

POLICY TITLE	Administration of Noise Exemption Requests
CATEGORY	Administration
POLICY NUMBER	ADM 0XX
DEPARTMENT	Corporate Services
POLICY AUTHOR	City Clerk
POLICY TYPE	Guideline
APPROVED BY	Council
EFFECTIVE DATE	12/03/2024
REVIEW DATE	12/03/2028

POLICY STATEMENT

The City of Cambridge is committed to ensuring that the application for the exemption of the provisions of the Noise By-law 24-XXX, which regulates the emission of sounds within our community, is performed in a fair, consistent, and responsive way. Recognizing that there may be valid grounds for requesting exemptions to the Noise By-law, the City is equally committed to establishing a transparent and efficient process to address such requests.

PURPOSE

This policy provides direction with regards to addressing requests for exemptions to the regulations set out in the City's Noise By-law.

DEFINITIONS

“Designated Official” means the City Clerk for The Corporation of the City of Cambridge, or designate;

“Municipally Significant Event” means a one time, annual, or infrequently occurring event that is open to the public and has a predetermined opening and closing date and time which:

1. Has local, regional, national or international historical or cultural significance; or,
2. Builds awareness of diverse cultures; or,
3. Has a charitable aspect, that sees profits or portion of profits going to local charities, local residents or the community at large; or
4. Promotes the social, cultural, or economic development of the City; or,
5. Benefits the community at large
6. Has significant impacts on the community at large

“Person” Includes an individual, association, firm, sole proprietorship, partnership, limited partnership, joint venture, trust, organization, trustee, or corporation (with the exception of the Corporation of the City of Cambridge).

AUTHORITY

Section 129 of the *Municipal Act, 2001* provides that a municipal council may pass by-laws to prohibit and regulate with respect to noise. Council has passed the Noise by-law **24-XXX** which provides for a noise exemption process.

Any reference in this policy to any statute or any section of a statute shall, unless expressly stated, be deemed to be referenced to the statute as amended, restated, or re-enacted from time to time. Any reference to a by-law or City policy shall be deemed to be a reference to the most recent passed policy or by-law and any replacements thereto.

SCOPE

This Policy applies to all requests for a noise exemption under the provisions of the Noise By-law. The Policy shall be reviewed every four (4) years from the date it becomes effective, and/or sooner at the discretion of Council.

POLICY

By-law **24-XXX** referred to as the Noise By-law, sets out those noises that are prohibited and also prohibitions based on time and place. Section 6 of the by-law provides an opportunity for persons to make application to be granted an exemption from any of the provisions of the Noise By-law with respect to any source of sound or vibration for which that person might be prosecuted under the by-law.

1.1 Application Process

In accordance with the Noise By-law, every request must be submitted a minimum of forty-five (45) days in advance of the event. This is to allow sufficient processing time for staff to complete the necessary review and to meet timelines associated with reports that may need to go before the Council.

Requests must be submitted in writing using the prescribed application form. The application shall contain the following information:

- the name and contact information of the applicant including municipal address, phone number and email address;
- the name and contact information of the person or persons who will be supervising the event;
- a detailed description of the event generating the noise including the number of people expected to attend, list of equipment being used, and a

sketch of the area indicating the location and direction of any sound amplifying devices;

- the location of the event or activity for which the exemption is sought;
- a description of the source of noise and level of sound for which the exemption is sought;
- the times of day, and the period of time for which the exemption is sought;
- the reasons why, in the opinion of the applicant the exemption should be granted;
- steps, if planned, or presently being taken, to minimize or mitigate the impact of the noise; and
- Proof that the applicant has met the requirement to provide notice of the exemption being sought to all residents within 120 Metres of the location where the event or activity is proposed;

The Notice of Exemption Request form attached as Appendix A, will identify the nature of the request and provide an opportunity for comments or concerns by a specific date. Applicants can access a free self-serve tool on the City of Cambridge website that will generate mailing labels for addresses within 120 metres of an address. Notices will also be posted on the City's Noise Exemption web page.

The application fee in accordance with the City's Fees and Charges By-law must be included with every application when submitted. The application fee is not refundable and is based on full cost recovery.

After receiving the application, the Municipal By-law Compliance section of the Clerks Division will verify its completeness. If any deficiencies are identified, the application will be returned to the applicant for necessary corrections.

1.2 Application Received

Upon confirming the application's completeness, Municipal By-law Compliance staff will prepare notification to Council via the Council Information Package. Council will receive the notification and be provided an opportunity to provide comment on the noise exemption being sought.

