

The Corporation of the Town of Lakeshore
Report to Council

Legislative & Legal Services



To: Mayor & Members of Council

From: Kristen Newman, Director of Legislative & Legal Services
Morris Harding, Manager of Building Services

Date: October 26, 2020

Subject: Bill 215 – Main Street Recovery Act, 2020 – Amendments to the Municipal Act, 2001 regarding Noise Prohibitions

Recommendation

Direct the Clerk to file a comment objecting to the Province of Ontario’s proposed Bill 215 amendments to the *Municipal Act, 2001*, as described in the report presented at the November 10, 2020 meeting.

Background

The Province of Ontario is seeking input from interested stakeholders and the public regarding the proposed *Main Street Recovery Act, 2020* (“Bill 215”) (attachment 1) as part of its Main Street Recovery Plan (attachment 2). The proposal in the Environmental Registry (“EBR”) is attached as attachment 3. This bill proposes amendments to a number of statutes, including:

- *Highway Traffic Act*,
- *Municipal Act, 2001/ City of Toronto Act, 2006*, and,
- *Ontario Food Terminal Act*.

Bill 215 is currently at the second reading in the legislature. As noted above, the Bill amends various statutes. Only one particular amendment is addressed in this report because of its relevance to municipal jurisdiction—the amendment to the *Municipal Act, 2001*.

Through Bill 215, the Province proposes to add the following section to the *Municipal Act, 2001*:

130 (1) Despite sections 9, 10, 11 and 129, a municipality does not have the power to prohibit and regulate with respect to noise made in the municipality in connection with the delivery of goods to any of the following, except as otherwise authorized by regulation:

1. Retail business establishments.
2. Restaurants, including cafes and bars.
3. Hotels and motels.
4. Goods distribution facilities.

The Bill also proposes to give the Minister the authority to make regulations to prohibit and regulate with respect to noise made in the municipality in connection with the delivery of goods in relations to those places described above.

A restriction on the ability for a municipality to pass noise by-laws similar to this one was introduced by emergency order, O. Reg. 70/20, in March 2020 during the onset of the COVID-19 pandemic. Bill 215 appears to propose to make this change permanent as there does not appear to be a sunset clause included in the text of Bill 215.

Comments

The *Municipal Act, 2001* permits municipalities to regulate noise. Section 129 of the Act states:

Noise, odour, dust, etc.

129 Without limiting sections 9, 10 and 11, a local municipality may,

(a) prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors; and

(b) prohibit the matters described in clause (a) unless a permit is obtained from the municipality for those matters and may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans.

These powers include the authority to regulate the places addressed by the proposed language (i.e., retail business establishments, restaurants, hotels and motels and goods distribution facilities). The Town has exercised its authority to regulate the delivery of goods through By-law 106-2007, being a By-law to Control Noise (“Noise By-law”). The Noise By-law operates so as to prohibit noise created from the “Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, productions

materials, or refuse, whatsoever, unless necessary for the maintenance of essential services or the moving of private household effects” from 8 pm to 8 am.

The passage and coming into force of Bill 215 will result in a reduction in municipal powers in relation to noise--a subject matter which municipalities have traditionally governed and for which it makes sense to have local regulation which reflects the desires and wishes of the community being regulated. As such, Administration recommends that Council direct Administration to file an objection in the EBR because this is an unnecessary encroachment upon municipal discretion.

If Council wishes not to object to Bill 215, Administration recommends that Council direct Administration to file a comment in the EBR requesting that the Province make the amendments to the *Municipal Act, 2001* temporary in nature during the recovery period so as not to make the restrictions permanent.

The EBR comment period closes November 21, 2020 at 11:59pm.

In the event that Bill 215 is passed by the Legislature, Administration will prepare a proposed amendment to the Town’s Noise By-law to address conflicts created by the new provisions in the *Municipal Act, 2001*.

Financial Impacts

There are no financial implications arising from this report. The Town generates very little, if any, revenue from Noise By-law charges if a place contravenes the Noise By-law.

Attachment(s): 1. Main Street Recovery Plan

2. Bill 215

3. EBR Proposal

3. Noise By-law

Report Approval Details

Document Title:	Bill 215 - Main Street Recovery Act, 2020.docx
Attachments:	- 1-Province-MainStreetRecoveryPlan.pdf - 2-Bill215.pdf - 3-EBRProposal.html - 4-NoiseBy-law.pdf
Final Approval Date:	Nov 5, 2020

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

Morris Harding

Tammie Ryall


Rosanna Pellerito

Truper McBride



Rebuilding Main Street

Helping Ontario Businesses
Reopen Safer, Rehire Faster
and Recover from COVID-19



MAIN STREET S.

