

Municipality of Lakeshore – Report to Council

Legal and Legislative Services

Legislative Services



To: Mayor & Members of Council

From: Brianna Coughlin, Division Leader – Legislative Services

Date: September 19, 2023

Subject: Noise By-law Review – Results of Public Engagement

Recommendation

Direct Administration to consult with the Ontario Provincial Police regarding the enforcement of noise by-law provisions, and the potential standardized use of decibel meters; and

Direct Administration to draft a Noise By-law with the following provisions:

- allow for Noise By-law exemptions for special events and critical infrastructure construction (option #1c and #1e);
- restrict certain types of noise between during “quiet hours” and align these restricted hours (option #2b);
- restrict amplified noise (option #3d); and
- prohibit certain types of noise (fireworks, etc) except as allowed by an approved exemption permit;

all as presented at the September 26, 2023 Council meeting.

Background

Noise within the jurisdiction of the Municipality of Lakeshore is currently regulated through By-law 106-2007, being a by-law to control noise. Complaints relating to excessive noise are investigated and enforced, if applicable, by both the By-law Division (during regular business hours) and the Ontario Provincial Police.

At the August 9, 2022 meeting, Council passed Resolution #313-08-2022:

Prioritize an update to the Noise By-law that includes consultation in the near future and consultation in 2023.

Administration undertook a public consultation process to solicit input from local residents and stakeholders relating to noise control. In particular, Administration asked for input regarding types of prohibited noise and exemptions for permitted events. This included:

- Types of noise to be regulated (“normal” noise levels vs disturbing noise)
- Quiet hours (ex: 7 PM to 7 AM)
- Zone-specific noise levels (ex: residential vs industrial areas)
- Temporary noise exemptions for special events.

Comments

The results of the public engagement process have been summarized in Appendix A to this report. A successful open house was held August 17, 2023 and 827 survey responses were submitted for consideration.

This report provides several options for consideration for inclusion in a Noise By-law, based on the themes that emerged from the consultation process.

1. Temporary Noise By-law Exemptions

Respondents showed strong support for a process to allow for temporary exemptions to Noise By-law restrictions. Administration is supportive of this change, provided that a clear and efficient process is developed, including the type of noise and duration of the exemption (i.e. what is considered temporary).

Administration is seeking Council’s direction on the types of exemptions to be established:

- a. No noise exemptions;
- b. Exemptions for large-scale community events only (note: events on municipal property are approved through the Festival and Events Committee)
- c. Exemptions for private and community events;
- d. Exemptions for amplified noise;
- e. Exemptions for critical infrastructure construction (outside of allowed construction times);
- f. Exemptions for all provisions of the by-law (not recommended).

2. Restrictions during “Quiet Hours”

Respondents were generally supportive of the restriction of construction noise and domestic power tools during set times. Currently, construction noise is prohibited between 8 PM and 7 AM and power tools are prohibited between 10 PM and 8 AM.

Administration is seeking Council’s direction on restricted hours on the following options:

- a. No changes (keep current restricted hours);
- b. Align restricted hours for both construction noise and domestic power tools;
- c. Expand the hours that construction and domestic power tool noise is allowed;

- d. Further restrict the hours that construction and domestic power tool noise is allowed;
- e. Include different restricted hours for construction and domestic power tool noise for weekdays (Monday to Friday) and weekends (Saturday and Sunday).

3. Amplified Noise

Lakeshore's current Noise By-law allows for the following amplified noise:

- Not permitted at any time in residential areas;
- Not permitted between 10 PM and 8 AM in agricultural areas;
- Not permitted for the purpose of advertising between 11 PM and 7 AM.

Amplified sound in residential areas was the most divisive issue for respondents who completed the survey, with support for current prohibition of amplified sound and support for allowing some types of noise.

Respondents showed stronger support for either keeping current restrictions for amplified sound for advertising purposes, or further restricting this type of noise.

It is important to note that amplified noise should be measured from the point of reception, not the origin. For example, if a tourist area abuts a residential area, a noise complaint made by a resident will be measured from the home, not the business.

Administration is seeking Council's direction on amplified noise:

- a. No changes (keep current restricted or prohibited amplified noise);
- b. Expand the hours that amplified noise for advertising is allowed;
- c. Further restrict the hours that amplified noise for advertising is allowed;
- d. Prohibit amplified noise for the purpose of advertising;
- e. Allow for some types of amplified noise in residential areas;
- f. Allow for some types of amplified noise in residential areas with restricted hours.

Note: additional comments during the consultation process included support/opposition to amplified noise from music, outdoor televisions, fireworks or business activities.

4. Additional Noise Concerns

Respondents asked for further comments or noise concerns that were not addressed by the specific questions in the survey. A summary of the comments is provided in Appendix A to this report. Some common themes include:

- a. Cars/trucks/ATVs/trains (note: vehicle noise is generally not included in a municipal Noise By-law as it cannot be enforced by municipal compliance officers)
- b. Music;
- c. Fireworks;
- d. Business/commercial noise;
- e. Residential noise;
- f. Dogs.

5. Enforcement

In developing a regulatory by-law such as a Noise By-law, long-term enforcement of the by-law must be considered.

Currently, Lakeshore's By-law Division investigates and responds to noise complaints during regular business hours (Monday to Friday, 8:30 AM to 4:30 PM). All noise complaints outside of these hours are investigated by the Ontario Provincial Police. A majority of noise complaints are made outside of regular business hours.

Noise By-law enforcement emerged as a significant concern during the consultation process. Administration recommends further dialogue with the Ontario Provincial Police, once Council has provided strategic direction on the items identified above.

Administration also recommends exploring the potential use of decibel meters to measure certain types of noise. While the use of decibel meters allows for accuracy vs subjectivity when responding to noise complaints, it also requires standardization and regular calibration, as well as ongoing training and testing. A cost-benefit analysis will be required prior to providing a recommendation to Council.

Financial Impacts

The options provided in this report are mostly administrative in nature, for inclusion or exclusion in the Noise By-law. Should Council approve a temporary exemption process, administrative time/costs could be offset with a permit fee.

The larger cost of the administration of the Noise By-law rests with its enforcement. Administration will bring a further report of enforcement options and costs after discussion with the Ontario Provincial Police.

Attachments

Appendix A – Noise By-law Engagement Summary Report

Report Approval Details

Document Title:	Noise By-law Review - Results of Public Engagement.docx
Attachments:	- Noise By-law Engagement Summary Report.pdf
Final Approval Date:	Sep 21, 2023

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

Prepared by Brianna Coughlin

Approved by Truper McBride