

Bill No. 435  
2018

By-law No. PW-12-\_\_\_\_\_

A By-law to amend By-law PW-12, as amended, entitled "A By-law to provide for the Regulation and Prohibition of Noise" with respect to Amplified Live Speech.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that a municipal power shall be exercised by by-law;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. Section 1.1 of By-law PW-12 is amended by inserting the following new definition of "Amplified Live Speech" after the definition of "Agricultural Operation" as follows:

"Amplified Live Speech" means live speech amplified by any means that is clearly audible at an outdoor public place, but does not include live speech that is incidental to a commercial, industrial, or institutional premise, and does not include live speech amplified by an assistive device used by a person due to a disability;

2. Section 4.1 of By-Law PW-12 is amended by:

- (i) in the heading of Part 4 inserting the phrase "**- AMPLIFIED LIVE SPEECH**" after the phrase "(CLASS 2)";
- (ii) inserting the phrase "or Amplified Live Speech" after the phrase "Community Event (Class 2)" wherever it appears;
- (iii) deleting the word "and" in subsection 4.1(2)(h);
- (iv) deleting the "." at the end of subsection 4.1(2)(i) and replacing it with "; and";
- (v) inserting a new subsection 4.1(2)(j), as follows:  
"(j) despite subsections (h) and (i) of subsection (2), there shall be no fees associated with a permit for Amplified Live Speech."

3. Subsection 6.1(q) of By-law PW-12 is deleted and replaced with the following new subsections 6.1(q) as follows:

**Temporary Noise Permit – Construction – Community Event (Class 2) - Amplified Live Speech**

(q) Construction or a Community Event (Class 2) or Amplified Live Speech, but only if a valid temporary noise permit has been issued, and only if the terms and conditions of the temporary noise permit are complied with;

4. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on July 24, 2018.

Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First Reading – July 24, 2018  
Second Reading – July 24, 2018  
Third Reading – July 24, 2018

## SCHEDULE "A"

(Consolidated with draft amendments highlighted)

Bill No. 217  
2009

By-law No. PW-12

A by-law to provide for the Regulation and Prohibition of Noise and Sound.

WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: in paragraph 5, Economic, social and environmental well-being of the municipality; in paragraph 6, Health, safety and well-being of persons; in paragraph 7, Services and things that the municipality is authorized to provide under subsection (1); in paragraph 8, Protection of persons and property; in paragraph 9, Animals; in paragraph 9, Structures including fences and signs;

AND WHEREAS section 129 of the *Municipal Act, 2001* provides that, without limiting sections 9 and 10 of the Act, a 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;

AND WHEREAS section 128 of the *Municipal Act, 2001* provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council are or could become public nuisances;

AND WHEREAS in the opinion of Council for the City of London, certain kinds of noise are or could become a public nuisance;

AND WHEREAS subsection 391(1) of the *Municipal Act, 2001* provides that a municipality may impose fees and charges on persons,

- (a) for services or activities provided or done by or on behalf of it;
- (b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and,
- (c) for the use of its property including property under its control;

AND WHEREAS Section 23.2 of the *Municipal Act, 2001* permits a municipality to delegate certain legislative and quasi-judicial powers;

AND WHEREAS section 444 of the *Municipal Act, 2001* provides that the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity, and any person who contravenes such an order is guilty of an offence;

AND WHEREAS section 447.8 of the *Municipal Act, 2001* provides that a by-law of a municipality made under this or any other Act may,

- (a) adopt by reference, in whole or in part, with such changes as the council considers appropriate, any code, standard, procedure or regulation as it stands at a specific date, as it stands at the time of adoption or as amended from time to time; and
- (b) require compliance with any code, standard, procedure or regulation so adopted;

AND WHEREAS section 195 of the *Highway Traffic Act*, R.S.O. 1990, c. H.8 provides in section 195 that "If a provision of a municipal by-law passed by the council of a

municipality...for regulating noise...created by the operation of motor vehicles on the highways...is inconsistent with this Act or the regulations, the provision of the by-law shall be deemed to be repealed upon the inconsistency arising”;

AND WHEREAS section 179 of the *Environmental Protection Act*, R.S.O. 1990, c. E.19 provides in section 179 “Where a conflict appears between any provisions of this Act or the regulations and any other Act or regulation in a matter related to the natural environment or a matter specifically dealt with in this Act or the regulations, the provision of this Act or the regulations shall prevail”;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