The application along with all supporting documentation will be uploaded into the City's permit management system and the file will be assigned to the Designated Official for review.

If the application is deemed to be Municipally Significant Event and would require a City of Cambridge special events permit, staff will refer the application to Council for a decision, in which case Council shall have the same powers as the Designated Official.

1.3 Application Review and Deliberation

When deciding whether to grant the exemption, the Designated Official will review the application, the report, and any written submissions and consider any noise related history related to the property or applicant. The designated official will consider the following:

- Any negative effects or any benefits that the granting of the temporary noise exemption permit may have on the neighbouring properties and the City.
- Any previous violations of the Noise By-law or violations of the conditions imposed through previous temporary noise exemption permits by the applicant.
- Whether the applicant has provided all the information required on the application.
- Any other matter that the designated official reasonably considers to be relevant to the application.

If there are any expressed objections to the proposed noise exemption, the Designated Official shall contact the parties opposed to the application to discuss the concerns and possible actions that can be taken to mitigate the concerns.

The Designated Official may include any terms and conditions as deemed fit to grant the exemption including but not limited to any number of the following:

- The type and volume of noise that may be made
- The times during which noise may be made
- The date of expiry to the temporary noise exemption permit
- The posting of security by the applicant

Where an exemption is granted, any breach of the terms or conditions renders the exemption null and void.

The City of Cambridge does not issue noise exemptions beyond 1:00am (exceptions for overnight construction may apply).

1.4 Approval Decision

If the Designated Official approves the noise exemption, they shall give written notice of their decision to the applicant by regular mail or email at the address provided on the application. The written notice shall contain the decision and the grounds of the decision.

- The decision of the Designated Official shall be final.
- The Applicant shall comply with the terms and conditions of the temporary noise exemption permit granted by the Designated Official.
- Failure by the applicant to comply with the terms and conditions of the temporary noise exemption permit shall render the temporary noise exemption permit null and void.
- Any temporary noise exemption permit issued shall expire on the date set out on the temporary noise exemption permit, or if no date is set out on the temporary noise exemption permit, the permit shall expire forty-eight hours after its issuance.

The event will be listed on the City's website under the Noise page. All approved and pending noise exemptions will be listed on this page.

1.5 Exemptions

Notwithstanding any other provisions of the Noise By-law, the By-law shall not apply to the sounds arising from:

- a) the activities of municipal, provincial or federal police services, Fire Departments, or ambulance services during the performance of their duties;
- b) emergency measures undertaken for the immediate health, safety or welfare of the inhabitants of the City, including emergency measures undertaken for the preservation or restoration of property;
- c) the operation of vehicles, machines and equipment by or on behalf of the City, or a public entity or a public utility;
- d) signaling devices used as traffic and pedestrian control devices at intersections, crosswalks, and railway crossings;
- e) the operation of bells, chimes, carillons or clocks and the recitation of prayers associated with religious, school or public buildings or with religious or public festivals;

- f) bells or sirens required for the purposes of public safety including sirens when operated by Police Services, Fire and Ambulance Services, or bells or whistles operated by rail or transit services;
 - g) activities from industrial land uses located on lands principally used for industrial land uses or lands designated for industrial land uses as set out in the Official Plan or Zoning By-law if the sound is in accordance with the terms and conditions of a valid environmental compliance approval issued under the Environmental Protection Act, R.S.O. 1990, c. e 19, where such approval addresses sound as a source of contamination;
 - h) the operation of air conditioning units, heating pumps for swimming pools, and refrigeration units, provided the units or the pumps are in proper working order;
 - i) noise created by the activity of snow removal;
 - j) activities that are the subject of a valid temporary noise exemption permit;
 - k) Any fair, parade, exhibition, celebration, concert, event, or activity organized by the City;
- or
- l) the delivery of goods to any of the following:
 - (i) retail business establishment;
 - (ii) restaurants, including cafes and bars;
 - (iii) hotels and motels; or
 - (iv) goods distributing facilities.

Notification of events that are not required to obtain a noise exemption permit may still be required to notify area residents of the event taking place and would follow the same notification criteria as outlines in the Noise By-law.

POLICY COMMUNICATION

This Policy will be posted on the City's website and intranet.

- a) Staff will be advised of the new Policy via distribution to the Operational Leadership Team and Corporate Management Team; and
- b) This Policy shall form part of the orientation for all special event, by-law enforcement, and administration staff

RELATED PROCEDURES

Not Applicable

RELATED DOCUMENTS/LEGISLATION

Municipal Act, 2001

Noise By-law #24-XXX