

THE CORPORATION OF THE TOWNSHIP OF HORTON

Noise By-law Sub Committee Meeting

July 30, 2013

There was a Meeting of the Noise By-law Sub-Committee held in the Municipal Council Chambers on Tuesday July 30, 2013. Present was Chair Bob Kingsbury, Mayor Don Eady, Councillor Jamey Larone, Jim Ferguson and David Brown. Staff present was Mackie McLaren, CAO/Clerk.

1. CALL TO ORDER

Chair Kingsbury called the Meeting to Order at 4:00 p.m.

2. DECLARATION OF PECUNIARY INTEREST

There was no declaration of pecuniary interest by Members of the Committee or Staff.

3. DRAFT NOISE BY-LAW

Chair Kingsbury welcomed Terry Johnston and Bob Cassidy to the meeting. Chair Kingsbury said he invited these gentlemen to the meeting as they had both submitted petitions on the draft rules and timelines for firing fireworks.

Chair Kingsbury asked the Committee Members and guests to review the draft Minutes of the June 12 2013 Sub-Committee Meeting when Mr. Johnston and Mr. Cassidy were also present.

Chair Kingsbury told the Committee Members that he hoped to review the prohibition of time and place for the draft noise by-law with the Members and the 2 guests. The Committee Members agreed.

By-law 3 (a) Fire Works

Chair Kingsbury asked the Members if the fireworks permit should include and addition to the conditions that no fireworks are to be fired if wind speed is greater than 10 kph. Terry Johnston agreed that the Fire Chief could regulate this condition. Mayor Eady said the Fire Chief can add stipulations – will they be printed on the permit form or does the Chief add the wording on each permit individually. The members reviewed a draft permit form and noted that the draft wording includes a statement “*Wind conditions must be calm. If weather conditions are windy this permit is declared null and void*”. The Members agreed to delete the words “are windy” and replace them with the words “exceed wind of 10 kph”.

David Brown said he was concerned that the property owner firing off fireworks may not have any or sufficient property insurance. Chair Kingsbury noted on the form that the applicant is responsible. Terry Johnston said that if a neighbour was burnt out because of fireworks they could be 3 -6 months out of their house. Who pays that cost? Councillor Larone asked if this point could be raised at the July 31 Fire Committee Meeting.

Chair Kingsbury would like to see what the insurance industry states on this issue. Bob Cassidy said their own insurance would pay and collect somehow from the neighbour. Terry Johnston said he had checked with his own insurance company and was told that if a neighbour had conformed to his permit they would pay. If they didn't conform then there

is no coverage on his own property. He supports the owner proving they have adequate insurance.

Mayor Eady said we are removing the fireworks from the Noise by-law to a separate by-law.

The Members continued their review of the draft permit form. Bob Cassidy asked if they were adding property insurance to the form. Mayor Eady suggested we make a line for Insurance Company Name and Policy Number. The Members and guests agreed.

Bob Cassidy said that he was not satisfied with the time fireworks could be fired. 9 pm to 11 pm is too late. Suggests dusk to 10 pm. Terry Johnston suggested dusk to not more than 2 hours later. Agreed nothing past 10 pm. The Committee members supported dusk to 10 pm.

3 (b) discharge of firearms

The Members and guests supported the draft prohibited times.

3 (c) operation of toy combustion engine

Bob Cassidy said he operates remote control airplanes that need daylight to operate, but they could be operating past the 7 pm restricted time.

Terry Johnston asked why the by-law is drafted to indicate the “prohibited times” rather than the “permitted times”. People don’t think this way. The CAO/Clerk was requested to research.

Bob Cassidy pointed out that it appears “Friday” is a free day as there is no time restriction as prohibited time C references 11 pm one day to 7 am the next day (Sunday – Thursday). The Members reviewed this and agreed that his concern was correct and changed Thursday to Friday.

There was no change made to the draft prohibited times.

3 (d) operation of electronic device

The members and guests supported the draft prohibited times.

3 (e) operation of auditory signaling device

The members and guests supported the draft prohibited times.

