BY-LAW 2003-137

Being a By-law to Regulate Noise and in the City of Markham

WHEREAS section 128 of the Municipal Act, 2001, S.O. 2001, c. 25 authorizes a local municipality to prohibit and regulate matters that, in the opinion of Council, are or could become public nuisances;

WHEREAS section 129 of the Municipal Act, 2001, authorizes municipalities to pass by-laws to prohibit and regulate noise; and,

WHEREAS section 391 of the Municipal Act, 2001 authorizes Council to pass by-laws imposing fees and charges on any class of persons for services or activities provided or done by or on behalf of it; and,

WHEREAS the people of the City of Markham expect, and have a right to an environment free from excessive sound levels relative to the sound level standards set by this By-law which may degrade the quality and tranquillity of their life, disturb or likely to disturb the people of the City of Markham; and,

WHEREAS Section 398(1) of the Municipal Act, 2001 states that fees and charges imposed by a municipality on a person constitute a debt of the person to the municipality; and,

WHEREAS Section 429(1) of the Municipal Act, 2001 provides that a municipality may establish a system of fines for an offence under a by-law passed under the Act; and,

WHEREAS this By-law does not regulate traffic noise;

NOW THEREFORE the Council of the Corporation of the City of Markham enacts as follows:

Definitions

1. In this By-Law,

"Applicant" means any Person who applies in writing to Council for a permit for an exemption from the provisions and requirements of this By-law;

"Authorized Emergency Vehicle" means any ambulance or hearse, any vehicle of the fire department, or of the local, provincial or federal police, Canada Post, armoured cars carrying cash, and public utility company while actively engaged in the construction, maintenance or repair of any Highway, or any equipment or facilities thereon, or a snow plough or other maintenance vehicle operated by or for the Ministry of Transportation;

"Certificate" means a current certificate of competency in environmental acoustics technology issued by an agency/firm that delivers full technical acoustics courses based on the MOECC’s relevant technical standards as delivered by a Licensed Professional Engineer (P. Eng.) in Ontario, or other courses delivered by the Municipal Law Enforcement Officers Association of Ontario. (MLEO);

"City" means the City of Markham in the Regional Municipality of York;

"Clerk" means the Clerk of the Corporation of the City of Markham or his or her designate;

"Construction" means erection, alteration, repair, dismantling, demolition, structural maintenance, painting, land clearing, earth moving, grading, excavating, trenching, digging, boring, drilling, blasting or concreting, the installation of machinery or plant, and any work or undertaking in connection with a project but does not include any work or undertaking underground in a mine;
"Construction Equipment" means any equipment or device designed and intended for use in Construction, or material handling, including but not limited to, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-highway haulers or trucks, ditches, compactors and rollers, pumps, concrete mixers, graders, or other material handling equipment;

"Conveyance" means a Motor Vehicle and any other device used to transport a person or persons or goods from place to place but does not include any Motor Vehicle or device operated only within any premises;

"Council" means the Council of the City of Markham;

"Highway" means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for or used by, the general public for the passage of vehicles;

"Manager" means the Manager of By-law and Regulatory Services or his/her designate;

"Ministry" means the Ministry of the Environment and Climate Change;

"Motor Vehicle" means any Motorized Conveyance and includes any automobile, motorcycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other Motor Vehicle running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the Highway Traffic Act, R.S.O. 1990, c.H.8, as amended;

"Motorized Conveyance" means a Conveyance propelled or driven otherwise than by muscular, gravitational or wind power;

"Noise" means a Sound that exceeds the level and/or quality set out in the quantitative provisions of this By-law or contravenes the qualitative provisions of this By-law;

"Officer" means a Person commissioned or authorized to fill a public situation or to perform any public duty, appointed for the purpose of enforcing by-laws of the City, and includes any municipal law enforcement officer appointed by the City and any police constable who is a member of the York Regional Police Service;

"Owner" means the registered Owner, Owner in trust, a mortgagee in possession, a Person who is managing or receiving the rent of the property a lessee or a Person who is control of the property and includes a Person, firm, partnership, corporation, company, association, or organization of any kind and its principal(s);

"Permit" means any Permit issued by Council for an exemption from the terms and conditions of this By-law, and includes any conditions imposed by Council on the holding of such a Permit;