“ Every day, people in communities across Ontario depend on small businesses. They did their part and closed their doors during the first wave of the pandemic. Now they are depending on all of us. Our government is determined to support them through this pandemic and beyond.”

Prabmeet Singh Sarkaria,
Associate Minister of Small Business
and Red Tape Reduction



A Message from the Minister

Helping Ontario Businesses Reopen Safer, Rehire Faster and Recover from COVID-19

As Associate Minister of Small Business and Red Tape Reduction and the proud son of two small business owners, I understand what these businesses mean to the people who run them, the communities they serve and the economy they support.

Every day, communities across Ontario depend on small businesses. And today, those small businesses are depending on all of us. That's why our government is determined to support them through this pandemic and beyond.

COVID-19 has presented challenges unlike anything Main Street Ontario has ever faced. Through more than 100 virtual roundtables, I've heard directly from owners, employees, customers, local leaders, and economists. I have listened to the heartbreaking stories from entrepreneurs and family businesses who've sacrificed so much to make their dreams a reality—only to face devastating setbacks brought on by COVID-19.

Throughout the pandemic, small businesses have asked us to support them and lay a stronger economic foundation with new opportunities for growth. Our government's proposals outlined in the Main Street Recovery Plan will help struggling small businesses get back on their feet and jumpstart our economic recovery—so that Ontario's Main Street can reopen safer, rehire faster, and rebuild stronger than before.

Sincerely,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke that curves upwards at the end.

Prabmeet Singh Sarkaria,
Associate Minister of Small Business
and Red Tape Reduction

The Backbone of Ontario's Economy

Small and main street businesses are the backbone of Ontario's economy.

They sustain thriving communities, support supply chains, and connect regional economies. Many of them grow into the game-changing companies Ontario is known for worldwide.



Small businesses account for 98% of all businesses across the province and employ close to 2.4 million hardworking Ontarians. That's why their recovery is so critical to Ontario's recovery.

Ontario's Main Street Recovery Plan

The government's **Main Street Recovery Plan** delivers on the concerns it has heard from small businesses by:

- Providing personal protective equipment grants for main street businesses;
- Ending outdated and duplicative rules so businesses can focus on their work;
- Modernizing regulations to allow businesses to innovate and meet the challenges of today;
- Providing mental health supports to business owners and employees who are struggling;
- Building e-commerce tools so small businesses can do more online; and
- Launching a new webpage to assist small businesses to quickly find the supports and information they need.

Ontario Spirit

COVID-19 has had an unprecedented effect on small businesses throughout the province. During this crisis many have come together to serve their communities, while sacrificing to help protect the public's health.

