



Planning and Protection Committee Action Report
for the May 2nd, 2017 meeting held in
the Council Chambers following Physical Environment Committee

PRESENT: Mayor Antonakos, Deputy-Mayor Flynn Councillor Black, Councillor Redmond, Councillor Fritz, Councillor Trimble, Duncan Rogers, Clerk, Phil Hogan, Treasurer, Dave Young, Director of Public Works, Les Reynolds, Director of Protective Services

- 1) DECLARATION OF PECUNIARY/CONFLICT OF INTEREST AND GENERAL NATURE THEREOF – now or anytime during the meeting
 - 2) PUBLIC MEETING – NONE THIS EVENING
 - 3) REGISTRATION OF PUBLIC WISHING TO SPEAK
 - 4) PLEASE TURN OFF ALL CELL PHONES AND PAGERS
 - 5) IF THERE IS AN ADDENDUM, IN ACCORDANCE WITH SECTION 15.2.4 (OF STRIKING REPORT) DOES THE COMMITTEE WISH TO APPROVE THIS ADDENDUM?
-

Deputy-Mayor Flynn made a motion to add an addendum to the Planning and Protection Committee meeting concerning cancelling the May 9th, 2017 Policy Review Committee.

RECORDED VOTE:

<i>Mayor Antonakos</i>	<i>Nay</i>	<i>Councillor Black</i>	<i>Yea</i>
<i>Deputy-Mayor Flynn</i>	<i>Yea</i>	<i>Councillor Fritz</i>	<i>Yea</i>
<i>Councillor Redmond</i>	<i>Yea</i>	<i>Councillor Trimble</i>	<i>Yea</i>

CARRIED

The following items are for information only and will not be discussed unless the Committee chooses to do so. The Chair will entertain a motion to receive and file for those items not pulled out for discussion.

COMMUNICATION 128218

Received from Joanna Bowes, Manager of Development Services
Addressed to Planning and Protection Committee
Date April 27th, 2017
Topic Development Services - Planning Activity Report

SUMMARY

Attached is the monthly activity review for April regarding planning matters received within the department. The report represents only those matters that were accompanied by a submitted application or pre-consultations with Planning Staff.

COMMENT

For Council's Information

STAFF RECOMMENDATION

Receive and Record

COMMITTEE DECISION

Receive and Record

COMMUNICATION 128219

Received from Joanna Bowes, Manager of Development Services
Addressed to Planning and Protection Committee
Date April 13th, 2017
Topic Part Lot Control for 16-18 Dulmage Crescent, Talos Custom Homes

SUMMARY

An application for lifting of Part Lot Control has been made by Talos Custom Homes. The request is proposed in order to legally separate the property at Block 82, Plan 27M-60, municipally known as 16-18 Dulmage Crescent. This semi-detached dwelling was constructed under building permits 16N057 and 16N058. In order to create two separate lots, part lot control is required to be lifted. A total of two units will be created through this process. The lifting of part lot control will be done on a registered plan of subdivision. The required reference plans have been submitted.

128219 Continued

COMMENT

The lands are designated as “Residential” under the Town of Carleton Place Official Plan and Development Permit By-law. The proposal is consistent with the Provincial Policy Statement and meets the intent of the Official Plan and Development Permit.

STAFF RECOMMENDATION

That a By-law regarding this application for lifting of part lot control at 16-18 Dulmage Crescent by Talos Custom Homes be forwarded to Council for approval and that the required documents be forwarded to the County of Lanark for approval.

COMMITTEE DECISION

That a By-law regarding this application for lifting of part lot control at 16-18 Dulmage Crescent by Talos Custom Homes be forwarded to Council for approval and that the required documents be forwarded to the County of Lanark for approval.

COMMUNICATION 128220

Received from	Les Reynolds, Director or Protective Services
Addressed to	Planning and Protection Committee
Date	April 25 th , 2017
Topic	OWFC Activity Report

SUMMARY

The March 2017 Activity Report is attached.

COMMENT

For Council's Information

STAFF RECOMMENDATION

Receive and record

COMMITTEE DECISION

Receive and Record

TO BE DISCUSSED

COMMUNICATION 127387

Received from Les Reynolds, Director of Protective Services
Addressed to Planning and Protection Committee
Date October 14th, 2016
Topic Noise By-law (27-2013)

SUMMARY

Staff have recently noticed an increase in noise complaints that could best be described as neighbourhood issues arising from noises produced from the operation of residential mechanical systems such as air conditioning units, pool pumps etc. The noise resulting from such cases is often of a type that some people consider normal, while others are bothered by it, particularly since this type of noise is often present on a recurring, long term basis.

