



OAKVILLE

THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2009-081

A by-law to amend the Town of Oakville
Noise By-law 2008-098

COUNCIL ENACTS AS FOLLOWS:

1. Section 1 of the Town of Oakville Noise By-law 2008-098 is amended by adding the following definitions:
 - (a.1) “Background Sound Level” is the sound level that is present in the environment, produced by noise sources other than the source under impact assessment. Highly intrusive short duration noise caused by a source such as an aircraft fly-over or a train pass-by is excluded from the determination of the background sound level. Background sound level may also be referred to as “ambient sound level;”
 - (s.1) “Sound Level” is the A-weighted sound pressure level;
 - (s.2) “Sound Level Meter” is an instrument which is sensitive to and calibrated for the measurement of sound;
2. Section 1 of the Town of Oakville Noise By-law 2008-098 is amended by deleting subsection (t) and replacing it with the following definition:
 - (t) “Stationary source” means a source of sound, whether fixed or mobile, that exists or operates on the premises, property or facility, the combined sound levels of which are emitted beyond the property boundary of the premises, property or facility, unless the source is due to construction as defined in this By-law. Stationary source also includes the sound generated by back-up/reverse alarms mounted on vehicles when engaged in activities within a property, excluding those back-up/reverse alarms operated in connection with construction sites, road maintenance and emergency operations. Stationary source excludes noise sources addressed in a qualitative manner, that is clearly audible at a point of reception, such as dog barking, noisy parties, domestic power tools, radios, televisions, etc.;
3. Section 4(1) of the Town of Oakville Noise By-law 2008-098 is amended by deleting subsection (1) and replacing it with the following:

- (1) No person shall emit or cause or permit the emission of sound from a stationary source such that the sound level from that source at a point of reception located in a Controlled Area or Residential Area, when measured with a sound level meter by a person empowered to enforce this By-law, exceeds both the background sound level and exceeds the maximum permitted sound level limit for that time specified in the following chart:

One Hour Leq (dBA) or LIm (dBA)

Time of Day

07:00 – 19:00	50
19:00 – 23:00	47
23:00 – 07:00	45

4. Section 5(1) of the Town of Oakville Noise By-law 2008-098 is amended by deleting subsection (1) and replacing it with the following:
 - (1) No person shall emit or cause or permit the emission of sound from the operation of a residential air conditioning device resulting in a sound level at a point of reception located in a Controlled Area or Residential Area, when measured with a sound level meter by a person empowered to enforce this By-law, in excess of both the background sound level and in excess of an Leq of 50 dBA. This subsection does not apply, however, to air conditioning units used in connection with institutional, commercial and industrial applications or multi-family dwellings sharing a common air conditioning device.
5. Section 5(3) of the Town of Oakville Noise By-law 2008-098 is amended by deleting subsection (3) and replacing it with the following:
 - (3) No person shall operate or use or cause to be operated or used any sound reproduction device in any dwelling house, apartment house, hotel or other residence between 07:00 hours (09:00 hours on Sundays) and 17:00 hours (19:00 hours in a Controlled Area) of the same day, the noise from which sound reproduction device is clearly audible in another dwelling within the said residence, and when measured in another dwelling within the said residence with a sound level meter by a person empowered to enforce this By-law, has an Leq greater than both the background sound level and in excess of 45 dBA.
6. Section 5(4) of the Town of Oakville Noise By-law 2008-098 is amended by deleting subsection (4) and replacing it with the following:

- (4) No person shall operate or use or cause to be operated or used any sound reproduction device originating from or in connection with the operation of any commercial establishment between 07:00 hours (09:00 hours on Sundays) and 17:00 hours (19:00 hours in a Controlled Area) of the same day, the noise from which sound reproduction device, when measured within the said business with a sound level meter by a person empowered to enforce this By-law, has an Leq greater than both the background sound level and in excess of 45 dBA.
7. Section 5(5) of the Town of Oakville Noise By-law 2008-098 is amended by deleting subsection (5) and replacing it with the following:
- (5) No person shall operate or cause to be operated or used any sound reproduction device between 07:00 hours (09:00 hours on Sundays) and 17:00 hours (19:00 hours in a Controlled Area) of the same day, the noise from which sound reproduction device, when measured outside of the business, dwelling house, apartment house, hotel or other residence, at the property line or inside the property of another person with a sound level meter by a person empowered to enforce this By-law, has an Leq greater than both the background sound level and in excess of 55 dBA.
8. Schedule 2 is amended by deleting paragraph 10 and replacing it with the following:

Column 1	Column 2 - Prohibited Period of Time	
	Residential Area	Controlled Area
10. Yelling, shouting, hooting, whistling, or singing.	23:00 one day to 07:00 next day (09:00 on Sundays)	23:00 one day to 07:00 next day (09:00 on Sundays)

9. Schedule 2 is amended by adding the following paragraph:

Column 1	Column 2 - Prohibited Period of Time	
	Residential Area	Controlled Area
17. Unamplified playing of musical instruments.	21:00 one day to 07:00 next day (09:00 on Sundays)	21:00 one day to 07:00 next day (09:00 on Sundays)

PASSED this 15th day of June, 2009.

Rob Burton

MAYOR

Kathy Patrick

A/CLERK