or zoned for future use premises: permanent or seasonal residences, hotels/motels, nursing/retirement homes, rental residences, hospitals, camp grounds, and noise sensitive buildings such as schools and places of worship.

For equipment/facilities proposed on premises such as nursing/retirement homes, rental residences, hospitals, and schools, the point of reception may be located on the same premises;

- Stationary Source

"Stationary source" means a source of sound which does not normally move from place to place and includes the premises of a person as one stationary source, unless the dominant source of sound on those premises is construction or a conveyance;

- Urban Hum

means aggregate sound of many unidentifiable, mostly road traffic related noise sources.

DRAFT NOISE BY-LAW

Comments received by January 19th, 2009

DATE	FROM	COMMENTS	LOCATION
1 Jan. 16/09	Blue Mountain Village Association	Municipality should be prepared to enforce this By-law BMVA provides guidance on the level of music on patios Trialed the use of dB measurement equipment - not useful BMVA supports the submission of BMR of exempting on-hill events Agreement & support	Village
2 Jan. 15/09	Resident	Support a slightly later time-frame for residential area	Craigleith
3 Dec. 22/08	Breaker Technology	Impulsive noises or louder idling noises during testing of equipment The above noise still comply with MOE NPC criteria Try to ensure outside work completed by 11:00 pm each night Few complaints received	Thornbury
4 Dec. 22/08	Resident	Battles with Landmark Designs over noise prior to 7:00 am If increasing from 7:00am to 9:00 pm 7 days a week - sizeable impact on residents	Plan 1061
5 Dec. 9/08	Resident	Called for 14 residents complaining about noise from the Village up to 2:00 am and after. Called OPP and nothing happening	Plan 915
6 Nov. 20/08	Resident	Construction noise after/before time specified	
7 Nov. 29/08	Resident	Beeping of snow plows at 2:00 am is also disturbing Object to the prohibition of noise from 9 in the evening to 7 in the morning 9:00 pm is unreasonable and should be postponed to 11 or 12 By-law too harsh	
8 Nov. 22/08	Resident	Golf course maintenance at 5:00 am all summer	Lora Bay area
9 Nov. 28/08	Resident	Applaud new by-law as they have short term rentals around them Concerns about enforcement, charges severe enough to discourage offenders, typical sound level chart on website shows sound levels for urban areas, by-law does not address excessive daytime sound level problems	Swiss Meadows
10 Dec. 19/08	Resident	Urban document failing to consider the exposure to residents of the Town affected by Short Term Accommodation Placing timeframes on hours is an assault on ability to cope with STA Rental properties disturbing 24/7 Allowing yelling, shouting, hooting, whistling or singing destroys the essence of residential homes Draft by-law is a regression for residents and lacks sensitivity & support of	Plan 1068



11 Dec. 9/08	Georgian Bay Golf Club	home owners	Agrees with Lora Bay Golf Club comments	Lora Bay area
12 Dec. 9/08	Lora Bay Golf Club		Additional item in Schedule "B" permanent exemptions to allow golf courses to have same exemption as snow making/grooming equipment September to December they operate 24/7	Concession 9
13 Dec. 12/08	Golden Town Apple Products		Proposed by-law restrict the operation of their processing plant during hours when noise restrictions apply. Add them as an exemption on Schedule B	
14 Dec. 30/08	Resident		Propose new type of act	
15 Jan. 4/09	Resident		11:00 for noise	Village
16 Jan. 1/09	Resident		Leaf blowers - noise of 90 decibels - restrict use to fall only	Thornbury
17 Jan. 2/09	Resident		BIA area - who is checking noise level between 5:00 pm and 11:00 pm Object to Bridges allowing patron outside from 11:00 pm to 2:30 am Schedule "A" permits these noises and will this be enforced Opposed to lowering time from 11:00 pm to 9:00 pm Friday & Saturday hours should be 12:00 midnight to 8:00 am. Hates lawn mowers too early in the am	Thornbury
18 Jan. 2/09	Resident		Quantifiable means to determining when noise becomes a nuisance Background noise may also include existing industry. General noise prohibition is from 9:00 one day until 7:00 am of the following day.	Concession 9
19 Jan. 2/09	Blue Mountain Resorts		Schedule "A" - idling diesels in Golden Town area Appreciates snow making machinery & snow grooming equipment provision. Should support regularly scheduled on-hill community events. Want to learn more about the application process for exemptions (timeframe etc.) More criteria used to determine if an exemption application is approved. Consider a bulk application process for multiple applications. Opposed to proposed amendments for heavy equipment use Nearby commercial operations to not comply with the existing by-law. Opposed to the proposed by-law allowing commercial activity noise to be included as allowable Urban Hum. Existing by-law not perfect but proposed changes are intolerable and will affect the quiet comfort to all residents.	Village
20 Jan. 5/09	Residents		Proposed changes is aimed at STA businesses Noise from the Village allowed	Plan 1061

22 Jan. 4/09	Resident	Background Hum will only serve to make community noisier. Extending noise to 9:00 pm is too late Preserve peace & quiet in the evening & on weekends New by-law not clear - noise from a source & from background hum New by-law increasing ability to make more noise Please reconsider these counter productive proposals No to noise by-law Residential area definition Application fee comments & suggestions Difference between Village and Thornbury BIA Is a musician playing a guitar through an amplifier included in the BIA permanent exemptions Non-Profit Organizations Hosting of Community Events Concern with definitions Suggestions with respect to wording Support fees - should be waived if approved by Council Fee for complaints - refunded if found to be a complaint Events with Automatic Noise Exemption Permits - Jazz By The Bay, Olde Fashioned Christmas Same concerns as discussed with David before replated to the municipality previously as it relates to hours of operation and related noise for restaurants and patios "excessive" Permitting noise on Statutory Holidays and Sundays Question wording with respect to Sections 5 & 6 11:00 should be the accepted time for noise Appreciate exemptions given to BMVA and Thornbury BIA for sanctioned events - request same exemption be extended to Chamber of Commerce. Exemption fee cut in half and only paid upon acceptance. Provision to deal with repeated false complaints-same as false alarms. Permanent exemption for holiday celebrations when fireworks are normally displayed be included	Plan 1061
23 Jan. 9/09	Resident		Plan 1061
24 Dec. 31/08	Resident		Thornbury
25 Jan. 19/09	Bridge's Tavern		Thornbury
26 Jan. 20/09	Resident		Clarksburg
27	Resident		Thornbury
28 Jan. 19/09	Chamber of Commerce		