UPDATE – February 21st, 2017

As directed, staff have researched practices in other municipalities and have come to the conclusion that by and large our current by-law is in line with other similar communities. The major difference, in various by-laws, centres around whether the criteria for a violation is quantitative (measured by decibel levels) or qualitative (subject to interpretation by the investigating officer). While most municipalities our size rely on strictly qualitative enforcement, quantitative measures have been introduced in some larger municipalities we looked at (Calgary, Ottawa, Brockville).

While staff feel that our existing by-law continues to largely meet our needs, some practices were identified that would be an improvement:

- A number of communities, recognizing the limited resources available for enforcement, place some onus on the complainant to document the type and level of unwanted noise over a period of time and advises them to be prepared to testify in court if required
- Municipalities that have recently updated their noise by-laws tend to identify residential mechanical systems such as air conditioners and pool pumps as potential sources of unwanted noise. This matches our recent experiences and should be included in any new by-law
- Noise from stationary sources such as air conditioners or pool pumps could be subject to maximum quantitative levels
- Any new by-law should specify that it does not apply to noise heard through a common wall or floor in multi-unit residences
- The definition of 'noise' should be updated

UPDATE – April 25th, 2017

Staff have prepared the attached draft by-law for the committee's review

127287 Continued

STAFF RECOMMENDATION

THAT the draft noise by-law be forwarded to Council for approval

COMMITTEE DECISION

THAT the draft noise by-law be forwarded to Council for approval

ALSO THAT application be made to revise set fines to a range of \$125.00 to \$250.00 per occurrence.

COMMUNICATION 128221

Received from	Duncan Rogers, Clerk
Addressed to	Planning and Protection Committee
Date Received	April 26 th , 2017
Topic	Recommended Revision to the Swimming Pool By-law 63-2008

SUMMARY

Brian Gass the Chief Building Official is recommending a revision to By-law No. 63-2008, the Swimming Pool By-law.

The CBO is recommending the following revision to By-law No. 63-2008.

Section 1.1 Landscaping Pond means any privately owned body of water not used for swimming or wading, permanently located outdoors on private property that is capable of containing either in whole or in part, by natural or artificial means said water that has a depth not exceeding 0.6 meters (2 feet).

COMMENT

To summarize, the intent of the By-law is to permit landscape ponds that can contain no more than 24 inches of water in the front yard of a home without the need for a safety fence/barrier.

STAFF RECOMMENDATION

That Section 1.1 of By-law No. 63-2008 be amended to insert the word “not” between the words depth and exceeding in the noted definition of a landscaping pond.

COMMITTEE DECISION

That Section 1.1 of By-law No. 63-2008 be amended to insert the word “not” between the words depth and exceeding in the noted definition of a landscaping pond.

COMMUNICATION 128222

Received from Les Reynolds, Director or Protective Services
Addressed to Planning and Protection Committee
Date April 24th, 2017
Topic PTSD Prevention Plan

SUMMARY

On April 5, 2016 the Legislature passed the Supporting Ontario's First Responders Act which:

1. Creates a presumption that a diagnosis of Post-Traumatic Stress Disorder (PTSD) in a first responder is work related and expedites access to worker compensation benefits and treatments.
2. Gives the Minister of Labour the authority to request and publish PTSD Prevention Plans from employers

The Minister issued a directive requiring employers to submit their plans by April 23, 2017. The fire departments of Lanark County decided to take a co-operative approach to development of a plan that would serve the entire county. Each municipality would then submit their plan containing specific reference to their internal policies. A draft version of the plan was reviewed with the CAOs of the county at their meeting of March 24.

Our plan was submitted to the Minister of Labour along with the plans from the other municipalities on April 21.

STAFF RECOMMENDATION

THAT Council approve the PTSD Plan

COMMITTEE DECISION

THAT Council approve the PTSD Plan

COMMUNICATION 128223

Received from Les Reynolds, Director or Protective Services
Addressed to Planning and Protection Committee
Date April 6th, 2017
Topic Relay for Life Event

SUMMARY

The organizers of the Relay for Life at CPHS have contacted us about their event which runs 7pm June 1st to 7 am June 2nd. As in past years the event will be held on the track and features live music, so they are requesting an exemption from the noise by-law. They will be advising area neighbours by letter in advance.