## **PART 1**

### **DEFINITIONS**

1.1 For the purpose of this by-law:

“Agricultural Operation” has the same meaning as contained in the *Farming and Food Production Protection Act*, 1998, S.O. 1998, C. 1, as amended, or any successor legislation;

“Amplified Live Speech” means live speech amplified by any electronic device that is clearly audible at an outdoor public place, but does not include live speech that is incidental to a commercial, industrial, or institutional premise, and does not include live speech amplified by an assistive device used by a person due to a disability;

“Animal” means any member of the animal kingdom, other than a human, and without limiting the generality of the foregoing, includes dogs, cats, and birds;

“City” means The Corporation of the City of London;

“Community Event (Class1)” means: the Western Fair Association’s annual week-long Western Fair held at the Western Fairgrounds; the annual week-long orientation events and campus life events that are held on campus at the University of Western Ontario and affiliated colleges; and the annual week-long orientation events and campus life events that are held on campus at Fanshawe College;

“Community Event (Class 2)” means: an event open to the public, including a public fair, public exhibition, public celebration, public sporting event, public concert; or a university or college event; or a school board event. A Community Event (Class 2) does not include a Special Event or a Community Event (Class 1);

“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 the structural installation of construction components and materials in any form for any purpose, and includes any work in connection therewith;

“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 for the City;

“Hearings Officer” means a Hearings Officer appointed under the City’s Hearings Officer By-law A.-6653-121, as amended;

“Manager of By-law Enforcement” means the Manager of By-law Enforcement for the City, or his or her designate;

“Municipality” means the land within the geographic limit of the City of London;

“Normal Farm Practice” has the same meaning as contained in the *Farming and Food Production Protection Act*, 1998, S.O. 1998, C. 1, as amended, or any successor legislation;

“Point of Reception” means any point on the premises where sound originating from other than those premises is received;

“Residential Area” means any area of the Municipality where residential use is permitted under

the provisions of the City's Zoning By-law from time to time, including but not limited to land zoned R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, or R11;

"Rural Area" means land in the Municipality zoned AG, AGC, or UR from time to time under the City's Zoning By-law;

"Special Event" means a Special Event as defined in the City's Special Events Policies and Procedures Manual, and that is recognized by the City as a special event;

"Stationary Source" means a source of sound which does not normally move from place to place, and includes the premises of a person as one stationary source unless the dominant source of sound on those premises is Construction or a Conveyance;

1.2 Any word or term not defined in this By-law, that is defined in the Ontario Ministry of the Environment Publication Noise Pollution Control NPC-101, 102, 103, 104, 115, 205, 206, 215 or 232 (as set out in Part 3 of this By-law) shall have the meaning ascribed to it in such NPC Publication.

## **PART 2 – QUALITATIVE NOISE PROHIBITIONS**

### **General Prohibition**

2.1 No person shall make, cause or permit an unreasonable noise, or a noise that is likely to disturb the inhabitants.

### **Prohibitions - deemed**

2.2 Without limiting the generality of section 2.1 of this By-law, the provisions of sections 2.3 through 2.4 shall be deemed to be unreasonable noise, or noise that is likely to disturb the inhabitants.

### **Prohibitions – deemed - any time, any location**

2.3 At any time or location in the Municipality:

#### **Vehicle - Warning Device - Unreasonable Period**

(a) the sounding of any bell, horn, siren or other warning device on any motor vehicle or vehicle for an unnecessary or unreasonable period of time, except when permitted by law;

#### **Vehicle - Disrepair - Maladjustment**

(b) the grating, grinding or rattling sound caused by the condition of disrepair or maladjustment of any motor vehicle or vehicle or part or accessory thereof;

#### **Vehicle – Load – Improperly Secured**

(c) the sound created by the operation of any motor vehicle, trailer or other vehicle bearing material, articles or things that are loaded upon such vehicle in such manner as to create excessive noise;

#### **Vehicle - Exhaust- except through muffling device**

(d) the sound from the discharge into the open air of the exhaust of any steam engine, internal combustion engine (including the engine of any motor vehicle), or pneumatic device without an effective exhaust or intake muffling device in good working order and in constant operation that prevents excessive noises that are loud or explosive;

#### **Vehicle - Speakers**

(e) the sound from or created by any radio, amplifier, loud speaker, public address system, or equipment, device or instrument that emits sound when the same is used or operated from any motor vehicle, trailer or vehicle that is clearly audible at least 8 metres (25 feet) from the vehicle;

#### **Attracting attention – to Performance – Advertising**

(f) the sound from or created by any instrument, radio, amplification device, loud speaker, public address system, equipment or device that emits sound when the same is used or operated for the purpose of advertising or for attracting attention to any performance or sale, show or display of goods or services and projects such sound into any street or other public place;

#### **Whistle – attached to boiler – other mechanism**

- (g) the sound from any steam whistle or air whistle attached to or used in connection with a boiler or other machine or mechanism, except for the purpose of giving notice of the time to commence or cease work, or as a warning of danger;

**Alarm – Warning Device**

- (h) the sounding of any alarm, bell, horn, siren or other warning device for an unnecessary or unreasonable period of time.

