

THE CORPORATION OF THE TOWNSHIP OF HORTON

## Noise By-law Sub-Committee Meeting

October 22, 2013

There was a Meeting of the Noise By-law Sub-Committee held in the Municipal Council Chamber on Tuesday October 22, 2013. Present was Chair Bob Kingsbury, Councillor Jamey Larone, David Brown and Jim Ferguson. Absent was Mayor Don Eady. Also present was Bob Cassidy and Terry Johnston. Staff present was Mackie McLaren, CAO/Clerk.

1. CALL TO ORDER

Chair Kingsbury called the Meeting to Order at 4:05 p.m.

2. DECLARATION OF PECUNIARY INTEREST

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

3. MINUTES OF JULY 30, 2013 COMMITTEE MEETING

Chair Kingsbury asked the Members to review the July 30 Meeting Minutes.

4. BUSINESS ARISING

There was no business arising.

5. DRAFT NOISE BY-LAW WITH CHANGES MADE AT JULY 30<sup>TH</sup> MEETING

Chair Kingsbury asked the Members to review a copy of the draft by-law with the changes made that were during the July 30, 2013 Committee Meeting.

6. CONTINUE DRAFT NOISE BY-LAW REVIEW

Fulton Construction and Miller Paving Review Comments

Fulton's had three items of concern:

- *May have to operate at night or weekend on traffic and/or job sensitive contracts* – The Committee reviewed Sections 7 (a) and (c) in the draft by-law which exempts work on public roads and in snowploughing operations which should resolve Fulton's concern.
- *They start at 6 pm (sometimes earlier) to get a jump on the heat.* - Bob Cassidy noted that in the city they make the noise makers erect noise barriers. Councillor Larone said that the Committee has given Fulton's an opportunity to comment on the draft and we can't make a by-law that addresses everything. The Committee agreed that no changes would be made to the draft.
- *A comment that the company is not going to allow a select few "complainers" to harm their business. They will operate the same way they have for the past 30 + years*

Miller Paving had 3 comments that affect road construction activities or production and Jamieson pit:

- *Current draft includes construction “material” under the construction definition where current 2006 by-law did not include the word. They added that the 2006 by-law probably would have interpreted construction to include materials.*
- *Sunday construction is not permitted in the new draft where it was in the current 2006 by-law. This may be detrimental to speedy completion of roadworks in the Township.*
- *Both the current 2006 by-law and the draft by-law exempt work on government lands which would include road construction. However it would restrict hours of operation of Jamieson Pit. Suggest that they ask for an exemption under Section 7 (a) to make sure the pit operation necessary for government contracts can operate with this exemption.*

The Members of the Committee noted that there were exemption options available for the company to apply for under the current draft by-law.

#### Final Comments

There were no final comments about the draft from the Members or guests.

#### Date, Time and location for Public Meeting on draft Noise By-law

The CAO/Clerk said at the last Committee Meeting, Bob Cassidy had suggested that the Committee hold a public meeting in the Community Centre after the supper hour for public comment and input.

Chair Kingsbury suggested we hold the public meeting at the end of the November 19<sup>th</sup> Planning Committee Meeting, starting at 6:30 pm. Terry Johnston asked if we should hold off on the Noise By-law until the Fireworks by-law is in final form. Chair Kingsbury suggested we go ahead because once the by-law is passed it is enforceable. Mr. Johnston said the notice of the Public Meeting should be advertised a number of times and suggested at least three weeks in a row in the newspaper and on both radio stations.

#### 7. DRAFT FIREWORKS BY-LAW REVIEW

Chair Kingsbury said that there are two sides of this issue represented at the table and asked both sides to come as close together as possible.

Chair Kingsbury asked the two guests for their input on the draft as they had received a copy of the draft the day before this meeting.

#### Bob Cassidy

Bob noted that the draft is made from fireworks by-laws in the Town of Milton and the City of Barrie. We are a different climate.

Section 3.2 licence of retailers is new.

Section 5. Don't need this section, only require Fire Dept. inspections.  
Concerns with costs for permit and inspection process  
Fee and permit should be based on volume

Councillor Larone suggested as long as the playing field is level, as many people who wanted to sell could setup a retail business. Terry Johnston suggested asking is due diligence.

Chair Kingsbury said there has not been discussion on a licence fee. The permit is for annual inspection control.

Bob Cassidy said he was OK as long as not overly restrictive.

Bob Kingsbury said it is so we know where the fireworks are stored. Bob Cassidy said the wording seemed very restrictive.

Section 7.1 Bob said it was contrary to Section 3.1 which permits fireworks to be stored and sold throughout the year while 7.1 permits sales only during selling periods set out in section 9.1. He said 7.1 should be removed.

Section 8.3.f proof of current homeowner's property liability insurance policy.

Section 9.5.ii calls for a perimeter of 100' x 100' which should be large enough to protect the neighbouring property. Family fireworks do not shoot that far, therefore why do we need insurance checked out.

Chair Kingsbury asked if this perimeter would be available in the cottage areas. Terry Johnston asked what is family fireworks. He has seen families shooting off fireworks that would be over 100 feet high that wouldn't land in 100' x 100'. He said the section includes "occupier" which has no value in the property.

