



THE CORPORATION OF THE TOWN OF COBOURG

BY-LAW NUMBER 011-2011

A BY-LAW TO REGULATE NOISE WITHIN THE TOWN OF COBOURG

WHEREAS Section 129 of the *Municipal Act*, 2001, provides that a municipality may pass by-laws to prohibit and regulate with respect to noise;

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

AND WHEREAS in the opinion of Council for the Corporation of the Town of Cobourg, certain kinds of noise are or could become a public nuisance;

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

AND WHEREAS Council in the Committee of the Whole meeting held on July 19, 2010 directed staff to prepare a by-law to update the existing Noise By-law No. 60-97 and amendments;

AND WHEREAS Council further directed that a public meeting be scheduled and advertised to provide the public an opportunity to review the recommendations and to provide their comments, and said meeting was held on Monday, January 24, 2011.

NOW THEREFORE the Council of the Corporation of the Town of Cobourg enacts as follows:

This By-law may be cited as "The Noise Control By-law No. 011-2011".

DEFINITIONS

1. In this By-law, unless the context otherwise requires:
 - (a) "approved sound meter" shall mean an instrument meeting American National Standard Institute's Standard SI-4-1971 or the most recent revision thereof for Type 1 or Type 2 sound level meters, or an instrument and the associated recording and analyzing equipment that will provide equivalent data;
 - (b) "commercial land use" shall include any commercial use as defined in the Town of Cobourg By-law No.85-2003 as it may be amended from time to time.
 - (c) "construction" means the erection, alteration, repair, painting, maintenance, relocation, demolition or removal of a building or other structure and includes all land clearing, landscaping, earth moving, grading, excavating, all public works activities, the erection or laying of lines, cable, pipes and conduit (whether above or below ground level), street building, paving, concreting and similar activities on a site and the installation, alteration or removal of construction equipment, components and materials in any form or for any purpose, and any work being done in connection therewith;

- (d) "continuous sound" means any sound occurring without interruption for more than three minutes, or occurring repeatedly for periods of time which aggregate more than three minutes in any fifteen minute period;
- (e) "daytime" means the period from 7:00 a.m. to 7:00 p.m. of the same day;
- (f) "decibel (dB)" shall mean the ratio between levels of sound pressure expressed as 20 times the logarithm to the base ten (10) of the said ratio;
- (g) "emergency machinery, vehicle, work or alarm" shall mean any machinery, vehicle, work or alarm used, employed, performed or operated in an effort to protect, provide or restore safe conditions in the community, or work by private or public utilities when restoring utility services;
- (h) "holiday" and "statutory holiday" means any day set out as a holiday in the Retail Business Holidays Act, R.S.O. 1990, cR30, as it may be amended from time to time;
- (i) "industrial land use" shall include any industrial use as defined in the Town of Cobourg Zoning By-law No. 85-2003;
- (j) "institutional land use" shall include any institutional use as defined in the Town of Cobourg Zoning By-law No. 85-2003 as it may be amended from time to time;
- (k) "motor vehicle" means any motorized conveyance and includes any automobile, motorcycle and any other vehicle propelled or driven otherwise than by muscular power;
- (l) "night-time" means the period from 7:00 p.m. of any day to 7:00 a.m. of the following day;
- (m) "noise" means any noise prohibited in this by-law;
- (n) "person" includes a person, firm, association, co-partnership, joint venture, corporation or any entity, public or private in nature;
- (o) "point of reception" means any premises or location where sound is received, other than the premises from which the sound originates;
- (p) "premises" means a parcel of land and includes any buildings and structures on the land, and includes a place of business, road and any other location or place;
- (q) "residential area" and "residential land use" shall include any area of the Town where residential use is permitted under the provisions of the Town of Cobourg Zoning By-law No. 85-2003 and shall include any residential dwelling as defined in the Town of Cobourg Zoning By-law No. 85-2003;
- (r) "sound level" shall mean the total sound level in decibels of all sound as measured with an approved sound meter with a reference pressure of 20 micro-pascals using the "A" weighted network (scale) at slow response. The unit of measurement shall be defined as dB(A) or dBA.