128223 Continued

STAFF RECOMMENDATION

THAT pursuant to By-law 17-2005 Sec. 2 Council waives the provisions of the Noise By-law 04-2005 for the 2017 Relay for Life to be held June 1st – 2nd, 2017 at the CPHS track.

COMMITTEE DECISION

THAT pursuant to By-law 17-2005 Sec. 2 Council waives the provisions of the Noise By-law 04-2005 for the 2017 Relay for Life to be held June 1st – 2nd, 2017 at the CPHS track.

COMMUNICATION 128228

Received from Deputy-Mayor Flynn
Addressed to Planning and Protection Committee
Date May 2nd, 2017
Topic Cancellation of May 9th, 2017 Policy Review Committee Meeting.

SUMMARY

Deputy-Mayor Flynn would like the May 9th, 2017 Policy Review Committee meeting cancelled.

STAFF RECOMMENDATION

To be discussed

COMMITTEE DECISION

THAT the May 9th, 2017 Policy Review Committee meeting be cancelled.

RECORDED VOTE

Mayor Antonakos	Nay	Councillor Black	Yea
Deputy-Mayor Flynn	Yea	Councillor Fritz	Yea
Councillor Redmond	Yea	Councillor Trimble	Yea

CARRIED



Planning and Protection Committee Agenda
for the May 2nd, 2017 meeting to be held in
the Council Chambers following Physical Environment Committee

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128221 Continued

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STAFF RECOMMENDATION

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COMMITTEE DECISION

Planning Application/Stats for 2017

<u>2017</u>	<u>Pre-consultation</u>	<u>PLC</u>	<u>SUB</u>	<u>Consent</u>	<u>DP1</u>	<u>DP1a</u>	<u>DP2</u>	<u>DP3</u>	<u>DP4</u>	<u>DP Agreement Amendment</u>	<u>OPA</u>	<u>DPA</u>	<u>Monthly Totals</u>
January	5			1			1						7
February	11	2			1							1	15
March	17	3		1	1		2						24
April	8	2			4	1	1						16
May													0
June													0
July													0
August													0
September													0
October													0
November													0
December													0
<u>YTD Totals</u>	41	7	0	2	6	1	4	0	0	0	0	1	<u>62</u>
<u>2016 Totals</u>	55	7	0	15	20	10	2	1	2	0	1	3	<u>118</u>
<u>2015 Totals</u>	50	10	2	9	9	8	7	1	0	1	1	3	<u>101</u>
<u>2014 Totals</u>	20	10	1	6	4	N/A	6	0	N/A	0	1	1	<u>49</u>

Items of Interest

March was a fairly quiet month, highlighted by the arrival of our new pumper near the end of the month. Response numbers continue to track lower than usual, but it's still too early to say it's a trend.

BY-LAW NO. xx-2017

A BY-LAW OF THE CORPORATION OF THE TOWN OF CARLETON PLACE, BEING A BY-LAW TO PROHIBIT UNUSUAL NOISES AND NOISE LIKELY TO DISTURB THE INHABITANTS OF A MUNICIPALITY

WHEREAS pursuant to Section 129 of the Municipal Act S.O. 2001, the Council of the Corporation of the Town of Carleton Place has the authority to enact a by-law governing unusual noises and noises likely to disturb the inhabitants and;

WHEREAS the Council of the Corporation of the Town of Carleton Place deems it expedient and necessary to regulate such noises;

NOW THEREFORE the Council of the Corporation of the Town of Carleton Place enacts as follows:

1. DEFINITIONS

- 1.1 **Amplifier** means a device for making sounds, voices, or noises louder.
- 1.2 **By-law Enforcement Officer** means a By-law Enforcement Officer for the Town of Carleton Place.
- 1.3 **Construction** includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, the use of chainsaws, 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 or for any purpose, and includes any work in connection therewith.
- 1.4 **Corporation** means the Corporation of the Town of Carleton Place.
- 1.5 **Council** means The Council for the Corporation of the Town of Carleton Place.
- 1.6 **Lawn Maintenance Equipment** means equipment which is operated by an engine or motor, either driven, hand pushed or held and includes lawnmowers, whipper snippers, lawn tractors, leaf blowers, bush hogs, brush chippers, hedge clippers, edgers and other similar devices used to landscape, cut, mow, trim or maintain ones own lawn, yard, garden or lot.
- 1.7 **Loudspeaker** means a device which produces sound.
- 1.8 **Microphone** means an instrument which can change sound waves into electric waves and can therefore be used to record voices or sounds.
- 1.9 **Municipality** means the Corporation of the Town of Carleton Place.