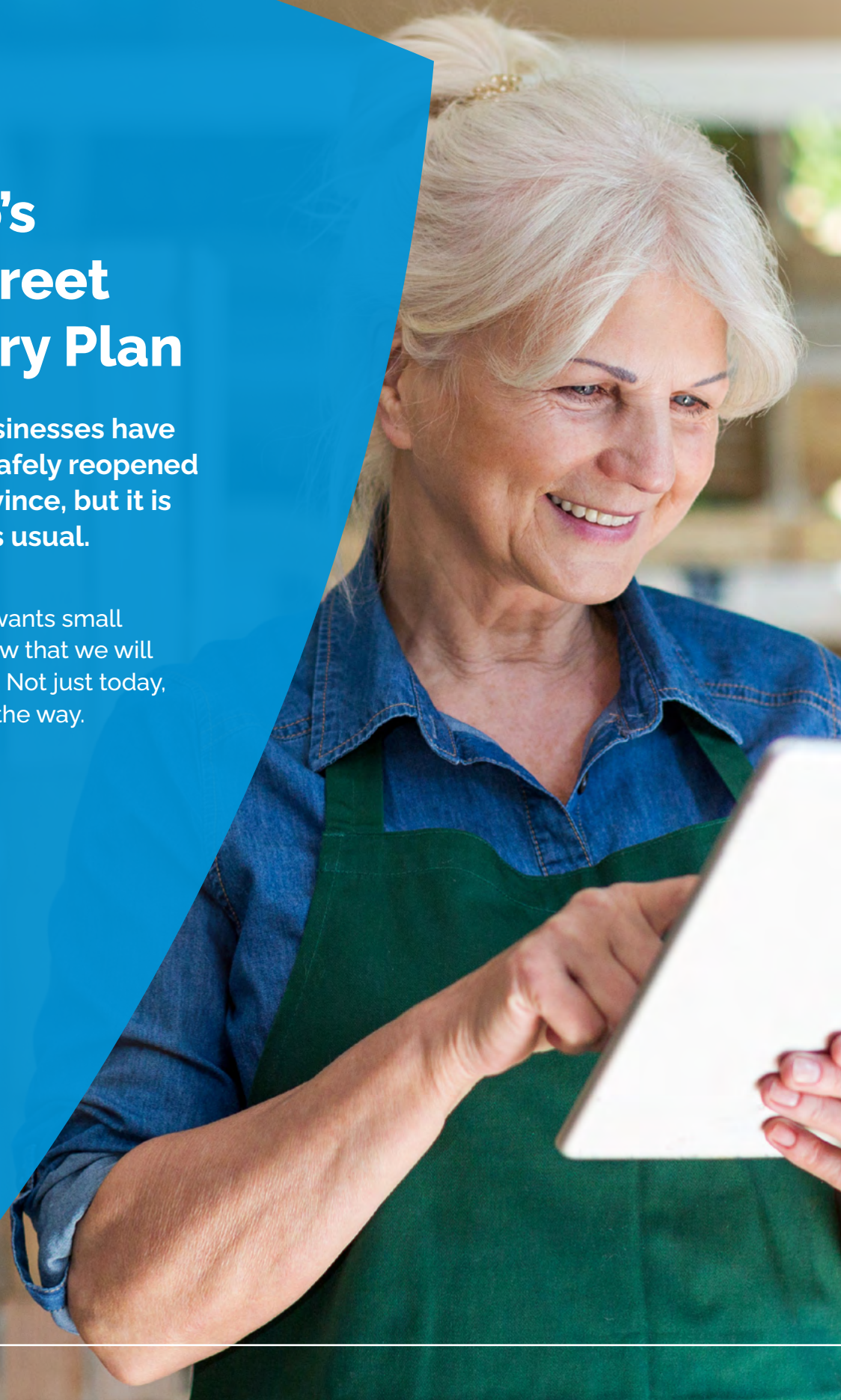
Whether it was temporarily closing their doors to flatten the curve, putting new physical distancing rules in place to keep employees and customers safe, or transforming their business model overnight, small businesses have gone above and beyond to serve the people of Ontario—often at great cost to themselves, their employees and their families.

Together, Premier Ford and Minister Sarkaria have travelled across the province to recognize many of those who have gone above and beyond, with *Small Businesses with Big Hearts*.

Ontario's Main Street Recovery Plan

Many small businesses have carefully and safely reopened across the province, but it is not business as usual.

Our government wants small businesses to know that we will be there for them. Not just today, but every step of the way.



Ontario's Main Street Recovery Plan

Ontario's new **Main Street Recovery Plan** builds on more than \$10 billion in urgent relief and support provided through Ontario's COVID-19 Action Plan.

It features the proposed **Main Street Recovery Act**, along with new programs and policy changes that will provide the supports and services small businesses need, as identified through more than 100 virtual meetings, roundtables, and discussions with owners, employees, economists and associations.

Ontario's **Small Business Strategy** completes the plan, providing the framework for how the government will support small business growth and investment over the long term.

The strategy has five pillars to support main street businesses:

- Lowering costs
- Increasing exports
- Developing talent
- Accelerating technology adoption
- Encouraging entrepreneurship, succession planning, and diversity

Altogether, the **Main Street Recovery Plan** will allow more small businesses to learn about, apply for, and easily access the help they need.

Programs, Services and Supports

to Help Small and Main Street Businesses Reopen Safer, Rehire Faster, and Rebuild Better



→ Ontario's Main Street Recovery Grant

Ontario businesses come in all shapes and sizes. Those that require frequent, in-person contact with customers or coworkers have been heavily impacted by physical distancing requirements to stop the spread of COVID-19. To help these businesses provide a safe place for their customers and their employees, our government is launching the Main Street Recovery Grant.

It will provide a one-time grant of up to \$1,000 for small and main street businesses—in the retail, food and accommodation sectors, and other service sectors with two to nine employees—to help them cover personal protective equipment (PPE) costs, as well as provide cash flow relief. Eligible costs include plexiglass, gloves, face coverings, and other items businesses need to protect their employees and customers, while increasing confidence for consumers. Grant applications will open later this year.

→ Ontario's Small Business COVID-19 Recovery Network

Small businesses in every region of Ontario have been negatively impacted by the pandemic to some degree. The government is helping small businesses access direct local support by linking Ontario's 47 Small Business Enterprise Centres into the new Small Business COVID-19 Recovery Network. Through this network, Small Business Enterprise Centres will offer more individually tailored advice, planning, and tools to serve the needs of owners and entrepreneurs in their community.