GENERAL PROHIBITION

2. No person shall make, cause or permit a noise that is likely to disturb any inhabitants of the Town of Cobourg as set out in Schedule "A".

SOUND LEVELS

- 3.1 No person shall make, cause or permit to be made within the Town of Cobourg a continuous sound with a sound level that, measured at a point of reception on an approved sound meter, exceeds allowable sound levels noted below:

Type of Land Use	Time Interval	Maximum Allowable Sound Level (dbA)
Residential and Hospital	Night-time	45
	Daytime	55
Commercial	Night-time	55
	Daytime	60
Industrial	Night-time	65
	Daytime	70

- 3.2 No person shall make, cause or permit to be made within the Town of Cobourg a continuous sound or any sound, the sound level of which exceeds a sound level of 75 dbA during the daytime or exceeds a sound level of 70 dbA during the night-time, measured at the point of reception.

PROHIBITION OF SOUNDS OF SPECIFIC ORIGIN

4. Despite the provisions of Section 3.1 and 3.2, no person shall, subject to the exceptions under Section 5, make or cause or permit to be made:
- (a) a continuous sound during the Daytime or Night-time of any day, emitted, produced or amplified at a sound level in excess of 65 decibels by any electronic equipment or other device or apparatus carried on or in or towed by a motor vehicle while the motor vehicle is moving on a highway or stationary on any premises;
 - (b) a sound caused by the use of a motor vehicle horn or other similar warning device except for the purpose of giving an audible warning when necessary for the safe operation of such vehicle, or for the safety of others on a highway;
 - (c) a sound caused by the use of a motor vehicle alarm system more than once in any two hour period;
 - (d) the particular noises during prohibited periods of time and place relating to specific operations as set out in Schedule "A" attached which forms a part of this by-law.

EXCEPTIONS

5. The provisions of this By-law shall not apply to any sound caused by:
- (a) the operation by Police Officers, Fire Fighters and operators of emergency vehicles in the conduct of their lawful duty;
 - (b) the operation of power equipment used for lawn, garden, building or property maintenance, but excluding construction, on any day other than a Sunday or holiday between 8:00 a.m. and 8:00 p.m. and between 10:00 a.m. and 8:00 p.m. on a Sunday or holiday;
 - (c) the noise arising from the operation of construction or construction equipment on any day other than a Sunday or holiday between the hours of

7:00 a.m. and 6:00 p.m. and between the hours of 12:00 noon and 6:00 p.m. on Sundays and statutory holidays;

- (d) the operation of a street sweeper, snow removal equipment, parks and public works maintenance machines and equipment by or on behalf of the Town; or other institutional uses within the Town of Cobourg limits;
- (e) the unamplified performance of vocal or instrumental music by a person or a group of persons between the hours of 7:00 a.m. and 11:00 p.m.;
- (f) activities or work specifically exempted from this by-law by a resolution of Council provided such conditions or requirements as may be imposed by Council are observed or met.

RIGHT OF ENTRY

- 6. A By-law Enforcement Officer may at all reasonable times enter upon any premises other than dwellings in order to ascertain whether the provisions of this by-law are being observed.

PENALTY

- 7.1 Any person who contravenes any provision of this By-law is guilty of an offence and is liable upon conviction to such fines and penalties as may be provided pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990, cP33 as amended.
- 7.2 If this By-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the By-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 7.3 Where a person contravenes any provision of this By-law, each day or a part of a day that the contravention continues is a separate offence.

SEVERABILITY

- 8. If any section, clause or provision of this By-law is for any reason declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention of Council that the remaining sections, clauses or provision of the By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions of this By-law shall have been declared to be invalid.

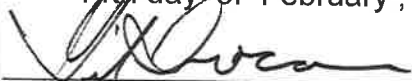
REPEAL

- 9. Upon the passage of this By-law, By-law No. 60-97, By-law No. 38-00, By-law No. 102-2008 and By-law No. 70-2009 and all amendments thereto shall be repealed.

ENACTMENT

- 10. THAT this By-law shall come into force and effect upon the final passing hereof.

READ a first, second and third time and finally passed in Open Council this 14th day of February, 2011.