- 1.10 **Noise** means unwanted sound arising from such sources as people, animals, equipment, work, vehicles, electronics, radios, amplifiers, televisions sets, **mechanical systems, air conditioners, pool pumps or other** sound producing instruments.
- Alt Noise** means sound that is excessive, or of such volume or persistence that it has the effect or potential effect of disturbing inhabitants
- 1.11 **Persistence** means continuing to exist or endure over a prolonged period of time continuously or intermittently for an aggregate period of at least 20 minutes out of any 60 minute period.
- 1.12 **Plainly Audible** means the sound in question can be easily detected, without undue effort, by a disinterested person with no hearing disability.
- 1.13 **Police Officer** means an Officer of the Carleton Place Detachment of the Ontario Provincial Police
- 1.14 **Point of Reception** means any point on the premises of a person where noise or vibration originating from other than those premises is received.
- 1.15 **Public Address System** means any combination of equipment capable of producing or reproducing sound such as an amplifier, loudspeaker and microphone, whether being used for addressing or entertaining the public.
- 1.16 **Public Buildings** means any building owned or operated by any level of government, crown corporation or public utility. This definition shall also include hospitals and schools.
- 1.17 **Public Place** means any land owned or operated by any level of government, crown corporation or public utility. This definition shall also mean hospitals and schools.
- 1.18 **Urgent Necessity** shall mean that it is essential that work, noise, thing, or event etc continue or begin for the health, safety, or welfare for those involved including the community.

2. GENERAL PROVISIONS

- 2.1 No person shall ring any bell, blow or sound any horn or cause the same to be rung, blown or sounded; shout or create or permit unusual noises, or noises likely to disturb the residents of the community unless authorized by law or in accordance with good safety practices.

- 2.2 No person shall create or permit noise by playing radios, television sets, musical or a sound producing instrument or device of whatever kind which disturbs the peace, quiet, comfort or repose of the resident of the community and which noise is clearly audible at a point of reception.
- 2.3 No person shall keep birds or animals, the noise of whose crowing, cries, barking or other such sounds disturb the peace and comfort of the neighbourhood. The owner or person having the bird or animal under their control when the noise was generated is liable for the noise causing the disturbance.
- 2.4 No person shall cause or permit noise arising from construction between the hours of 10:00 p.m. and 6:00 a.m. the following day, except in the case of urgent necessity or emergency.
- 2.4.1 Notwithstanding Section 2.4, temporarily located de-watering pump operation may be allowed with authorization by the By-law Enforcement Officer.
- 2.4.2 Notwithstanding Section 2.4, no person shall cause or permit noise arising from construction between the hours of 10:00 p.m. and 8:00 a.m. the following day on the weekend or in the event of a statutory holiday, except in the case of urgent necessity or emergency.
- 2.5 No person shall cause or permit noise arising from lawn maintenance equipment between the hours of 10:00 p.m. and 6:00 a.m. the following day.
- 2.5.1 Notwithstanding Section 2.5, no person shall cause or permit noise arising from lawn maintenance equipment between the hours of 10:00 p.m. and 8:00 a.m. the following day on the weekend or in the event of a statutory holiday.
- 2.6 No person shall cause or permit any noise in the vicinity of any school, seminar of learning, court, or other such public buildings while the same is in session, or in the vicinity of any hospital or convalescent institution or rest home when such noise interferes with the undertaking of the same.
- 2.7 No person shall cause or permit any noise resulting from racing of any motorized conveyance other than in a racing event regulated by law.
- 2.8 No person shall cause or permit any noise resulting from the operation of a motor vehicle in such a way that the tires squeal.
- 2.9 No person shall cause or permit any noise resulting from 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 vehicle is stationary in a residential area, unless:

- 2.9.1 The original manufacturer specifically recommends a long idling period for normal and efficient operation of the motor vehicle (written documentation must be provided) in which case such recommended period shall not be exceeded.
 - 2.9.2 The operation of such engine or motor is essential to a basic function of the vehicle equipment, including but not limited to, operation of ready mixed concrete trucks, lift platforms and refuse compactors.
 - 2.9.3 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 the purposes of delivery or loading, or emergency.
 - 2.9.4 Unless it is an urgent necessity or emergency.
- 2.10 Notwithstanding previously mentioned clauses in Section 2.9, but not including Section 2.9.4, no person shall cause or permit to be caused, noise resulting from the operation of an engine or motor in, or on, any motor vehicle or item of attached auxiliary equipment while such vehicle is stationary in a residential zone between the hours of 11:00 p.m. to 6:00 a.m. the following day.

