



Council Report

Report Number: MLE2021-017
Meeting Date: November 16, 2021
Title: Noise By-Law update to Council
Description: Review of Schedules A, B and C as attached to the By-Law
Author and Title: Aaron Sloan, Manager

Recommendation(s):

That Report MLE2021-017 **Noise By-Law update to Council** be received;

That By-Law 2019-124 being a By-Law to Regulate Noise in the City Of Kawartha Lakes, Schedule B be amended, as generally outlined in Appendix B to Report MLE2021-017; and

That the necessary By-Law be forwarded to December 14, 2021 regular Council meeting for approval.

Department Head: _____

Chief Administrative Officer: _____

Background:

At the Council Meeting of June 15, 2021, Council adopted the following resolution:

CR2021-285

That the Minutes of the June 1, 2021 Committee of the Whole Meeting be received and the recommendations, included in Section 9.3 of the Agenda, save and except for Items 9.3.22 and 9.3.31, be adopted.

Carried

CW2021-184

That the Memorandum from Councillor Seymour-Fagan, regarding Noise By-law Review, be received; and

That staff review the noise By-law, being By-Law 2019-124, for inconsistencies and report back in Q4, 2021.

The memorandum stated rationale is that the types of noises that are created by people, places and activity has impacted the schedules attached to the Noise By-Law. The inconsistency between the noise type and time as prohibited should be reviewed, specifically with regards to Schedules A, B, and C. Schedule B outlines the times in which certain noises are permitted, for example: the playing of percussion instruments and singing can only occur from 11AM until 11PM however, hooting, yelling and boisterous activity ends at 9PM.

Carried

This report addresses that direction.

Rationale:

On June 1, 2021 at the Committee of the Whole meeting Councillor Seymour-Fagan provided a memorandum requesting a Noise By-Law review. The memorandum requested that staff review the noise By-law, being By-Law 2019-124, for inconsistencies and report back in Q4, 2021

The Corporation of the City of Kawartha Lakes By-Law 2019-124, being a By-Law to Regulate Noise in the City of Kawartha Lakes, is attached as **Appendix A** to this report.

In 2019, staff reviewed the Noise By-law and implemented a noise exemption application process; the by-law was subsequently updated to the current version.

Schedule “A” to By-law 2019-124 General Noise Prohibitions (not time regulated),

The prohibition listed in Schedule A includes items such as motor vehicle noise that is created by the operation, lack of maintenance or improperly secured load on the vehicle. Also, Schedule A contains prohibitions that are in effect every day and at all times, that include persistent barking, calling or whining or other similar persistent noise-making by animals and birds kept as household pets and regulation for selling or advertising by shouting, yelling or amplified sound.

Schedule “B” to By-law 2019-124 prohibits Noise by Type and Time, section 12 and 13 in this schedule relate directly to CW2021-184 and are as follows:

Noise Type	Prohibited Times	
	Day(s) of the week	Time of day
12. Voices, instruments, and other sounds: a. Operation of any device or group of connected devices intended for the production, reproduction, or amplification of voices, or sound, or singing, or the playing of musical instruments (including percussion instruments)	<ul style="list-style-type: none"> • <u>All</u> days of the week 	<ul style="list-style-type: none"> • 11:00pm to 11:00am
13. Yelling, shouting, hooting, whistling, or other boisterous activity	<ul style="list-style-type: none"> • <u>All</u> days of the week 	<ul style="list-style-type: none"> • 9:00pm to 7:00am

Schedule “C” to By-law 2019-124 general exemptions,

The exemptions listed in Schedule C, generally include items such as the operation of emergency, municipal and utility vehicles, authorized fireworks, fairs, races, parades and ceremonial events as authorized by the municipality and normal operation of church bells, farming activities and manufacturing and/or commercial processes that may include refrigeration.

Staff Review,

Staff have reviewed the Noise by-law as listed above (and attached as **Appendix A**) and found that Schedule B, Noise type 12 & 13 list **times** in which activities would not be permitted. While the activities have differences such as amplified sounds (prohibited 11pm-11am) and hooting, yelling and boisterous activity (prohibited 9pm-7am) that can be explored, the sounds may also be considered similar based on circumstances. For example, an outdoor music event may create amplified music, play until 11pm, and include boisterous crowds, which hoot and yell. Kids playing basketball in a residential area or park are not permitted to create noise, which might include hooting, yelling and whistling past 9pm.

Boisterous, means loud, clamorous, and unrestrained; rough and noisy; noisily jolly or rowdy; clamorous: the sound of boisterous laughter.

Parks Recreation and Culture oversee the municipal parks; many of the park locations permit sporting events and organized leagues. These parks have lights that illuminate fields, ball diamonds, tennis and basketball courts. These lights may be turned on at dusk and remain on until 11pm (may include a facility rental agreement).