MAYOR



MUNICIPAL CLERK

SCHEDULE "A"

Section	Particulars of Noise	Residential/Commercial Areas
1.	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, and All day Sundays and Statutory Holidays
2.	The operation of any construction equipment without effective muffling devices in good working order and in constant operation.	At any time
3.	The detonation of fireworks or explosive devices.	11:00 p.m. of one day to 7:00 a.m. of the next day (9:00 a.m. Sundays)
4.	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. Sundays)
5.	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. Sundays)
6.	The venting, release or pressure relief of air, steam or other gaseous material, product or compound from any autoclave, boiler, pressure vessel, pipe, valve, machine, device or system.	11:00 p.m. of one day to 7:00 a.m. of the next day (9:00 a.m. Sundays)
7.	Continuous barking, calling or whining or other similar persistent noise making by any animal.	At anytime
8.	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. Sundays)
9.	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. Sundays)

10.	Yelling, shouting, hooting, whistling or singing or similar sounds.	11:00 p.m. of one day to 7:00 a.m. of the next day (9:00 a.m. Sundays)
11.	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. Sundays)
12.	The use of 'jake brakes' or other forms of engine braking within the limits of the Town of Cobourg.	At anytime
13.	The operation of a motor vehicle in such a way that the tires squeal.	At anytime
14.	The operation of any combustion engine without an effective exhaust muffling device in good working order and in constant operation.	At anytime
15.	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 or for accessibility purposes.	7:00 p.m. of one day to 7:00 a.m. of the next day, and All day Sundays and Statutory Holidays
17.	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.	11:00 p.m. of one day to 7:00 a.m. of the next day; and
18.	Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, produce, materials, or refuse unless necessary for the maintenance of essential services or the preservation of perishable goods.	11:00 p.m. of one day to 7:00 a.m. of the next day; On Sundays, from 12:00 midnight to 10:00 a.m. and from 2:00 p.m. to 12:00 midnight; and On Statutory holidays, from 12:00 midnight to 10:00 a.m. and from 2:00 p.m. to 12:00 midnight.



THE CORPORATION OF THE TOWN OF COBOURG

BY-LAW NUMBER 012-2011

A BY-LAW TO AMEND BY-LAW NUMBER 02-2003 BEING A BY-LAW RESPECTING SMOKING IN PUBLIC PLACES.

WHEREAS pursuant to Section 115 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes councils of local municipalities to pass by-laws to prohibit or regulate the smoking of tobacco in public places and workplaces;

AND WHEREAS the Smoke-Free Ontario Act establishes a minimum standard applicable across the province, and municipalities still have the ability to pass more restrictive by-laws;

AND WHEREAS the Council of the Corporation of the Town of Cobourg considered the enactment of such a by-law to be advisable and in the interests of the health, safety and welfare of its inhabitants;

AND WHEREAS Council passed By-law No. 02-2003 on January 6, 2003;

AND WHEREAS Council is desirous to amend By-law No. 02-2003 to prohibit smoking around the exterior of municipally owned buildings including the arenas, community centre, marina, trailer park, bus and transit shelters, parks garage, public works building, public utilities buildings, greenhouse, water plant, water pollution control facilities, C. Gordon King Centre/Cobourg Public Library, Market Building, Old Fire Hall Theatre Building, Fire Hall, Police Station, Dressler House and Victoria Hall.

NOW THEREFORE the Municipal Council of the Corporation of the Town of Cobourg enacts as follows:

1. THAT PART II of By-law No. 02-2003 be amended by adding the following:

PART II - NO SMOKING IN PUBLIC PLACES

2. No person shall smoke within nine (9) meters of the exterior of municipally owned buildings including the arenas, community centre, marina, trailer park, bus and transit shelters, parks garage, public works building, public utilities buildings, greenhouse, water plant, water pollution control facilities, C. Gordon King Centre/Cobourg Public Library, Market Building, Old Fire Hall Theatre Building, Fire Hall, Police Station, Dressler House and Victoria Hall and signs will be posted accordingly.

3. THAT the provisions of this by-law shall come into force and take effect upon the final passing hereof, subject to the erection of appropriate signs in accordance with the relevant regulations.

READ a first, second and third time and finally passed in Open Council this 7th day of March, 2011.


MAYOR


MUNICIPAL CLERK