New location tools and up-to-date contact information to help find the nearest local centre are available on the new Small Business Recovery Webpage at ontario.ca/smallbusiness.

Digital Main Street Squads

The digital space provides a whole new world of opportunities for small businesses to expand and advance. **Digital Main Street Squads** are going live across the province to help more small and main street businesses go digital. The squads, composed of talented graduates and students with strong technology and marketing backgrounds, are providing one-on-one help with digital assessments, website creation, social media advertising, and e-commerce platforms.

These squads are part of the province's **Digital Main Street** program which, in partnership with the Federal Government, is helping nearly 23,000 small businesses across Ontario to create, build and improve their online presence. Through three digital main street programs, the Toronto Region Board of Trade's Recovery Activation Program, and grants of up to \$2,500, we are helping small and main street businesses quickly pivot their operations online, reach more customers in a physically distanced environment, and be better positioned for future success.

Ontario's Small Business Recovery Webpage

With the COVID-19 crisis changing day-to-day, small businesses need one window to get answers for their most important questions, as well as easy access to supports and programs. Ontario's new Small Business Recovery webpage brings together government services for small and main street businesses, making it easier to learn about, apply for, and access COVID-19 recovery and relief programs and up-to-date information.

The webpage will be regularly refreshed with small business-focused news from across government. It currently features information on reopening, financial and non-financial supports, adapting and transforming operations, and how people and businesses can help. Visit the webpage at ontario.ca/smallbusiness.



Mental Health Services

To help more families, frontline workers, young people, children, and Indigenous communities across Ontario manage through this difficult time, the government is offering expanded mental health and addiction services. This includes community-based services along with virtual and online mental health supports like internet-based Cognitive Behavioural Therapy (iCBT) and BounceBack.

Modernized Regulations so Businesses can Innovate and Meet the Unique Challenges of COVID-19

The last thing small businesses need as they struggle to respond to the pandemic are outdated or duplicative regulations and red tape that slow them down and cost them money. The government continues to help more businesses rapidly adapt to new demands and the changing business climate by modernizing regulations so they can keep their doors open.

Focused and effective rules are improving existing standards to help Ontario workers and families stay healthy and safe, while protecting our environment and the public interest. Smarter regulations that use digital pathways where possible are faster to comply with, so that businesses can invest their precious time and money in restarting, rehiring and implementing new safety measures.

Our government is making the following changes that would:

Commit to exploring options to permanently allow restaurants and bars that hold a Liquor Sales Licence to include alcohol with food as part of a takeout or delivery order

These changes would allow restaurants and food businesses to continue the new revenue streams the government has temporarily provided due to the pandemic, positioning them for future growth opportunities.

Support the distribution of local food and food products by increasing the range of products sold at the Ontario Food Terminal

Thousands of small businesses—from farms to independent grocery stores to restaurants—rely on the Ontario Food Terminal for their success.

This would help support the recovery and growth of agri-food businesses across Ontario, enabling sellers to offer more products for sale to increase their revenues.

At the same time, buyers—and ultimately consumers—would enjoy an expanded variety of local products for purchase.

Support Ontario's Taxi and Limousine Industry by increasing fines for illegal operators

To ensure that Ontarians are safe when they travel, these changes would act as a strong deterrent to illegal operators, making it easier to protect those arriving at Ontario's airports.

Among other changes, this would increase the fine range to \$500 - \$30,000 per offence.





Permanently allow 24/7 deliveries of goods across Ontario to businesses that include retail stores, restaurants and distribution facilities

This would build on temporary changes made to help keep shelves stocked at the outset of the pandemic this spring.

It would help support economic recovery on our main streets and help ensure that important goods can continue to be delivered to businesses as efficiently as possible.

Two previous pilots have shown that it could also reduce rush-hour traffic, lower fuel costs for businesses, and reduce greenhouse gas and other emissions.

Enable Community Net Metering demonstration projects to help support local communities to develop innovative community energy projects, such as net-zero or community micro-grids that use small-scale energy systems including renewable generation

These changes would allow participating small businesses and residential customers to embrace innovative, low-carbon opportunities and provide access to more choices in how they meet their daily energy needs.

Smart communities could unlock lower costs through sustainable energy choices and distributed energy and conservation technologies.



Bring Ontario's Assistive Devices Program into the 21st Century

These changes would ensure that when people need their first or a new assistive device—such as a wheelchair, a hearing aid, or other specialized supplies—they are not burdened with unnecessary paperwork and outdated timelines for small business vendors.