"Person" means a corporation, organization, association and partnership;

"Point of Reception" means any location on a Noise sensitive land use where Noise from a Stationary Source is received. Noise sensitive land use may have one or more points of reception;

"Publication" means a specified Publication of the Ministry named in Schedule 5 to this By-law;

"Residential Area" means an area of the Municipality designated as Residential Area in the City of Markham Zoning By-Laws;

"Sound Amplifying System" means any system of loudspeakers, amplifiers, microphones or reproducers or any combination of such equipment, including electronic devices or electro-mechanical transducers, used in the reproduction of music, speech or other Sounds;

"Sound Reproduction Device" means a device intended primarily for the production or reproduction of Sound, including, but not limited to, any musical instrument, radio receiver, television receiver, recorder, phonograph or Sound Amplifying System;
"Source" means an activity, matter, thing, or tangible personal property or real property, from which sound or vibration is emitted;

"Sound" means the A-Weighted sound pressure level reported in dBA;

"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 on the premises is a Source emitting impulsive Sound, a residential air conditioner (or heat pump), residential swimming pool equipment, or Construction Equipment;

"Treasurer" means the Treasurer of the City.

Technical Terms

2. In this By-law all words and definitions that are of technical nature are related to Sound and shall have the meanings specified for them in Schedule 5 - Publication NPC-101.

General Prohibitions

Prohibitions

3. No Person shall emit, or cause to permit the emission of Sound resulting from:

   (1) an act listed in Schedule 1 - General Prohibitions, and which Sound is clearly audible at a Point of Reception;

   (2) any act listed in Schedule 2 - Prohibitions by Time and Place, if clearly audible at a Point of Reception;

   (3) a Stationary Source such that the level of resultant Sound is clearly audible at a Point of Reception located in a Residential Area.

Limitations on Sound Levels

4. No Person shall emit, or cause to permit the emission of Sound resulting from:

   (1) any piece of Construction Equipment of a type referred to in Schedule 5, Publication NPC-115 at a work site, any part of which is located within 600 metres of a Residential Area, unless;

      a) the equipment was put into use prior to January 1, 1990; or,

      b) the equipment bears a label affixed by the manufacturer or distributor, which states:

         (i) the year of manufacture; and,

         (ii) that the equipment complies with the residential Sound emission standards set out in Schedule 5 - Publication NPC-115, as applicable to that type of equipment and date of manufacture; or,

      c) the Owner, operator, manufacturer or distributor provides proof that the item of equipment complies with the residential Sound emission standard set out in Schedule 5 - Publication NPC-115, as applicable to that type of equipment and date of manufacture.

Limitations on Stationary Sources of Sound

5. No Person shall emit, or cause to permit the emission of Sound resulting from:

   (1) any Source that emits time varying Sound, including Quasi-Steady Impulsive Sound, such that the level from that Source at a Point of Reception located in a Residential Area, when measured with a Sound Level Meter, exceeds the higher of, the maximum permitted L_{eq} (1) for the time of day, as prescribed in schedules B-1 and B-2 of Schedule 4 or the established Background Sound Level;
in all cases, any measured and reported Sound level (Excluding Impulsive Sounds) as defined above in paragraph (1) that is at or below the levels in schedules B-1 and B-2 of Schedule 4 is deemed in compliance with the City’s Sound level limits;

(3) in all cases, the necessary adjustments to account for the special quality of the Sound shall be applied.

Limitations on Impulsive Sound Levels

6. No Person shall emit, or cause to permit the emission of Sound (Excluding Sound from a Stationary Source) resulting from:

(1) any Source that emits Impulsive Sound such that the level from that Source at a Point of Reception located in a Residential Area, when measured with a Sound Level Meter, exceeds the higher of, the maximum permitted logarithmic mean Impulse Sound Level ($L_{LM}$) for the time of day, and number of impulses per hour prescribed in schedules B-3 and B-4 of Schedule 4 or the established Background Sound Level;

(2) in all cases, any measured and reported logarithmic mean Impulse Sound Level ($L_{LM}$) that is at or below the levels in schedules B-3 and B-4 of Schedule 4 is deemed in compliance with the City’s Sound level limits.

