

Noise Bylaw 2007-071
Kennel Bylaw 2013-025

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To appeal to Council to undertake a review of the existing Noise and Kennel Bylaws to provide clarity around the regulations and ensure the Bylaw remains responsible to the needs of those who live, work and spend their time in Clarington.

My presentation will focus on 3 main areas:

1. Noise Bylaw
2. Kennel Bylaw: Kennel License Requirements
3. Kennel Bylaw: Operations Requirements

Noise Bylaw 2007-071

- 1. 1 No person shall ring any bell, blow or sound any horn or cause the same to be rung, blown or sounded, or shout or create, cause or permit any unusual **or excessive noises which, at the point of reception, are likely to disturb any other inhabitant of the Municipality of Clarington.**
- 1.2 Without limiting the generality of section 1. 1 the following are deemed to be noises likely to disturb the inhabitants of the Municipality of Clarington:
 - g) any noise which may be heard beyond the lot upon which it is made at sufficient volume to disturb persons beyond such lot;**
 - h) the persistent barking, calling or whining, or other similar persistent noise made by any domestic pet, or any other animal kept, or used for any purpose other than agriculture.**

- 3.2 With respect to a licensed canine kennel there shall be a noise curfew imposed, to wit:

- a) evenings curfew - Sunday to Friday inclusive 11:00 pm – 7 am
- Saturday 11:00 pm -8 am Sunday morning

- b) during **Curfew hours**, any kennel noise, (barking of dogs) **which carries beyond the boundary of the property upon which the licensed kennel is situated shall be deemed to be a contravention.**

- c) during **non- curfew hours Monday – Saturday inclusive** 7: 00 a. m. to 11: 00 p.m
***continuous barking** for a period **in excess of 1 hour at any time** shall be deemed to be a contravention.

Animal Complaints Clarington.net

Barking Dogs:

Clarington's noise bylaw outlines rules surrounding persistent noise by a house pet such as barking, calling or whining. We recognize that many residents in our community work shifts and are entitled to a sound sleep. **There is a no "okay to bark" hours set aside during the day,** contrary to what many people think.

Section 3.3 1, Section 3.1, Section 3.1.1 (b)

Section 3.3.1 of Noise bylaw states: Notwithstanding anything contained in this By-law, a noise curfew shall apply...

(a) from 7:00 p.m. to 7:00 a.m., Monday to Saturday.

(b) from 5:00 p.m. Saturday to 7:00 a.m., Monday.

(c) all day on statutory holidays.

to any noise in relation to work undertaken pursuant to a permit issued under Site Alteration By-law 2008-114.

How is excessive noise barking not similar to or more intrusive than that of Site Alterations?

Noise Bylaw Section 3.1

3. 1 A noise curfew shall apply to the following shooting ranges within the Municipality of Clarington:

This curfew shall be from

9: 00 p. m. until 8. 00a. m. the following day Monday through Saturday.

9: 00 p. m. Saturday until 10: 00 a. m. Sunday.

and 4: 00 p. m. Sunday until 8: 00 a. m. Monday.

3. 1. 1 During non- curfew times, any noise emanating from the use of a shooting range shall not exceed:

b) 50 dBAI at the point of reception for any shooting range which began operation after January 1st 1980.

Studies have been done to show that of 1 barking dog is between **60 dB and 110 db**. Majority of dog barks fall between **80 dB and 90 dB** (Adams County Animal Shelter Sound Study 04.13.2017).

Why is the noise non-curfew hours different for Kennels, when clearly the noise of barking dogs is more intrusive than that of a shoot range? Consideration of a noise study being implemented in the bylaw prior to Kennel licensing should be taken.

Local Noise Bylaws

- **Whitby** Noise Bylaw NUMBER 6917-14
- **Ajax** Noise BY-LAW NUMBER 26-2023
- **Uxbridge** BY-LAW NUMBER 2012-011
- **Brock** BY-LAW NUMBER 3118-2022
- **Wilmot** BY-LAW NUMBER 2023-36

I did not find any contradictions in other bylaws which allows noise non-curfew hours in a Kennel like that of Clarington Noise Bylaw.

Barking Noise in our home



Barking Noise in our backyard



Kennel Bylaw 2013-025

License Requirements

How many dogs can a Kennel have on site at one time?

Uxbridge BY-LAW NUMBER 2009-082

1.6 and 1.7: **limits 40 dogs at one time** in Kennels.

Wilmot BY-LAW NO. 2023-11

14.18 Boarding kennels: a **maximum number of fifty (50) Dogs.**

Number of dogs should be limited both in the indoor and outdoor facilities to assist in keeping with the noise bylaw where as any noise likely to disturb the peace and enjoyment of any neighbouring inhabitant.

No indication as to what percentage of the property can a Kennel business use?

- **Which allows Kennels to use 100 % of their property for structures and pen enclosures, and events which could lead to excess noise likely to disturb neighbouring inhabitants.**

Clarington Kennel Bylaw - Section 2.3

States that “Site Drawings are required” ... outlining all buildings or structures and requires that distances are stated

- **No indication as to how far buildings, structures or pen enclosures should be in relation to each other on the property nor in relationship to the surrounding residences or lot lines is mentioned.**

Local Kennel Bylaw with Distance Guidelines

- **AJAX** Kennel Bylaw 57-2021, Section 3.5 (a), (b).
- **UXBRIDGE** Kennel Bylaw 2009-08; Section 5.
- **WILMOT** Kennel Bylaw 2023-11, Section 14.9
- **BROCK** Township Kennel Bylaw 2498-2023-PP; Section 5 (a)(b)(c)

Operation Requirement

Clarington Kennel Bylaw:

- 3.1 Standards needed for Indoor portions of the Kennel.

No mention of adding sound absorption material on walls and ceilings to prevent noise violation on surrounding neighbours.

- 3.2 – Every licensee shall ensure that the kennel has outside exercise facilities...

Nowhere does it address the prevention of noise violation when the dogs are all outside.

Wilmot BY-LAW NO. 2023-11

- 14.11 Such fence is to be constructed to **prevent visibility from the exterior and to provide acoustical barriers** where necessary.

Operation Requirements on Associated Lands

There is no clarification as to what “special events” can occur on the license Kennel associated land?

Prohibited events that go beyond Kennel activity (not limited to) and add excess noise pollution to neighbouring residents:

- Festivals
- Carnivals
- Canine Agility Competitions
- Rental of property: dog parks, pool rental
- Camping Sites
- Food Vendors

Public Special Events

Bylaw 2014-20- where “special events” is defined as “events” that has an expected daily attendance of at least 500 persons at any time during the event.

Bylaw 2015-062

Public Special Events on #23 Section 3.23

(a) Public Special Events are permitted:

- (i) On a lot owned by a public authority, school, college, university or place of worship
- (ii) Within a Zoological Park
- (iii) Within a Commercial or Industrial Zone

(b) A private or public special event hosted by a Not-For-Profit Organization is permitted in all lands, except those zoned Environmental Protection;

(c) A private special event is permitted on any lot where a resident use exists and is permitted.

Kennels do not fall under any of these categories?

Conclusion

We would like to petition the Council to undertake a review of the existing Noise and Kennel Bylaws and to provide clarity around the regulations and ensure the Bylaw remains responsible to the needs of those who live, work and spend their time in Clarington.

Thank you