



## THE CORPORATION OF THE TOWN OF OAKVILLE

### BY-LAW NUMBER 2016-016

A by-law to amend the Noise By-law 2008-098.

#### **COUNCIL ENACTS AS FOLLOWS:**

1. By-law 2008-098 is amended by deleting section 7 and replacing it with:

7. Grant of Exemption by Designated Official

- (1) Any person may make application to the Designated Official to be granted an exemption from any of the provisions of this By-law. The application shall be made in writing at least 30 days prior to the event or activity and shall contain:
  - (a) the name and address of the applicant and contact information of at least one person who will supervise the event or activity to ensure compliance with the terms and conditions of the permit;
  - (b) a description of the source of sound in respect of which exemption is sought together with a site plan indicating the location and direction of any sound amplifying devices and a list of any equipment to be used;
  - (c) the date, any alternative date, time and location of the event or activity for which the permit is sought and, where applicable, the number of people expected to attend;
  - (d) the period of time, of a duration not in excess of six months, for which the exemption is sought;
  - (e) a statement of the particular provision or provisions of the By-law from which exemption is sought;
  - (f) the reasons why the exemption should be granted;
  - (g) a requirement for the applicant to provide notice of the exemption being sought to all residents within 120 metres of the location where the event or activity is proposed; and
  - (h) the permit fee as set out in the rates and fee schedule approved by Council as part of the annual budget approval process.
- (2) Pursuant to section 23.2 of the *Municipal Act, 2001*, S.O. 2001, c. 25, Council hereby delegates to the Designated Official the power to issue

permits granting an exemption from any of the provisions of this By-law with respect to any source of sound for which the person might be prosecuted.

- (3) The delegation of power in subsection (2) may be revoked by Council at any time without notice.
- (4) The Designated Official may refuse to grant any exemption or may grant the exemption 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 the Designated Official sees fit.
- (5) In determining whether to grant an exemption in subsection (4), the Designated Official shall consider the following, if applicable:
  - (a) whether there are any objections from the residents where the event or activity for which the exemption is sought is to be held;
  - (b) whether approval of the exemption would be contrary to the general intent and purpose of this By-law;
  - (c) whether the applicant has complied with all terms and conditions of approval of any previous permit issued to the applicant under this section, if any, and
  - (d) whether the applicant has provided all of the information required by subsection (1).
- (6) A permit issued under subsection (4) shall be, at minimum, subject to the following terms and conditions:
  - (a) the sound emitted from any equipment shall not exceed an Leq of 85 dBA when measured 20 metres from the source over a five-minute period;
  - (b) where the sound level exceeds 85 dBA, the applicant shall comply with any request from any person empowered under section 9 of this By-law with respect to the volume of sound from the equipment to ensure compliance with clause (a);
  - (c) no sound or construction equipment other than the equipment approved under the permit shall be used by the applicant;
  - (d) the event or activity shall be restricted to the approved location set out in the permit;
  - (e) the permission granted is only for the date(s) and time(s) for the event or activity as set out in the permit, and
  - (f) a permit issued to the applicant is not transferable.

- (7) Where the Designated Official refuses to grant a permit under subsection (4), the Designated Official shall notify the applicant in writing advising the applicant that they may appeal the Designated Official's decision to the Appeals Committee within 21 days of the date of the notice. The applicant shall provide notice of the appeal to all residents within 120 metres of the location where the event or activity is proposed.
- (8) Breach by the applicant of any of the terms or conditions of the exemption shall render the exemption null and void.
- (9) The Designated Official shall provide an annual report to Council summarizing the noise exemption permits issued.

PASSED this 29<sup>th</sup> day of February, 2016

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MAYOR

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CLERK