Section 9.2 asked that this section be changed from 2 extra events per year to 2 extra events per month.

Councillor Larone said that is too often, not what we would want to permit. Bob Cassidy then asked for 1 extra per month. Chair Kingsbury said he had a concern with this number. Jim Ferguson said that Council is responsible to the Township where an individual is only responsible for themselves. Township has to set parameters.

Section 11.3 Why is KOA timelines any different? Chair Kingsbury said that staff is checking with KOA to see what time their approved event ends. Bob Cassidy asked if KOA gets special treatment.

Chair Kingsbury said KOA has an annual display at the campground. Terry Johnston said that this would fall under an Exhibition Permit which is a special licence for them.

Bob Cassidy asked if there was a special time that no permit is needed. Chair Kingsbury said no. All events need permit. Bob Cassidy said this would be a big problem. People will circumvent the by-law.

#### Terry Johnston

Terry said he sees a lot of good going in the right direction. He likes the revised permit form and proof of insurance, sketch of the property. It gets neighbours together in the

small summer lots, notes the description of “family fireworks and Exhibition/Commercial fireworks.

Section 3.1 & 7.1 maybe we shouldn't offer fireworks for sale year round.

Chair Kingsbury said he doesn't believe we can tell people what should sell if they are a retailer.

Terry asked if Renfrew issued permits. He said setting off fireworks on a long weekend is not an issue. Likes that the applicant is being checked and permitted.

Chair Kingsbury asked if Mr. Cassidy knew the volume of fireworks the retailer in Horton would have. Bob Cassidy said before a long weekend he could have 1,000 kgs. Much less at other times.

Bob Cassidy said that Commercial fireworks go high and really boom. Family fireworks are not that noisy.

Terry Johnston said there is a special licence for Exhibition fireworks but people are accessing them.

Section 8.3 Terry asked if the application will no longer be applied for over the internet. The CAO/Clerk said no it is still planned to be on the internet. A person could print off the form and scan the supporting documentations and send it to us or bring it into the office.

Section 8.3.e “occupier” should be removed unless they are showing their own insurance.

Section 9.1 notes that a permit can be issued for the 2 days before Victoria Day, Canada Day, Labour Day and New Year's Day. People shouldn't be permitted to set off all three nights in a row. They should select one of the three days.

Section 9.2 Special fireworks permit for 2 days/yr. only. He has a problem with the two special extra days.

Section 9.3 how do we arrive at a mutually agreeable date if the first event is rained out. He suggested that the application should show an alternative date.

Section 9.4 agrees with dusk to 10 pm.

Section 9.4 ii states that you can't discharge fireworks to create a danger or nuisance or disturbance to people who don't want to be annoyed.

Section 9.5 reported this year a family let off fireworks who didn't know what they were doing as fireworks went in all directions, including some duds.

Section 9.5 iii fire extinguisher use has a limited time to get fire out. Chair Kingsbury suggested a minimum size would be 20 lb. or 30 lb. A 10 lb. extinguisher is not large enough.

Terry asked what is a “fully charged garden hose”. It was explained that a garden hose turned on with water in the hose to the nozzle. Terry added that there wasn't a question about the well capacity.

Bob Cassidy announced that he would not be back at a future meeting as the Committee is only considering one side. Chair Kingsbury expressed disappointment that he was taking this attitude. Bob said it was obvious that the Members were not listening to him. Chair Kingsbury said that this was not an accurate comment. Everyone is giving their comments at this time.

Bob Cassidy left the meeting at 5:28 p.m.

Section 13.1 Terry asked how a permit could be revoked.

#### For Next Meeting

Chair Kingsbury said that this meeting was to receive individual input to be taken home and digested with recommendations brought back to the next meeting.

Terry Johnston said he would be leaving for winter vacation shortly. He will try to keep in contact.

Councillor Larone said that the discussion on fireworks has opened the door to conversation from residents of other municipalities asking him why Horton is considering a Fireworks by-law.

Terry Johnston pointed out that the sample by-laws from Milton and Barrie both limited fireworks to Victoria Day and Canada Day. Why have we gone so far beyond?

David Brown said he is concerned with storage of a large volume of fireworks in a house. He told of the incident where a person stored a large amount of ammunition in a house that caught on fire. Such a large volume of fireworks would be scary for firefighters fighting a fire if they didn't know.

Chair Kingsbury said he would like to have Jim McBain, Municipal Law Enforcement Officer attend a meeting before we pass the by-law to make sure that it is enforceable.

Terry Johnston said he looked into his own insurance policy and didn't see any coverage if he set off fireworks which caused a fire on another property.

Terry referred to Section 20.1 – Enforcement. He asked if it included OPP. He was answered no. He suggested that the term “Municipal Law Enforcement Officer” should state “Township Law Enforcement Officer” so our residents know who they are.

#### 8. NEXT COMMITTEE MEETING

The Members agreed to meet November 14, 2013 at 1 pm.

#### 9. ADJOURNMENT

Moved by David Brown, Seconded by Jamey Larone that this Committee Meeting be adjourned at 5:43 pm.

Carried