By digitizing this process, small businesses that sell assistive devices would be able to upload claims online and receive payment in as little as 1-2 weeks instead of 8.



To learn more and hear about
other programs and changes
we're making to support small
and main street businesses,

visit ontario.ca/smallbusiness



Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

1ST SESSION, 42ND LEGISLATURE, ONTARIO
69 ELIZABETH II, 2020

Bill 215

**An Act to amend various statutes with respect to the economic recovery of Ontario
and to make other amendments**

The Hon. P. Sarkaria

Associate Minister of Small Business and Red Tape Reduction

Government Bill

1st Reading October 7, 2020

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

SCHEDULE 1 CITY OF TORONTO ACT, 2006

A new section 115.1 is added to the *City of Toronto Act, 2006* to provide that the City does not have the power to prohibit and regulate with respect to noise made in the City in connection with the delivery of goods to specified places, except as otherwise authorized by regulation.

SCHEDULE 2 HIGHWAY TRAFFIC ACT

The *Highway Traffic Act* currently provides that a driver of a motor vehicle other than a bus must have a licence, permit or authorization in order to pick up a passenger for the purpose of transporting him or her for compensation, if such licence, permit or authorization is required by the *Public Vehicles Act*, a by-law passed under the *Municipal Act, 2001*, a regulation made under the *Department of Transport Act* (Canada) or an airport or airport authority. The Schedule adds to that list a by-law passed under the *City of Toronto Act, 2006*.

Currently, the fine for offences related to picking up a passenger for the purpose of transporting him or her for compensation without the required licence, permit or authorization is between \$300 and \$20,000. The Schedule changes the fine to between \$500 and \$30,000.

SCHEDULE 3 MUNICIPAL ACT, 2001

A new section 130 is added to the *Municipal Act, 2001* to provide that municipalities do not have the power to prohibit and regulate with respect to noise made in the municipality in connection with the delivery of goods to specified places, except as otherwise authorized by regulation.

SCHEDULE 4 ONTARIO FOOD TERMINAL ACT

The Schedule amends the *Ontario Food Terminal Act*. The composition of the Ontario Food Terminal Board is changed so that the Board consists of at least five and not more than 13 persons appointed by the Lieutenant Governor in Council. The appointment of the Terminal manager is changed so that it is subject to the approval of the Minister rather than of the Lieutenant Governor in Council.

Currently, the Board's objects include activities related to the operation of a wholesale fruit and produce market. The Schedule expands the Board's objects so they relate to agricultural products and other products. An object is added relating to the promotion of local food within the meaning of the *Local Food Act, 2013*. The Schedule adds a definition of "agricultural product" to the Act and provides that the Board may make rules limiting what constitutes an agricultural product or designating products as agricultural products.

The Board is permitted to establish committees to provide advice or recommendations to the Board in respect of its objects.

**An Act to amend various statutes with respect to the economic recovery of Ontario
and to make other amendments**

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Schedule 4	Ontario Food Terminal Act

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Contents of this Act

1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.

Commencement

2 (1) Subject to subsections (2) and (3), this Act comes into force on the day it receives Royal Assent.

(2) The Schedules to this Act come into force as provided in each Schedule.

(3) If a Schedule to this Act provides that any provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.

Short title

3 The short title of this Act is the *Main Street Recovery Act, 2020*.

**SCHEDULE 1
CITY OF TORONTO ACT, 2006**

1 The *City of Toronto Act, 2006* is amended by adding the following section:

DELIVERY NOISE

Powers re delivery noise

115.1 (1) Despite sections 7 and 8, the City does not have the power to prohibit and regulate with respect to noise made in the City in connection with the delivery of goods to any of the following, except as otherwise authorized by regulation:

1. Retail business establishments.
2. Restaurants, including cafes and bars.
3. Hotels and motels.
4. Goods distribution facilities.

Regulations

(2) The Minister may make regulations,

- (a) authorizing the City to prohibit and regulate with respect to noise made in the City in connection with the delivery of goods to any of the places described in subsection (1);
- (b) governing the powers of the City under clause (a), including authorizing the City to exercise those powers in specified parts of the City;
- (c) defining any word or expression referred to in paragraph 1, 2, 3 or 4 of subsection (1).