Limitations on Residential Air-Conditioners

7. No person shall emit, or cause to permit the emission of Sound where:

(1) the maximum applicable Sound level from such source at a Point of Reception located in a Residential Area, when measured with a Sound Level Meter, is the higher of $L_{eq}$ (1), 50 dBA during the day, evening, and night, or the established Background Sound Level for the corresponding period;

(2) for the purposes of this By-Law, residential air conditioner is defined to include equipment used in a heating and/or cooling apparatus used in single family detached dwellings, semi-detached dwellings, townhouses, and “free-hold” townhouses for individual homeowner’s use;

(3) other heating or cooling apparatus’s intended for use by more than one household, such as those associated with stacked townhouses, apartment buildings, and group homes, are to be collectively considered as a single Stationary Source of Sound.

Limitations or Residential Swimming Pool Equipment

8. No Person shall emit, or cause to permit the emission of Sound where:

(1) the maximum applicable Sound level from such Source at a Point of Reception located in a Residential Area, when measured with a Sound Level Meter, is the higher of $L_{eq}$ (1), 50 dBA during the day, evening, and night, or the established Background Sound Level for the corresponding period;

(2) for the purposes of this By-Law, residential pool equipment is defined to include electric motors, heating system, filtration system, and all other equipment associated with maintaining a residential swimming pool;

(3) other swimming pool equipment intended for communal use by more than one household, such as those associated with stacked townhouses, apartment buildings, and group homes, are to be considered a Stationary Source of Sound;

(4) in all cases, the necessary adjustments to account for the special quality of the Sound shall be applied.

9. Where subsections 3(2) or (3) applies to a Source of Sound, the less restrictive provision shall prevail.

Permits and Exemptions
10. Notwithstanding any other provision of this By-law, the provisions and requirements of this By-law shall not apply to any Person who emits, or causes to permit the emission of Sound:

   (1) in connection with any activities listed in Schedule 3; or,
   (2) due to Impulsive Sound or blasting; or,
   (3) for which a Permit has been issued under the authority of this By-law.

11. Exemptions to this by-law may be granted by making a written request to the Clerk outlining the particulars of and the reason(s) for the exemption and shall be accompanied by the required exemption request fee.

12. The Clerk is authorized to grant exemptions to the Noise By-law upon review of the request for the prohibitions listed below, with all other requests to be forwarded to Council, along with a report by the Manager, for approval.

<table>
<thead>
<tr>
<th>Schedule</th>
<th>Prohibition</th>
<th>Maximum Exemption</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The detonation of fireworks</td>
<td>Midnight</td>
</tr>
<tr>
<td></td>
<td>The operation of any electronic device or group</td>
<td>Midnight</td>
</tr>
<tr>
<td></td>
<td>Yelling, shouting, hooting, whistling or singing</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>Noise in connection with Construction</td>
<td>None</td>
</tr>
</tbody>
</table>

13. In deciding to grant an exemption, Council or the Manager may include any terms or conditions with the exemption and any breach of the terms and conditions shall immediately render the exemption null and void.

14. A report shall be taken to Council, which shall include the completed application and a recommendation as to terms and conditions, if any.

15. In deciding whether to grant the exemption, Council shall consider the application, the report of the Manager and/or any Officer or professional staff and any written submission then received by Council and shall give the Applicant and any Person interested in the application an opportunity to be heard and may consider such other matters as it sees fit.

16. Where an application is not approved or approved upon terms and conditions or approval to a lesser extent than the exemption applied for, Council shall set out in writing the reasons therefore and shall serve a copy of the decision upon the Applicant.

17. The decision of Council to issue an exemption, to refuse to issue an exemption or to set terms and conditions for an exemption is final.

18. A breach by the Applicant of any of the terms or conditions imposed by Council in granting an exemption shall immediately render the exemption null and void.

Severability

19. If a court of competent jurisdiction declares any section or part of this By-law invalid or unenforceable, it is the intention of Council that the remainder of the By-law shall continue to be in force.

Enforcement and Administration

20. The Clerk shall administer and enforce this By-Law.

21. Council may appoint such Officers as are necessary for the purpose of enforcing this By-law.

22. Such Officers as are necessary for the purpose of enforcing this By-law who do not possess a Certificate shall only enforce the portions of this By-law where Sound level measurements are not required.

