

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2007-83

BEING A BY-LAW TO AMEND NOISE BY-LAW NO. 142-76

WHEREAS s.129 of the *Municipal Act*, R.S.O. 2001, c. 25 authorizes the Council to pass by-laws for prohibiting within a municipality noises likely to disturb the inhabitants;

AND WHEREAS s. 425.(1) of the *Municipal Act* authorizes the Council to pass by-laws making the contravention of any by-law passed by the Council in accordance with the *Municipal Act* an offence;

AND WHEREAS Clause No. 1 of Engineering & Works Committee Report No. 2007-01 passed by Council at its Regular Meeting held on Monday, April 2, 2007 authorized amendments to Noise By-law No. 142-76;

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. That Noise By-law No. 142-76 be amended by deleting sections 5(2)(g) and 5(4) and inserting the following in lieu thereof:

“5 (2)(g) A plan showing the location of the event/premises, the location of amplification equipment and speakers and methods employed to prevent sound from unnecessarily escaping from the event/premises, the location from which the sound levels will be measured, if applicable and any additional information as deemed necessary by the City Clerk of Council to consider the application made under this section;

5 (2)(h) Applications for exemptions must be complete and received by the City Clerk at least 60 days prior to the date of the exemption sought;

5 (2)(i) No application shall be deemed complete until the applicant has provided all information as required by the City Clerk or Council and has paid the application fee. Where additional costs may be incurred by the applicant, such costs shall be borne by the applicant;

5 (2)(j) Noise By-Law Exemptions granted for events at commercially zoned properties for the following dates shall not exceed the maximum times and maximum sound levels as follow:

<u>Event Definition</u>	<u>Date</u>	<u>Maximum Time Permitted</u>
Heritage Festival	Applicable Friday	as specified in Schedule 4
	Applicable Saturday	as specified in Schedule 4
	Applicable Sunday	Until midnight of the same day

5 (4) Public Notification that Council will consider a Noise By-Law Exemption.

The City Clerk shall place a public notice in a local newspaper at least 10 days prior to the date and time that Council will consider a Noise By-Law Exemption which shall state the location(s) date(s) and time(s) of requested exemption.”

5 (5) The Owner of the premises granted an exemption hereunder shall:

(a) provide to a Police Officer and to a By-law Enforcement Officer upon request the survey of the noise levels required to be taken pursuant to Schedule 4;

(b) ensure that noise levels do not exceed the levels set out on Schedule 4 at all relevant times; and

- (c) ensure that true and accurate noise level readings are measured and entered into the report referred to in Schedule 4 at the time any noise is made from the premises

5 (6) The Owner shall provide the noise level report required by Schedule 4 to the City clerk, certified by the Owner to be correct and true as if given under the *Canada Evidence Act*, within 10 days of the event.

- The survey form must be provided to the Police/By-law Enforcement Officer upon request and shall be certified by the Owner and provided to the City Clerk within 10 days of the event.

2. That Restrictions – Schedule 4 be added to Noise By-law No. 142-76, as follows:

Restrictions –Schedule 4

Time Interval Friday/Saturday	11:59 pm - 1:00 am (next day)	1:00 am - 1:45 am (next day)	1:45 am - 2:00 am (next day) (Music off 2:00 am)	2:00 am - 7:00 am (next day)
Maximum dBA	90	75	60	50
Frequency of Sound Level Measurements	Every 10 minutes	Every 5 minutes	Every 2 minutes	Every 5 minutes
Total Number of Sound Level Measurements	6	9	7	3 consecutive starting a 2:00 am
Maximum distance from source that measurement is taken	7.6m (measurement to be unobstructed and taken outdoors)	7.6 m (measurement to be unobstructed and taken outdoors)	7.6 m (measurement to be unobstructed and taken outdoors)	7.6 m (measurement to be unobstructed and taken outdoors)
Time Interval Sunday	11:45 pm - 12:00 pm (Music off 12:00 pm)	12:00 pm - 12:15 am (next day)	12:15am - 7:00am (next day)	
Maximum dBA	90	60	50	
Frequency of Sound Level Measurements	Every 2 minutes	Every 2 minutes	Every 5 minutes	
Total Number of Sound Level Measurements	7	7	3 consecutive starting a 12:15 pm	
Maximum distance from source that measurement is taken	7.6 m (measuremen t to be unobstructed and taken outdoors)	7.6 m (measurement to be unobstructed and taken outdoors)	7.6 m (measurement to be unobstructed and taken outdoors)	

Measurement Criteria:

Measurement of sound levels shall be the responsibility of the property owner.

The "sound level" will be determined by measuring the sound pressure level measured in decibels using the "A" weighting network setting of a sound meter (being a device listed in ANSI Type II or IEC 123 that is calibrated for the measurement of sound and includes Bruel and Kjaer's Precision Sound Level meter, which setting meets the minimum specification in ANSI Type II or IEC 123).

An acoustical calibrator shall be used.

A windscreen shall be used on all outdoor measurements.

Documentation Required:

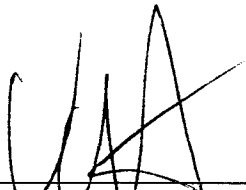
- Sound levels must be conducted as per Schedule 4 for each period and shall be recorded on an official sound level record form.
- Calibration must be performed at the start and at the end of the monitoring period.
- Sound measuring devices must use the "A" weighting and FAST response characteristics.
- Background noise must be at least 10 decibels lower than the noise source being measured.
- A survey form must be completed containing date, time, location, noise source, wind speed/direction, temperature, humidity, equipment information (make, model, serial #), site sketch with the location of the noise source and measurement location (including appropriate distances), data and calibration information. A sample survey form is available from the City.
- The survey form must be provided to the Police/By-law Enforcement Officer upon request and to the City Clerk within 10 days of the event.

3. That this by-law comes into effect upon being passed.

READ A FIRST TIME IN OPEN COUNCIL THIS 16TH DAY OF APRIL, 2007.

READ A SECOND TIME IN OPEN COUNCIL THIS 16TH DAY OF APRIL, 2007.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 16TH DAY OF APRIL, 2007.


MAYOR VIC FEDELI


CITY CLERK CATHERINE CONRAD