**Prohibitions – deemed - Residential Area**

2.4 At the specified times and clearly audible at a Point of Reception in a Residential Area:

**Animal – any time**

- (a) the persistent sound by any Animal under the care, control or ownership of the person that is clearly audible at a Point of Reception in a Residential Area at any time;

**Amplified Sound – television – stereo – speakers – amplifiers – any time**

- (b) the sound created by any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers intended for the production, reproduction or amplification of sound, including but not limited to a radio, television, amplifier, loud speaker, public address system, sound equipment, that is clearly audible at a Point of Reception in a Residential Area at any time;

**Shouting, Yelling, Loud Hooting, Loud Whistling, Loud Singing – any time**

- (c) any shouting, yelling, loud hooting, loud whistling or loud singing that is clearly audible at a Point of Reception in a Residential Area at any time;

**Construction – Excavation – 6 p.m. to 7 a.m.**

- (d) the noise arising from Construction that is clearly audible at a Point of Reception in a Residential Area between 6:00 p.m. and 7:00 a.m. of the following day (or 9:00 a.m. if the following day is Sunday);

**Firearms – discharge – 9 p.m. to 7 a.m.**

- (e) the sound caused by the discharge of any gun or other firearm, air gun, spring-gun of any class or type that is clearly audible at a Point of Reception in a Residential Area between 9:00 p.m. and 7:00 a.m. of the following day (or 9:00 a.m. if the following day is Sunday), except if lawfully discharged by a peace officer in the performance of their duties;

**Power Equipment – use – 10 p.m. to 7 a.m.**

- (f) the sound caused by the use or operation of a lawnmower, chain-saw, leaf-blower, or any other such noise-generating tool or device that is clearly audible at a Point of Reception in a Residential Area between 10:00 p.m. of any day and 7:00 a.m. of the next following day (or 9:00 a.m. if the following day is Sunday).

**PART 3 – QUANTITATIVE NOISE – STATIONARY SOURCES**

**ADOPTION OF STANDARDS AND PROCEDURES**

3.1 The following Ontario Ministry of Environment Publications (NPC – Noise Pollution Control) standards and procedures are adopted and incorporated by reference into this by-law:

- NPC 101 - Technical Definitions, as set out in the Ministry of the Environment's "Model Municipal Noise Control By-law, Final Report, August 1978";
- NPC 102 - Instrumentation, as set out in the Ministry of the Environment's "Model Municipal Noise Control By-law, Final Report, August 1978";
- NPC 103 - Procedures, as set out in the Ministry of the Environment's "Model Municipal Noise Control By-law, Final Report, August 1978";
- NPC 104 - Sound Level Adjustments, as set out in the Ministry of the Environment's "Model Municipal Noise Control By-law, Final Report, August 1978";
- NPC 115 - Construction Equipment, as set out in the Ministry of the Environment's "Model Municipal Noise Control By-law, Final Report, August 1978";
- NPC 205 - Sound Level Limits for Stationary Sources in Class 1 & 2 Areas (Urban), dated October 1995;
- NPC 206 - Sound Levels Due to Road Traffic, dated October 1995;

- NPC 216 - Residential Air Conditioning Devices, dated October 1993;  
 NPC 232 - Sound Level Limits for Stationary Sources in Class 3 Areas (Rural),  
 dated October 1995

## QUANTITATIVE NOISE PROHIBITIONS

3.2 No person shall emit or cause or permit the emission of sound from a Stationary Source such that the level of sound from that source at the Point of Reception:

- (a) in a Residential Area exceeds the applicable sound level limit prescribed in publication NPC-205– Sound Level Limits for Stationary Sources in Class 1 & 2 Areas (Urban), dated October 1995; or
- (b) in a Rural Area exceeds the applicable sound level limit prescribed in publication NPC-232 – Sound Level Limits for Stationary Sources in Class 3 Areas (Rural), dated October 1995; or
- (c) in a Residential Area exceeds the applicable sound level limit prescribed in publication NPC-216 – Residential Air Conditioning Devices, dated October 1993.