Commencement

2 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 2
HIGHWAY TRAFFIC ACT

1 (1) Subsection 39.1 (1) of the *Highway Traffic Act* is amended by adding the following clause:

(b.1) a city by-law passed under paragraph 11 of subsection 8 (2) of the *City of Toronto Act, 2006*;

(2) Subsection 39.1 (8) of the Act is repealed and the following substituted:

Offence

(8) Every person who contravenes subsection (1), (2), (3), (4) or (6) is guilty of an offence and on conviction is liable to a fine of not less than \$500 and not more than \$30,000.

Commencement

2 This Schedule comes into force on the day the *Main Street Recovery Act, 2020* receives Royal Assent.

**SCHEDULE 3
MUNICIPAL ACT, 2001**

1 The *Municipal Act, 2001* is amended by adding the following section:

Noise re delivery of goods

130 (1) Despite sections 9, 10, 11 and 129, a municipality does not have the power to prohibit and regulate with respect to noise made in the municipality in connection with the delivery of goods to any of the following, except as otherwise authorized by regulation:

1. Retail business establishments.
2. Restaurants, including cafes and bars.
3. Hotels and motels.
4. Goods distribution facilities.

Regulations

(2) The Minister may make regulations,

- (a) authorizing municipalities to prohibit and regulate with respect to noise made in the municipality in connection with the delivery of goods to any of the places described in subsection (1);
- (b) governing the powers of a municipality under clause (a), including authorizing municipalities to exercise those powers in specified parts of the municipality;
- (c) defining any word or expression referred to in paragraph 1, 2, 3 or 4 of subsection (1).

Commencement

2 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 4
ONTARIO FOOD TERMINAL ACT**

1 (1) Section 1 of the *Ontario Food Terminal Act* is amended by adding the following definition:

“agricultural product” includes, subject to the rules made under section 13, dairy products, edible fungi, eggs, fish, flowers, fruit, honey, living and decorative horticultural products, nuts, maple products, plants, poultry, vegetables and other products designated in the rules made under section 13; (“produit agricole”)

(2) The definition of “fruit and produce” in section 1 of the Act is repealed.

(3) Section 1 of the Act is amended by adding the following subsection:

Agricultural product

(2) A product is considered to be an agricultural product whether or not it is wrapped, packaged or minimally processed.

2 Subsection 2 (2) of the Act is repealed and the following substituted:

Board composition

(2) The Board shall consist of at least five and not more than 13 persons appointed by the Lieutenant Governor in Council.

3 Subsection 3 (1) of the Act is repealed and the following substituted:

Appointment of officers, employees

(1) Subject to the approval of the Minister, the Board may appoint a manager of the Terminal.

Clarification

(1.1) The appointment of any person as a manager or other officer does not disqualify that person from acting as chair, vice-chair or a member of the Board.

4 (1) Clause 4 (1) (a) of the Act is amended by,

(a) striking out “a wholesale fruit and produce market” and substituting “a wholesale market primarily for agricultural products”; and

(b) striking out “handling of fruit and produce” and substituting “handling of agricultural products”.

(2) Subsection 4 (1) of the Act is amended by adding the following clause:

(a.1) to promote local food within the meaning of the *Local Food Act, 2013*;

5 The Act is amended by adding the following section:

Committees

11.2 The Board may establish one or more committees to provide advice or recommendations to the Board in respect of its objects.

6 Subsection 13 (1) of the Act is amended by adding the following clauses:

(0.a) limiting what constitutes an agricultural product for the purposes of this Act;

(0.b) designating products as agricultural products for the purposes of this Act;

Commencement

7 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

CORPORATION OF THE TOWN OF LAKESHORE

By-Law No. 106-2007

A BY-LAW TO CONTROL NOISE

WHEREAS the people have a right to and should be ensured an environment free from unusual, unnecessary, or excessive sound, vibration or other noise that may degrade the quality and tranquillity of their life or cause a nuisance;

AND WHEREAS it is the policy of the Council to reduce and control such sound or vibration;

AND WHEREAS the *Municipal Act, 2001* authorizes municipalities to prohibit and/or regulate noise;

NOW THEREFORE, the Council of the Corporation of The Town of Lakeshore enacts as follows:

Interpretation

1. In this by-law:

"Agricultural Area" means those areas of the municipality designated as agricultural in the Zoning By-law;

"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 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, 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" 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;

"Council" means the council of the Corporation of The Town of Lakeshore;

"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" includes an 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 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" means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power;

"Municipality" means the land within the geographic limits of the Corporation of the Town of Lakeshore;

"Noise" means unwanted sound;

"Point of Reception" means any point on the premises of a person where sound or vibration originating from other than those premises is received.

"Residential Area" means those areas of the municipality designated as residential in the Zoning By-law; and

"Zoning By-law" means any by-law in effect within the Municipality pursuant to section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended.