23. No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer or Person who is exercising a power or performing a duty under this By-law.
24. **Officers and Persons** under their direction may at any reasonable time enter onto any lands within the City to determine if the provisions of this By-law are being complied with or may enter onto any lands within the City to carry out the remedial actions required to bring the property into conformity with the By-law.

25. **Officers** are empowered for the purposes of inspection to determine compliance with the By-law to:

   1. require the production for inspection of documents or things relevant to the inspection, including the removal of the documents for the purposes of making copies or extracts; and,
   2. make examinations or take tests, samples or photographs necessary for the purposes of inspection alone or in conjunction with a **Person** possessing special or expert knowledge; and,
   3. require information from any **Person** concerning a matter related to the inspection.

**Offence Clause**

26. Every **Person** who commits one or more of the following is guilty of an offence and is liable upon conviction to a maximum fine as set out in this By-law:

   1. contravenes any of the provisions of this By-law; or,
   2. fails to comply with an Order issued under this By-law; or,
   3. fails to comply with any condition of an Order under this By-law; or,
   4. obstructs or attempts to obstruct an **Officer** or an employee or agent of the City in carrying out his or her duties under this By-law.

**Rebuttal Presumption**

27. An **Owner** of property where the Noise is being emitted from shall be presumed to have permitted, or caused to be permitted, the Noise under this By-law, as the case may be, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

**Penalties**

28. Every **Person** who is guilty of an offence under this By-law, and upon conviction shall be subject to the following penalties as established pursuant to the Municipal Act, 2001:

   1. Upon first conviction, a fine of not less than Two Hundred Dollars ($200.00) and not more than Fifty Thousand Dollars ($50,000.00);
   2. Upon a second or subsequent conviction for the same offence, a find of not less than Four Hundred Dollars ($400.00) and not more than One Hundred Thousand Dollars ($100,000.00);
   3. Upon conviction for a continuing offence, a fine of not less than Two Hundred Dollars ($200.00) and not more than Ten Thousand Dollars ($10,000.00).

29. Every **Person** who contravenes any of the provisions of this By-law is guilty of an offence and pursuant to section 429(2)(a) of the Municipal Act, 2001, S.O. 2001, c 25, as amended, all contraventions of this By-law are designated as continuing offences.

   1. Every **Person** who is convicted of an offence is liable to a maximum fine of $25,000 for a first offence and a maximum fine of $50,000 for a subsequent offence;
   2. Every corporation who is convicted of an offence is liable to a maximum fine of $50,000 for a first offence and a maximum fine of $100,000 for a subsequent offence;
   3. In addition to the fine amounts set out in (1) and (2), for each day or part of a day that an offence continues, the maximum fine shall be $10,000. The total of all daily fines for the offence is not limited to $100,000’.
Collection of Unpaid Fines

30. Pursuant to subsection 441.1 of the Municipal Act, 2001, the Treasurer of the City may add any part of a fine for a commission of a provincial offence that is in default under section 69 of the Provincial Offences Act to the tax roll for any property in the City which all of the Owners are responsible for.

Interpretation

31. Any use of a singular term includes its plural, any use of a masculine term includes the feminine term and any use of the present tense includes the past tense, where applicable, in this By-law.
Enactment

32. This By-law comes into force and effect on the date of its passing and enactment.

33. By-law 2003-127, a By-law to Control Noise, is hereby repealed.

Title

34. This By-law shall be referred to as the “Noise Control By-law”.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS 
XXTH DAY OF XXXXXX, 2017

________________________________  __________________________
KIMBERLEY KITTERINGHAM,       FRANK SCARPITTI,
CITY CLERK                   MAYOR
Schedule 1

GENERAL PROHIBITIONS

1. Racing of any Motorized Conveyance other than in a racing event regulated by law.

2. The operation of a Motor Vehicle in such a way that the tires squeal.

3. The operation of any combustion engine without an effective exhaust-muffling device in good working order and in constant operation.