3.3 Where a source of sound is subject to more than one subsection in section 3.2, the least restrictive provision shall prevail.

## **PART 4 – TEMPORARY NOISE PERMIT - CONSTRUCTION – COMMUNITY EVENT (CLASS 2) – AMPLIFIED LIVE SPEECH**

### **Application for a Temporary Noise Permit**

- 4.1 (1) Any person may submit an application for a temporary noise permit for Construction or for a Community Event (Class 2) **or Amplified Live Speech**.
- (2) The application in subsection (1) shall be made in writing to the Manager of By-law Enforcement, and shall contain all of the following:
- (a) the name and address of the applicant;
  - (b) a description of the event and how it meets the definition of Community Event (Class 2) **or Amplified Live Speech** or Construction;
  - (c) the location of the event or activity for which the temporary noise permit is sought;
  - (d) a description of the source of sound and level of sound for which the temporary noise permit is sought;
  - (e) the times of day, and the period of time (not in excess of six months) for which the temporary noise permit is sought;
  - (f) the reasons why the temporary noise permit should be granted;
  - (g) a statement of the steps, if any, planned or presently being taken to minimize the noise or sound;
  - (h) a non-refundable application fee of \$75.00;
  - (i) a temporary noise permit fee of \$100.00, refundable if the application is not approved; **and**
  - (j) **despite subsections (h) and (i) of subsection 2, there shall be no fees associated with a permit for Amplified Live Speech.**
- (3) The following power and authority is delegated to the Manager of By-law Enforcement with respect to Construction or a Community Event (Class 2) **or Amplified Live Speech**:
- (a) to issue a temporary noise permit; and
  - (b) to refuse to issue, cancel, revoke or suspend a temporary noise permit, and to impose conditions (including special conditions) on a temporary noise permit.
- (4) In making his or her determination under subsection (3), the Manager of By-law Enforcement shall:
- (i) determine whether the event falls within the definition of Construction or Community Event (Class 2) **or Amplified Live Speech**;
  - (ii) consider any negative effects the issuance of the temporary noise permit may have on neighbouring properties or on the City;
  - (iii) consider any benefits the issuance of the temporary noise permit may have for neighbouring properties or for the City;
  - (iv) consider any previous violations of this By-law or temporary noise permit conditions by the applicant; and
  - (v) consider anything the Manager of By-law Enforcement reasonably considers relevant.

- (5) (a) The Manager of By-law Enforcement may impose conditions on a temporary noise permit, including but not limited to:
- (i) the type and volume of sounds that may be made;
  - (ii) the times during which sounds may be made;
  - (ii) the date of expiry of the temporary noise permit (not in excess of six months);
  - (iv) requiring the posting of security prior to the activity; and
  - (v) that the applicant, City staff or a professional engineer monitor the sound levels resulting from the event or activity and require a report of the findings of the engineer be filed with the Manager of By-law Enforcement within 30 days of the event or activity, all at the applicant's expense.
- (b) The Manager of By-law Enforcement shall impose conditions on a temporary noise permit for Community Event (Class 2) **or Amplified Live Speech** with respect to:
- (i) the volume of amplified sound that may be made; and
  - (ii) the times during which sounds may be made.
- (c) The minimum conditions that the Manager of By-law Enforcement shall impose under subsection 5(b) are:
- (i) subject to subsection (ii), the volume of amplified sound that may be made shall not exceed a sound pressure of at most 90 decibels at a point of reception determined by the Manager of By-law Enforcement;
  - (ii) the volume of amplified sound that may be made from an outdoor patio shall not exceed a sound pressure of at most 70 decibels at a point of reception determined by the Manager of By-law Enforcement; and
  - (iii) the times during which sound may be made shall be limited to the hours of 9:00 a.m. at the earliest and 12:00 midnight at the latest.
- (6) Where the Manager of By-law Enforcement has made a decision under subsection (3)(b), he or she shall give written notice of that decision to the applicant by regular mail to the last known address of that person. The written notice shall:
- (a) set out the grounds for the decision;
  - (b) give reasonable particulars of the grounds;
  - (c) be signed by the Manager of By-law Enforcement;
  - (d) state that the applicant is entitled to a hearing by a Hearings Officer if the applicant files a notice of appeal with the City Clerk within 10 days after the notice is given, and pays the appeal fee of \$150.
- (7) Where no appeal is received within 10 days after the notice is given, the decision of the Manager of By-law Enforcement shall be final.
- (8) The Manager of By-law Enforcement shall report to Council annually on the temporary noise permits issued and refused.