3. EXCEPTIONS TO THE GENERAL PROVISIONS

- 3.1 The use in a reasonable manner of any apparatus or mechanism for the amplification of the human voice of music in a park or any other public place in connection with any lawful and peaceable public meeting or gathering that has received written permission from the Facilities Operation Committee or any other persons or committees that may be directly or indirectly affected by the event shall be permitted.
- 3.2 Necessary work performed by municipal employees between the hours of 10:00 p.m. and 6:00 a.m. which otherwise performed during the day would be a hindrance to the community.
- 3.3 Any person or group may make an application for an exception for a case of urgent necessity.
- 3.4 All applications shall be submitted to the Director of Protective Services stating:
 - a) name of the applicant. It may be the name of an organization or group, etc.
 - b) the location or address where the noise will be originating from.
 - c) the reason why an exception to the provisions of this by-law is requested.
 - d) the name and phone number of a contact person.
- 3.5 The Director of Protective Services or his designate shall have the right to refuse to grant any exemption and/or impose such terms and conditions as deemed appropriate as part of the exception agreement.

- 3.6 Breach of any of the terms and conditions of a granted exception shall render the exception null and void.
- 3.7 **This By-law shall not apply to noise heard through a common wall or floor in multi-unit residences unless such noise is plainly audible at a point of reception outside the residence.**
- 3.8 **This By-law shall not apply to the operation of a generator during a power failure or other emergency.**

4. ENFORCEMENT

- 4.1 Any person who contravenes any of the provisions of this by-law and the procedures with respect thereto is guilty of an offence and the enforcement and the penalty imposed thereunder shall be subject to the provisions of *The Provincial Offences Act*, R.S.O. 1990, Chapter P.53 and the amendments thereto, and the penalty for the commission of any such offence shall be provided for in the said *Provincial Offences Act*.
- 4.2 This by-law shall be enforced by any By-law Enforcement Officer and/or by an Officer of the Carleton Place Detachment of the Ontario Provincial Police.
- 4.3 **Enforcement Procedures – See Appendix “A”**

5. VALIDITY

- 5.1 If any section or part thereof of this by-law for any reason is deemed invalid, the remaining parts of the by-law shall remain in effect until repealed.
- 5.2 Where provisions of this by-law conflicts with the provisions of another by-law in force in the municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public prevails.
- 5.3 This By-law shall not take effect until an order regarding set fines have been approved by the appropriate Judge of the Ontario Court of Justice Provincial Division.

6. SHORT TITLE

- 6.1 This by-law may be referred to as The Noise By-law.

7. REPEAL OF BY-LAW

- 7.1 That By-law **27-2013** and amendments thereto prohibiting unusual noises and noise likely to disturb the inhabitants of the municipality be and is hereby repealed.

READ A FIRST TIME, SECOND TIME AND A THIRD TIME AND FINALLY PASSED THIS xx DAY OF XXXXX 2017.

Louis Antonakos, Mayor

D. H. Rogers, Clerk

APPENDIX "A"

ENFORCEMENT PROCEDURES

When the By-law Enforcement department receives a neighbourhood complaint regarding excessive or persistent noise the procedure described below will be followed

- A notice is sent to the owner and/or occupant of the property where the concern is located. Sometimes an owner/occupant may not be aware of the problem and this notice will be enough to correct the issue.
- At the same time a notice is sent to the complainant. At this stage, all information with respect to the complainant (i.e. name, address) is kept strictly confidential. However, if the noise continues to negatively impact them, the Town will require their involvement and cooperation to help bring closure to the matter.
- In order to gather evidence with respect to the noise which caused the complaint, the complainant is required to record the following information in a diary format
 - Type of noise (i.e. dog barking, machinery etc.)
 - How the noise is disturbing them
 - Their location on their property when they were disturbed
 - Information about the source of the noise
 - Time of day when the disturbance occurred
 - Duration of the noise
- Once the complainant has the above information for **at least ten occurrences within a 30 day period** when the noise has disturbed them they are requested to contact our office to discuss the possibility of charges being laid. **Please note that the ten occurrences must be after a formal complaint has been registered and the required notices have been sent.** This ensures that the owner/occupant has ample opportunity to take mitigating measures.
- The information collected by the complainant will be entered as evidence if by-law charges are laid. The complainant may be required to testify in court on the evidence in the presence of the occupant/owner of the property from which the noise originated. The complainant may also be asked questions by the alleged violator or their legal representative with respect to the evidence