4. The operation of a vehicle or a vehicle with a trailer resulting in banging, clanking, squealing or other like Sounds due to improperly secured load or equipment;

5. The operation of an engine or motor in, or on, any Motor Vehicle or item of attached auxiliary equipment for a continuous period exceeding three minutes, while such vehicle is stationary in a Residential Area or, unless,

   (1) The vehicle is in an enclosed structure constructed so as to effectively prevent excessive Noise emission; or,

   (2) The original equipment manufacturer specifically recommends a longer idling period for normal and efficient operation of the Motor Vehicle in which case such recommended period shall not be exceeded; or,

   (3) Operation of such engine or motor is essential to a basic function of the vehicle or equipment, including but not limited to, operation of ready mixed concrete trucks, lift platforms or refuse compactors and heat exchange systems; or,

   (4) 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 preservation of perishable cargo; or,

   (5) Prevailing low temperatures make longer idling periods necessary, immediately after starting the motor or engine; or,

   (6) The idling is for the purpose of cleaning and flushing the radiator and associated circulation system for seasonal change or antifreeze, cleaning of the fuel system, carburetor or the like, when such work is performed other than for profit.

6. The operation of a Motor Vehicle horn or other warning device except where required or authorized by law in accordance with good safety practices.

7. The operation of any item of Construction Equipment without effective muffling devices in good working order and in constant operation.

8. The detonation of fireworks or explosive devices not used in Construction.

9. The discharge of firearms.

10. The operation of combustion engine which,

    (i) Is; or,

    (ii) is used in; or,

    (iii) is intended for use in a toy or a model or replica device, which model or replica has no function other than amusement and which is not a Conveyance.
# Schedule 2

## PROHIBITIONS BY TIME AND PLACE

<table>
<thead>
<tr>
<th>Noise Source</th>
<th>Prohibited Times</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers, and intended for the production, reproduction or amplification of <strong>sound</strong>.</td>
<td>5:00 PM one day to 7:00 AM the next day <em>(9:00 AM Sundays)</em></td>
</tr>
<tr>
<td>2. The operation of any auditory signaling device, including but not limited to the ringing bells or gongs and the blowing of horns or sirens or whistles, or the production, reproduction or amplification of any similar <strong>sounds</strong> by electronic means except where required or authorized by law or in accordance with good safety practices.</td>
<td>All day Sundays &amp; Statutory Holidays, 7:00 PM one day to 7:00 AM the next day</td>
</tr>
<tr>
<td>3. The operation of any powered rail car including but not limited to refrigeration cars, locomotives or self-propelled passenger cars, while stationary on property not owned or controlled by a railway governed by the Canada Railway Act.</td>
<td>7:00 PM one day to 7:00 AM the next day <em>(9:00 AM Sundays)</em></td>
</tr>
<tr>
<td>4. The operation of any <strong>motorized conveyance</strong> other than on a highway or other place intended for its operation.*</td>
<td>At all Times</td>
</tr>
<tr>
<td>*Note: For the purpose of this Schedule, “<strong>motorized conveyance</strong>” includes, but is not limited to:</td>
<td></td>
</tr>
<tr>
<td>a) Snowmobile;</td>
<td></td>
</tr>
<tr>
<td>b) Moped;</td>
<td></td>
</tr>
<tr>
<td>c) Go-cart;</td>
<td></td>
</tr>
<tr>
<td>d) Track bike; and,</td>
<td></td>
</tr>
<tr>
<td>e) Trail bike.</td>
<td></td>
</tr>
<tr>
<td>5. The venting, release or pressure relief of air, steam or other gaseous material, product or compound from any autoclave, boiler pressure vessel, pipe, valve, machine, device or system.</td>
<td>11:00 PM one day to 7:00 AM the next day <em>(9:00 AM Sundays)</em></td>
</tr>
<tr>
<td>6. The operation of a power assisted hang glider or parafoil</td>
<td>All day Sundays &amp; Statutory Holidays 7:00 PM one day to 7:00 AM the next day</td>
</tr>
<tr>
<td>7. All selling or advertising by shouting or outcry or amplified <strong>sound</strong>.</td>
<td>All day Sundays &amp; Statutory Holidays 7:00 PM one day to 7:00 AM the next day</td>
</tr>
<tr>
<td>8. Loading, unloading, delivering, unpacking, or otherwise handling any containers, products, materials, or refuse, whatsoever, unless necessary for the maintenance of essential services or the moving of private household effects.</td>
<td>All day Sundays &amp; Statutory Holidays 7:00 PM one day to 7:00 AM the next day</td>
</tr>
<tr>
<td>9. The operation of any equipment in connection with <strong>construction</strong>.</td>
<td>All day Sundays &amp; Statutory Holidays 7:00 PM one day to 7:00 AM the next day <em>(Friday from 7:00 PM to 7:00 AM the next day)</em></td>
</tr>
<tr>
<td>10. The operation or use of any tool for domestic purpose other than snow removal</td>
<td>7:00 PM one day to 7:00 AM the next day <em>(9:00 AM Sundays)</em></td>
</tr>
<tr>
<td>11. The operation of solid waste bulk lift or refuse compacting equipment.</td>
<td>7:00 PM one day to 7:00 AM the next day <em>(9:00 AM Sundays)</em></td>
</tr>
<tr>
<td>12. The operation of a commercial car wash of type other than mention in item 10.</td>
<td>11:00 PM one day to 7:00 AM the next day <em>(9:00 AM Sundays)</em></td>
</tr>
<tr>
<td>13. The operation of <strong>sound</strong> emitting pest control device</td>
<td>At all Times</td>
</tr>
<tr>
<td>14. Yelling, shouting, hooting, whistling, singing, or unamplified playing of musical instruments</td>
<td>11:00 PM one day to 7:00 AM the next day <em>(9:00 AM Sundays)</em></td>
</tr>
</tbody>
</table>
Schedule 3