General Prohibitions

2. No person shall emit or cause or permit the emission of sound as a result of any act listed in this section if such sound is clearly audible at a Point of Reception:
 - (a) Racing of any Motorized Conveyance other than in a racing event regulated by law;
 - (b) The operation of a Motor Vehicle in such a way that the tires squeal;
 - (c) The operation of any combustion engine or pneumatic device without an effective exhaust or intake muffling device in good working order and in constant operation;
 - (d) 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, or inadequate maintenance;
 - (e) The operation 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 Motor Vehicle is stationary in a Residential Area unless:
 - (i) 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;
 - (ii) operation of such 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 and refuse compactors;
 - (iii) 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 the preservation of perishable cargo, and the vehicle is stationary for purposes of delivery or loading;
 - (iv) prevailing low temperatures make longer idling periods necessary immediately after starting the motor or engine; or
 - (v) 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, carburettor or the like, when such work is performed other than for profit.
 - (f) The operation of a Motor Vehicle horn or other warning device except where required or authorized by law or in accordance with good safety practices;
 - (g) The operation of any item of Construction Equipment in a Residential Area or Agricultural Area without effective muffling devices in good working order and in constant operation; or
 - (h) Dynamic braking or engine braking or engine retarding of a Motor Vehicle.

Prohibitions by Time and Place

3. No person shall emit or cause or permit the emission of sound resulting from any act listed in Table 3-1 if clearly audible at a Point of Reception located in an area of the municipality within a prohibited time shown for such an area.

TABLE 3-1

PROHIBITIONS BY TIME AND PLACE

	Prohibited Period of Time	
	Residential Area	Agricultural Area
1. The detonation of fireworks or explosive devices not used in construction.	At all times except for the celebrations of Victoria Day, the birthday of the reigning Sovereign, Canada Day (July 1 st) and American Independence Day (July 4 th)	
2. The discharge of firearms.	At all times	
3. 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 any device, which model or replica has no function other than amusement and that is not a conveyance.	At all times	10:00 p.m. to 8:00 a.m.
4. The sound from or created by any radio, phonograph, tape player, television, public address system, sound equipment, loud speaker, or any musical or sound producing instrument of whatever kind when the same is played or operated in such a manner or with such volume as to disturb the peace, quiet, comfort or repose of any individual in any office, dwelling house, apartment, hotel, hospital, or any other type of residence.	At all times	10:00 p.m. to 8:00 a.m.
5. The operation of any auditory signalling 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 by electronic means except where required or authorized by law or in accordance with good safety practices.	At all times	10:00 p.m. to 8:00 a.m.

	Prohibited Period of Time	
	Residential Area	Agricultural Area
6. The operation of any powered rail car including but not limited to refrigeration cars, locomotives or self-propelled passenger cars, while stationary on property not owned or controlled by a railway governed by the Canada Railway Act.	At all times	10:00 p.m. to 8:00 a.m.
7. The operation of any motorized conveyance other than on a highway or other place intended for its operation.	At all times	
8. 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.	9:00 p.m. to 8:00 a.m.	
9. Persistent barking, calling or whining or other similar persistent noise making by any domestic pet or any other animal kept or used for any purpose other than agriculture.	At all times	At all times
10. The operation of a commercial car wash with air drying equipment.	At all times	10:00 p.m. to 7:00 a.m.
11. Yelling, shouting, hooting, whistling or singing.	At all times	
12. The operation of a power assisted hang glider or parafoil.	At all times	
13. All selling or advertising by shouting or outcry or amplified sound.	11:00 p.m. to 7:00 a.m.	11:00 p.m. to 7:00 a.m.
14. Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, products, materials, or refuse, whatsoever, unless necessary for the maintenance of essential services or the moving of private household effects.	8:00 p.m. to 8:00 a.m.	
15. The operation of any equipment in connection with construction.	8:00 p.m. to 7:00 a.m.	8:00 p.m. to 7:00 a.m.
16. The operation or use of any tool for domestic purposes other than snow removal.	10:00 p.m. to 8:00 a.m.	
17. The operation of solid waste bulk lift or refuse compacting equipment.	10:00 p.m. to 8:00 a.m.	
18. The operation of a commercial car wash of a type other than mentioned in item 10.	10:00 p.m. to 7:00 a.m.	

Exemption for Public Safety

4. Notwithstanding any other provision of this by-law, it shall be lawful to emit or cause or permit the emission of sound or vibration in connection with emergency measures undertaken for the immediate health, safety or welfare of the inhabitants or any of them or for the preservation or restoration of property unless such sound or vibration is clearly of a longer duration or nature more disturbing, than is reasonably necessary for the accomplishment of such emergency purpose.