Complaints

Municipal Law Enforcement and Licensing receives and investigates noise related complaints.

In 2021 (October) - 146 noise complaints that include:

- 57 barking dogs
- 11 yelling
- 34 loud music
- 8 construction
- Other assorted complaints relating to lawn mowers, exhaust noise, back up beepers, generators etc.

In 2020 – 133 noise complaints that include:

- 62 barking dogs,
- 17 yelling,
- 10 loud music,
- 10 construction
- Other assorted complaints relating to lawn mowers, exhaust noise, back up beepers, generators etc.

The majority of the complaints involve barking dogs, but complaints are received specifically related to activities such as music, loud vehicles or operations such as street sweeping (parking lots) or refrigeration units. Staff has not received complaints about boisterous activities or in relation to use of municipal facilities such as a basketball court in a park.

Exemptions:

Processes such as Municipal Event Application (MEA), special events permit and a park/facility rental agreement may authorize events that create noise; if the event is organized and authorized by a municipal application or permit, it may be exempt from noise regulations (Schedule C). However, within the processes the event organizers are always provided with information about how to apply for a municipal Noise by-law exemption.

Staff in the Municipal Law Enforcement and Licensing also receive exemption requests for events such as weddings, graduation parties or similar events that occur on private properties. These events may require an exemption to the Noise by-law to allow for music and speeches to occur after regulated times (generally past 11pm). The exemption requests are circulated internally to numerous senior staff members and externally to the police services. Staff receive/review circulation responses and will send a letter to the applicant indicating that the exemption is approved, approved with conditions or denied.

Events that are scheduled for longer than 3 days are directed into a different process, which will require a staff report be prepared for Council and Council approval, approval with conditions or denied, prior to the event occurring.

Other Municipalities

In review of other municipalities, staff note that many municipalities regulate noise in a similar fashion to our municipal by-law and that noise such as loud music is permitted until 11pm. Staff note that some municipalities regulate shouting, yelling, hooting, loud whistling, loud singing by prohibition at all times. Their by-laws do not regulate boisterous activity.

Recommendations

Schedule A – Staff is not recommending that Schedule A be amended

Schedule B – considering hooting, yelling, whistling and boisterous activities staff is recommending that the term “Boisterous” be removed from the Noise by-law. Staff is

further recommending that time regulated activities in Schedule B, Noise Type 13 attached as **Appendix B** be amended to read as follows:

Noise Type	Prohibited Times	
	Day(s) of the week	Time of day
13. Yelling, shouting, hooting, and whistling. or other boisterous activity	<ul style="list-style-type: none"> All days of the week 	<ul style="list-style-type: none"> 9:00pm 11:00pm to 7:00am

Schedule C – Staff is not recommending that Schedule C be amended.

Other Alternatives Considered:

Staff when conducting the study of how other municipalities manage noise related by-laws considered that the amendment to Schedule B, Noise Type 13 to prohibit yelling, shouting, hooting and whistling could be amended to provide regulation “at all times”. Staff recognised that creating a restriction in this way would result in an increase in complaints being made to the Police Services and MLEL, about activities that naturally create noise but that may not be desirable to citizens, such as people playing basketball in a park during the afternoon.

Should Council wish to proceed with regulating yelling, shouting, hooting and whistling “at all times”, the following amendment will be required:

That By-Law 2019-124 being a By-Law to Regulate Noise in the City Of Kawartha Lakes Schedule B be amended,

Noise Type	Prohibited Times	
	Day(s) of the week	Time of day
13. Yelling, shouting, hooting, and whistling.	<ul style="list-style-type: none"> All days of the week 	<ul style="list-style-type: none"> Prohibited

As a further option, Council could consider removing all references to yelling, shouting, hooting, and whistling or other boisterous activities from Schedule B of the by-law. Removing this section would eliminate the need for MLEL staff to respond to the

associated complaints. This would eliminate approximately 20 MLEL investigations yearly but may cause a corresponding increase for calls to service by the police services. Staff is not recommending this change.

Alignment to Strategic Priorities

Recommendations in this report and the proposed amendment to the by-law align with the principle of healthy environment, service excellence and good government.

Financial/Operation Impacts:

The proposed amendment to By-Law 2019-124 being a By-Law to Regulate Noise in the City Of Kawartha Lakes will not significantly impact MLEL staff operations and will be addressed using the current budget and staff levels.

Consultations:

Manager, Parks, Recreation & Culture

Kawartha Lakes Police Service

Ontario Provincial Police Service

Attachments:

Appendix A – 2019-124 Noise By-law



2019-124 Noise
Bylaw.docx

Appendix B – 2019-124 Noise By-law redline proposed change Schedule B



Schedule "B" to
By-law 2019-124 Noi

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Department Head: Cathie Ritchie, Clerk