EXEMPTIONS


2. Operation of bells utilized as traffic control devices including the following:
   (1) Bells and other devices at traffic signal locations;
   (2) Bells at railway crossings.

3. Operation of City machines and equipment including the following:
   (1) Crosswalk painting machines;
   (2) Catch basin cleaners;
   (3) Tree and shrub pruning and mulching equipment;
   (4) City owned or contracted street cleaners and flushers;
   (5) Operation of Construction Equipment and machinery, including snow removal equipment, by or on behalf of the City carrying on or engaged in the performance of public works for emergency and safety purposes.
Schedule 4

LIMITATIONS ON STATIONARY SOURCES OF SOUND AND IMPULSIVE SOUND LEVELS

Schedule B-1 Exclusion Limit values of One-Hour Equivalent Sound Level for Outdoor Points of Reception

<table>
<thead>
<tr>
<th>Time of Day</th>
<th>$L_{eq}(1)$, dBA</th>
</tr>
</thead>
<tbody>
<tr>
<td>7:00 AM – 7:00 PM</td>
<td>50</td>
</tr>
<tr>
<td>7:00 PM – 11:00 PM</td>
<td>50</td>
</tr>
</tbody>
</table>

Schedule B-2 Exclusion Limit values of One-Hour Equivalent Sound Level for Plane of Window of Noise Sensitive Spaces

<table>
<thead>
<tr>
<th>Time of Day</th>
<th>$L_{eq}(1)$, dBA</th>
</tr>
</thead>
<tbody>
<tr>
<td>7:00 AM – 7:00 PM</td>
<td>50</td>
</tr>
<tr>
<td>7:00 PM – 11:00 PM</td>
<td>50</td>
</tr>
<tr>
<td>11:00 PM – 7:00 AM</td>
<td>45</td>
</tr>
</tbody>
</table>

Schedule B-3 Exclusion Limit values for Impulsive Sound Level for Outdoor Points of Reception

<table>
<thead>
<tr>
<th>Time of Day</th>
<th>Actual Number of Impulses in One-Hour Time Period</th>
<th>$L_{IM}, dBAI$</th>
</tr>
</thead>
<tbody>
<tr>
<td>7:00 AM – 11:00 PM</td>
<td>9 or more</td>
<td>50</td>
</tr>
<tr>
<td>7:00 AM – 11:00 PM</td>
<td>7 to 8</td>
<td>55</td>
</tr>
<tr>
<td>7:00 AM – 11:00 PM</td>
<td>5 to 6</td>
<td>60</td>
</tr>
<tr>
<td>7:00 AM – 11:00 PM</td>
<td>4</td>
<td>65</td>
</tr>
<tr>
<td>7:00 AM – 11:00 PM</td>
<td>3</td>
<td>70</td>
</tr>
<tr>
<td>7:00 AM – 11:00 PM</td>
<td>2</td>
<td>75</td>
</tr>
<tr>
<td>7:00 AM – 11:00 PM</td>
<td>1</td>
<td>80</td>
</tr>
</tbody>
</table>

