

# THE CORPORATION OF THE TOWN OF WASAGA BEACH

## BY-LAW NO. 2023-75

A By-law to amend By-law No. 2019-15, being a by-law to control Noise and Nuisance within the Municipality

**WHEREAS** Section 8 of the *Municipal Act, 2001*, as amended provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** Section 9 of the *Municipal Act, 2001*, as amended, grants municipalities the capacity, rights, power and privileges of a natural person for the purpose of exercising its authority under the Act;

**AND WHEREAS** Section 11(2) of the Municipal Act permits a municipality to pass by-laws respecting the public assets of the municipality, the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons, and the protection of persons and property;

**AND WHEREAS** Section 128 of the Municipal Act permits a municipality to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances;

**AND WHEREAS** Council of The Corporation of the Town of Wasaga Beach passed By-Law No. 2019-15, to control Noise and Nuisance within the Municipality, deems it expedient to amend the said by-law regarding noise nuisances and penalty provisions;

### **NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WASAGA BEACH HEREBY ENACTS AS FOLLOWS:**

1. That By-law 2019-15, Section 2, Definitions, A-weighted Sound Pressure Level is hereby amended by adding the following:

**2.3** The "A-weighted sound pressure level" is the sound pressure level modified by application of the A-weighting. It is measured in decibels, A-weighted, and denoted dBA.

2. That By-law 2019-15, Section 2, Definitions, Decibel is hereby amended by adding the following:

**2.12** The "decibel" is a dimensionless measure of sound level or sound pressure level;

3. That By-law 2019-15, Section 2, Definitions, Sound Level is hereby amended by adding the following:

**2.19** The “sound level” is the sound level of an impulsive sound as measured with an Impulse Sound Level Meter set to impulse response. It is measured in A-weighted decibels, denoted dBA.

4. That By-law 2019-15, Section 2, Definitions, Sound Level Meter is hereby amended by adding the following:

**2.20** is an instrument which is sensitive to and calibrated for the measurement of sound;

5. That By-law 2019-15 and By-law 2019-115, Section 2, Definitions subsection 2.29, is hereby repealed and replaced with the following:

**“Noise Nuisance”** Notwithstanding certain sounds are permitted by Appendix “A”, any use of sounds that is excessive, alarming, unusual or annoying to two or more residents or visitors from different properties, or noise that does exceed 90 dBA from more than 15 meters from the property line, or based upon the cumulative considerations of all factors including the nature and frequency of complaints, environmental conditions and any extenuating or aggravated circumstances including any medical conditions;

6. That By-law 2019-15, Section 2, Definitions, Point of Reception is hereby amended by adding the following:

**2.38** means any point on the premises of a person where sound originating from other than those premises is received;

7. That this By-Law shall come into force and take effect on the date of its final passing.

**BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED  
THIS 29<sup>TH</sup> DAY OF JUNE, 2023.**

**THE CORPORATION OF THE TOWN OF WASAGA BEACH**

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Brian Smith, Mayor

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Nicole Rubli, Director, Legislative Services & Clerk