### **Hearings**

**4.1(9)** The power and authority to conduct hearings of appeals under the by-law are hereby delegated to the Hearings Officer. The provisions of the City's Hearings Officer By-law A.-6653-21, as amended apply to all hearings conducted by a Hearings Officer.

**4.1(10)** A request by the applicant for a hearing shall be made in writing and filed with the City Clerk. The request shall consist of a notice of appeal and must comply with the requirements as set out in Schedule 1 of the City's Hearings Officer By-law A.-6653-121, as amended.

**4.1(11)** Subsection 4.1(4) and 4.1(5) of this by-law apply with necessary modifications to a Hearings Officer. A Hearings Officer may direct the Manager of By-law Enforcement to issue the temporary noise permit (including imposing any conditions), or refuse to issue a temporary noise permit.

**4.1(12)** The decision of the Hearings Officer shall be final.

### **Temporary Noise Permit Expiry**

4.2 Any temporary noise permit issued under this By-law shall expire on the date set out on the temporary noise permit, or if no date is set out on the temporary noise permit, forty-eight hours after its issuance.

### **Breach of Terms or Conditions**

4.3 Breach by the holder of the temporary noise permit of any of its terms or conditions shall render the temporary noise permit null and void.

### **Offence – Fail to Comply with Terms and Conditions**

4.4 No holder of a temporary noise permit shall fail to comply with the terms and conditions of the temporary noise permit.

## **PART 5 – ENFORCEMENT**

### **ORDERS**

#### **Order to Discontinue Activity**

5.1 If a municipal law enforcement officer or a London Police Service police officer is satisfied that this by-law has been contravened, the officer may make an order, known as an Order to Discontinue Activity, requiring the person who contravened the by-law, or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravention.

#### **Order to Discontinue Activity - particulars**

5.2 An Order to Discontinue Activity shall set out:

- (a) the municipal address of the property on which the contravention occurred;
- (b) the date of the contravention;
- (c) the reasonable particulars of the contravention of the by-law; and
- (d) the date by which there must be compliance with the order.

#### **Order to Discontinue Activity - service**

5.3 The Order to Discontinue Activity may be served personally on the person to whom it is directed or by regular mail to the last known address of that person, in which case it shall be deemed to have been given on the third day after it is mailed. Service on a corporation can be effected by registered mail to the corporate mailing address.

#### **Contravention of Order**

5.4 No person shall contravene an Order to Discontinue Activity.

#### **Inspection Fee**

5.5 (1) Where the municipal law enforcement officer determines that an activity producing noise or sound is not in compliance with this by-law or with an Order to Discontinue Activity, the fee or charge set out in the applicable Fees and Charges By-law for inspection may be imposed on the owner, person responsible for the noise or sound, or temporary noise permit holder.

(2) The fees imposed constitute a debt of the person to the City. The City Treasurer may add fees to the tax roll and collect them in the same manner as municipal taxes on any property for which all the owners are responsible for paying the fees.

#### **Hinder or Obstruct**

5.6 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law, including carrying out an inspection.

#### **By-law Enforcement – London Police Service - enforce**

5.7 This by-law may be enforced by a City municipal law enforcement officer or a London Police Service police officer.

## **PART 6 - EXEMPTIONS**

6.1 Despite any provision of this By-law, this By-law shall not apply to the following sounds arising from:

#### **Police – Fire Services – Ambulance**

(a) a vehicle of the London Police Service, provincial or federal police, London Fire Services, or ambulance, while in performance of their duty;

#### **Railway – Airport – operations**

(b) any activity that is integral to the operation of any railway or airport within the legislative authority of Parliament;

#### **Public Necessity - Emergency**

(c) a matter of public necessity or public emergency;

#### **City Equipment – City Snow Removal - Road Cleaning Equipment - etc**



- (d) the operation of machines and equipment by or on behalf of the City, including but not limited to snow removal equipment, road cleaning equipment, grass cutting or field maintenance equipment, tree and shrub pruning and mulching equipment, painting machines for crosswalks and highways;

**Garbage & Recycling Collection / Disposal - City**

- (e) the collection or disposal of garbage, waste or recyclable material by or on behalf of the City;

**Signalling Devices**

- (f) signalling devices utilized as traffic and pedestrian control devices at intersections and crosswalks;

**City Construction Projects**

- (g) the operation of equipment in conjunction with City Construction projects, City general maintenance projects, and City emergency maintenance projects;