Schedule B-4 Exclusion Limit values for Impulsive Sound Level for Plane of Window – Noise Sensitive Spaces (Day/Night)

<table>
<thead>
<tr>
<th>Actual Number of Impulses in One-Hour Time Period</th>
<th>Residential (07:00-23:00)/ (23:00-07:00), $L_{LM, dBAI}$</th>
</tr>
</thead>
<tbody>
<tr>
<td>9 or more</td>
<td>50/45</td>
</tr>
<tr>
<td>7 to 8</td>
<td>55/50</td>
</tr>
<tr>
<td>5 to 6</td>
<td>60/55</td>
</tr>
<tr>
<td>4</td>
<td>65/60</td>
</tr>
<tr>
<td>3</td>
<td>70/65</td>
</tr>
<tr>
<td>2</td>
<td>75/70</td>
</tr>
<tr>
<td>1</td>
<td>80/75</td>
</tr>
</tbody>
</table>

Schedule 5

INDEX OF PUBLICATIONS

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Publication NPC 103  Procedures
In this By-Law,

"Background Sound Level" means the Sound level that is present in the environment produced by Noise Sources other than the Source under investigation, usually caused by road traffic and/or stationary sources that have received formal municipal or provincial approvals (Short duration Noise caused by Sources other than the source under investigation, such as an aircraft fly-over or a train pass-by, are to be excluded from the determination of the Background Sound Level.). For the purposes of this By-Law, the Background Sound Level is expressed in terms of the One-Hour Equivalent Sound Level denoted $L_{eq}$ (1) (Reference shall also be made to the definition of “Exclusion Limits”);

"dBA" means the A-weighting sound pressure level in decibels;

"dBAI" means the A-weighted sound pressure level (or the Impulse Sound Level) of an Impulsive Sound measured with a Sound Level Meter set to “impulse” response;

"Exclusion Limits” are the lowest values of the Sound level limit at a specific Point of Reception for the Stationary Source under investigation, i.e., the Sound level limit when the Background Sound Level is below this exclusion limit. (In general, noise investigations rely on the established Background Sound Level as being the applicable Sound level limit, unless the Background Sound Level is lower than that of the “Exclusion Limits”). The Exclusion Limits are given in Schedule B-1, B-2, B-3, B-4;

"Impulsive Sound" is a single pressure pulse or a single burst of pressure pulses, as defined by IEC and other national/international standards;

"Impulse 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 dBAI;

"Leq" means the A-weighted Sound level of a steady Sound carrying the same total energy in the time period T as the observed fluctuating Sound. The time period T is given in hours;

"L_{LM}" is the Logarithmic Mean Impulse Sound Level in dBA obtained by measurements and/or calculations for the specified/applicable time period;

"Logarithmic Mean Impulse Sound Level" is a Sound level for reporting multiple impulse sound levels and denoted L_{LM}, and obtained by taking measurements and/or calculations in dBAI as measured using an Impulse Sound Level Meter for a specified/applicable time period;

"Quasi-Steady Impulsive Sound" is a sequence of impulsive sounds emitted from the same source, having a time interval of less than half a second between successive impulsive sounds (examples include, but not limited to pavement breakers, riveting machines, powered impact wrenches);

"Sound Level Meter" Means any device/meter that is used for measuring impulsive, quasi-steady impulsive or buzzing Sounds, a Sound Level Meter Type 1 (or Class 1) conforming to the applicable IEC, ANSI and ISO international standards shall be used, or for measuring other General Sounds a Sound Level Meter minimum Type2 (or Class 2) conforming to the applicable IEC, ANSI and ISO international standards shall be used;

"Special Quality of Sound Adjustment” is a penalty that is to be added to a Sound which can be distinctly identified through the sensation of a pitch/tone(s), in accordance with Publication NPC-104.