3 (f) operation of any motorized conveyance

Bob Cassidy his concern is with the time the activity is permitted. This policy includes snowmobiles and they operate later than 7 pm, particularly returning from fish shacks on the river in his area. He suggested that the time be extended provided the motorized conveyance is not louder than 85dB. He suggested that there be no prohibited times but include the decibel limit of 85. The Members supported this suggestion. The revised wording for this section is:

“The operation of any motorized conveyance other than on a highway or other place intended for its operation including snowmobiles, all-terrain vehicles and off-road motorcycles that exceed 85 dB.”

3 (g) venting or release of air

The Members and guests discussed this section and couldn't come up with an example of what this section covered, but agreed to leave it as it is.

Councillor Larone said that in his travels he has noticed many communities have signs restricting the use of jake brakes by large trucks in built up areas. He suggested that this restriction on Whitton Road could assist our residents. Terry Johnston suggested restrictions could be on long hills in the Township. Mayor Eady said we haven't had any complaints.

3 (h) persistent barking, whining, calling, crowing

Terry Johnston suggested that the by-law should only control dogs rather than birds. After discussion the Committee agreed not to change the wording or time.

3 (i) operation of a commercial car wash

The Members agreed not to change the wording or time.

3 (j) yelling, shouting, hooting, whistling or singing

The Members agreed not to change the wording or time.

3 (k) selling or advertising by shouting or amplified sound

The Members agreed not to change the wording or time.

3 (l) loading, delivery of products

The Members and guests agreed to include the same reference of 85 dB added to section 3 (f).

3 (m) manufacturing of construction material, construction activity

Chair Kingsbury informed the Members that two construction companies have commented on this by-law.

Fulton Construction expressed concern that the Noise By-law will not permit them to do night construction work which is happening more often. He said that Section 7 (a) of the by-law exempts work or activity on property owned by any of the three levels of government. This section will permit construction companies to work outside this by-law on road construction projects.

Councillor Larone asked if "construction" included people working on their own homes. He said Renfrew prohibits carpentry before 8 am weekdays, 9 am on Saturday and later on Sunday. Terry Johnston suggested the by-law should differentiate between private home owner's construction and commercial construction. He has heard people say "who gives Council the right to lock us into these times", but to err on the side of caution it would not be a bad thing to concentrate on times. David Brown said he hoped we are not getting restricted like Kanata. He asked 10 people if we need a noise by-law and they said why – we can't look after the by-laws we have. Chair Kingsbury noted that by-laws are complaint driven. Mayor Eady said you need the laws because a few people spoil it for others.

After further discussion the Members agreed to leave the time restrictions as stated in the draft but to amend the time restriction for Prohibited

Period “F” to add “8pm one day to 6:30 am the next day (9 am on Sundays)”.

3 (n) powered or non-powered tool

The Members agreed not to change the wording or time.

3 (o) operation of solid waste bulk lift or refuse compacting equipment

The Members agreed not to change the wording or time.

3 (p) noise – outdoor patio

The Members agreed not to change the wording or time.

Chair Kingsbury said the CAO/Clerk made note of the changes made at this meeting. He suggested a further meeting to review and complete the review of the rest of the draft by-law. Bob Cassidy noted that several people wanted to attend the last Planning Committee Meeting when the draft by-law was discussed and arrived at 7 pm to find the meeting was over as it started at 4 pm. Chair Kingsbury suggested that the Committee could make their final presentation at 7 pm so people could attend. Bob Cassidy suggested the meeting be held in the Community Centre with an open mike.

Terry Johnston asked when are we going back to finish the fireworks rules as he has a concern with the number of events. When are we going to have a review of the draft separate by-law? Chair Kingsbury said we will continue the review of the draft noise by-law at the next committee meeting which will be at the all of the Chair.

Chair Kingsbury noted that at the next Meeting the Committee will complete their review of the contractor’s comments on operation of gravel pits.

4. ADJOURNMENT

Moved by Jamey Larone, Seconded by David Brown that this Sub-Committee Meeting be adjourned at 5:20 p.m.

Carried

CHAIR

CAO/Clerk