**Fireworks – Pyrotechnics**

- (h) the discharge of consumer fireworks, display fireworks or pyrotechnic special effects fireworks if such discharge complies with the City's Fireworks By-law;

**Bells – Clocks – Religious - City**

- (i) bells, chimes, carillons or clocks associated with religious or public buildings or uses;

**Industrial Use in Industrial Zone**

- (j) activities from industrial uses located in lands zoned for industrial use if sound is in accordance with the terms and conditions of a valid Certificate of Approval, provisional Certificate of Approval or other approval issued under the *Environmental Protection Act*, R.S.O. 1990, c. E.19, where such approval addresses sound as a source of contamination;

**Normal Farm Practice**

- (k) activities as part of a Normal Farm Practice and carried on as part of an Agricultural Operation;

**Public Utilities**

- (l) operation of machinery by or on behalf of a public utility where work needs to be done to minimize service interruptions;

**Work Approval Permit - Streets By-law**

- (m) operation of construction equipment where the City has issued a Work Approval Permit under the Streets By-law and in issuing such permit the City requires the work to be done to minimize traffic impacts;

**Public election - gathering - authorized**

- (n) the use in a reasonable manner of any apparatus or mechanism for the amplification of the human voice or of music in a public park or any other commodious space in connection with any public election meeting or other lawful gathering between 9:00 a.m. and 6:00 p.m.;

**Special Event – compliance with Special Events Policy Manual**

- (o) a Special Event but only if it is in compliance with the City's Special Events Policy and Procedures Manual;

**Community Event (Class 1) – compliance with Community Event (Class 1) Policy**

- (p) a Community Event (Class 1) but only if it is in compliance with the City's Community Event (Class 1) Noise Policy;

**Temporary Noise Permit – Construction – Community Event (Class 2) – Amplified Live Speech**

- (q) Construction or a Community Event (Class 2) or Amplified Live Speech, but only if a valid temporary noise permit has been issued, and only if the terms and conditions of the temporary noise permit are complied with;

**Parade - band - authorized**

- (r) a military or other band in a parade if the parade is operating under written permission of the City;

**Tradesman - plying call - legitimacy - moderation**

- (s) any newsboy, pedlar, hawker or petty tradesman plying his calling legitimately and moderately;

**Snow Removal – Private Property**

- (t) the use in a reasonable manner of vehicles and equipment when utilized for the clearing and the removal of snow from private property;

**Animals – City – Police**

- (u) an Animal under the care or control of the City, including but not limited to those located at Storybook Gardens, and animals under the care or control of London Police Service or provincial or federal police.

- 6.2 Despite any provision of this By-law, this By-law shall not apply where:
  - (a) a sound is from a facility that has been designed, developed, built, operated and maintained in accordance with the terms and conditions of a valid Certificate of Approval, provisional Certificate of Approval or other approval issued under the *Environmental Protection Act*, R.S.O. 1990, c. E.19, where such approval addresses sound as a source of contamination; or
  - (b) an order or permit has been issued under the *Environmental Protection Act* that addresses the sound as a source of contamination.

**PART 7- PENALTY**

- 7.1 (1) Any person who contravenes any provision of this By-law is guilty of an offence.  
(2) A director or officer of a corporation who knowingly concurs in the contravention of this By-law is guilty of an offence.
- 7.2 Any person convicted under this By-law is liable:
  - (a) upon a first conviction, to a minimum fine of \$175.00 and a maximum fine of \$5,000.00;
  - (b) upon a subsequent conviction, to a minimum fine of \$500.00 and a maximum fine of \$10,000.00.
- 7.3 Despite section 7.2, where the person convicted is a corporation, the corporation is liable,
  - (a) upon a first conviction, to a minimum fine of \$175 and a maximum fine of not more than Ten Thousand Dollars (\$10,000.); and
  - (b) upon any subsequent conviction, to a minimum fine \$1000 and a maximum fine of not more than Twenty Five Thousand Dollars (\$25,000).
- 7.4 If this by-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

**PART 8– MISCELLANEOUS**

- 8.1 By-law PW-4 and any amendments thereto are hereby repealed.
- 8.2 This by-law may be referred to as the “Sound By-law”.
- 8.3 This by-law shall come into force and effect on July 1, 2009.

PASSED in Open Council May 4, 2009.

Anne Marie DeCicco-Best  
Mayor

Kevin Bain  
City Clerk

First Reading – May 4, 2009  
Second Reading – May 4, 2009  
Third Reading – May 4, 2009