Grant of Exemption by Council

5. (a) Notwithstanding anything contained in this by-law, any person may make application to Council to be granted an exemption from any of the provisions of this by-law with respect to any source of sound or vibration for which he might be prosecuted and Council, by resolution, may refuse to grant any exemption or may grant the exemption applied for or any exemption of lesser effect and any exemption granted shall specify the time period, not in excess of six months, during which it is effective and may contain such terms and conditions as Council sees fit.
- (b) In deciding whether to grant the exemption, Council shall give the applicant and any person opposed to the application an opportunity to be heard and may consider such other matters as it sees fit.
- (c) Breach by the applicant of any of the terms or conditions of any exemption granted by Council shall render the exemption null and void.

Severability

6. If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

Repeals

7. By-law number 69-99 is hereby repealed.

Penalty

8. Every person who contravenes any of the provisions of this by-law is guilty of an offence and shall, upon conviction therefor, forfeit and pay a minimum fine of \$150 and a maximum fine of \$5000 exclusive of costs.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 14 DAY OF AUGUST, 2007.



Tom Bain - Mayor



Mary Masse - Clerk

ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 106-2007, of the Town of Lakeshore, attached hereto are the set fines for those offences. This Order is to take effect November 26, 2007.



Dated at London this 26th day of November, 2007.

Bruce G. Thomas
Regional Senior Justice
West Region

APPENDIX A
PART I Provincial Offences Act

Town of Lakeshore
By-law #106-2007: Noise

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1	Causing or permitting sound by dynamic or engine braking of a vehicle.	Subsect. 2(h)	\$75.00
2	Causing or permitting sound through the detonation of fireworks or explosive devices.	Sect. 3 Table 3-1 - # 1	\$75.00
3	Causing or permitting sound through the discharge of a firearm.	Sect. 3 Table 3-1 - #2	\$75.00
4	Causing or permitting sound from any electronic device or musical instrument.	Sect. 3 Table 3-1 - # 4	\$75.00
5	Causing or permitting sound from any auditory signalling device.	Sect. 3 Table 3-1 - #5	\$75.00
6	Causing or permitting sound from any motorized conveyance in an area where it is not intended to be operated.	Sect. 3 Table 3-1 - # 7	\$75.00
7	Causing or permitting sound by permitting a domestic pet or animal to bark, call or whine.	Sect. 3 Table 3-1 - # 9	\$75.00
8	Causing or permitting sound by yelling, shouting, whistling or singing.	Sect. 3 Table 3-1 - # 11	\$75.00
9	Causing or permitting sound from the operation of any construction equipment.	Sect. 3 Table 3-1 - #15	\$75.00
10	Causing or permitting sound from the operation of any tool other than for snow removal	Sect. 3 Table 3-1 - #16	\$75.00

NOTE: Penalty provisions for the offences indicated above are Section 8 of By-law Number 106-2007, a certified copy of which has been filed, and s.61 of the *Provincial Offences Act*.

APPENDIX A
PART I Provincial Offences Act

Town of Lakeshore
By-law #106-2007: Noise

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
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2	Causing or permitting sound through the detonation of fireworks or explosive devices.	Sect. 3 Table 3-1 - #1	\$75.00
3	Causing or permitting sound through the discharge of a firearm.	Sect. 3 Table 3-1 - #2	\$75.00
4	Causing or permitting sound from any electronic device or musical instrument.	Sect. 3 Table 3-1 - #4	\$75.00
5	Causing or permitting sound from any auditory signalling device.	Sect. 3 Table 3-1 - #5	\$75.00
6	Causing or permitting sound from any motorized conveyance in an area where it is not intended to be operated.	Sect. 3 Table 3-1 - #7	\$75.00
7	Causing or permitting sound by permitting a domestic pet or animal to bark, call or whine.	Sect. 3 Table 3-1 - #9	\$75.00
8	Causing or permitting sound by yelling, shouting, whistling or singing.	Sect. 3 Table 3-1 - #11	\$75.00
9	Causing or permitting sound from the operation of any construction equipment.	Sect. 3 Table 3-1 - #15	\$75.00
10	Causing or permitting sound from the operation of any tool other than for snow removal	Sect. 3 Table 3-1 - #16	\$75.00

NOTE: Penalty provisions for the offences indicated above are Section 8 of By-law Number 106-2007, a certified copy of which has been filed, and s.61 of the *Provincial Offences Act*.