



ALGONQUIN ACCOMMODATIONS INC.
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Without Prejudice

Township Of South Algonquin
7 Third Ave.
Whitney, Ontario, Canada

Monday, October 21, 2024
Delivered Via: Email

Andrew Michel
Algonquin Accommodations Inc.

Attention: Mayor LaValley, Councillors Kuiack, Siydock, Pigeon, Rodnick, Collins, Florent & CAO

Subject: Concerns Regarding the Draft Noise and Nuisance By-law

Please accept the following feedback for consideration on the proposed noise bylaw.

1. Name

The current name of the by-law is misleading because the law addresses both noise and nuisances more broadly.

2. Zoning

There was mention during the meeting that the bylaw is zone-specific, but it is unclear how this determination is made. Clarity in this regard will allow businesses and property owners to proactively determine if they are regulated and maintain compliance.

3. Nuisances - Odours

The Township of South Algonquin does not offer municipal sewer service, which means every rate-payer with a bathroom uses septic systems. The process of pumping a septic can result in **temporary and unavoidable odours**. Businesses who pump more often may be at a higher risk of complaints simply as a regular and reasonable part of their operations. Furthermore, businesses also utilize portable restrooms for events or other purposes. These are essential for businesses and the environment and can require regular pumping, which can result in short-term odours.

4. Dust

Construction activities inherently generate dust, which is often unavoidable. While construction is permitted during the hours of 7am-11pm, the nuisance dust provision could be used to halt important construction projects or even routine activities like driving on private roads or laneways at any hour.

5. Light

The bylaw does not appear to exempt passive lighting such as a back door light. The lack of distinction between types of lighting could burden the township with unnecessary complaints about light pollution, even when no actual harm is caused.



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6. Practicality of Enforcement

The by-law primarily targets night-time activities, yet the by-law officer typically works weekdays. It is unclear how the township plans to enforce this by-law outside of the by-law officer's working hours, at what cost, and what proof that there was an infraction will be required. While sound can be objectively measured, enforcement of the bylaw seems to be entirely subjective which raises questions about fairness in application.

7. The proposed fine schedule presents a significant gap between \$250 and \$10,000, with no clear stages in between. It is unclear how the township plans to enforce this without a more structured process, and what measures will be in place for public education or issuing warnings prior to fines. The lack of clarity raises concerns about the fairness and proportionality of enforcement.

Could council please consider the following suggestions?

1. **Clarify which zoning areas the by-law applies to** (residential, commercial, industrial, etc.), and provide clear guidance on how the by-law is enforced across different zones. Consider exempting commercial and industrial zoned properties from this by law.
2. **Rename the by-law** to better reflect its scope (e.g., "Noise & Nuisance By-law") or **separate the noise and nuisance regulations** into two distinct by-laws for clarity.
3. **Remove "odours" from the prohibited list** or add exemptions for septic system and portable bathroom pumping to avoid penalizing necessary maintenance activities.
4. **Amend the light provision** to distinguish between harmful and harmless light sources, or remove the light provision entirely to prevent unnecessary complaints about reasonable lights, such as backdoor porch lights.
5. **Refine the dust provision** to prevent it from hindering necessary construction projects or routine daytime activities, such as driving on private roads or laneways.
6. **Consider adding objectively measurable criteria for sound infractions.**
7. **Clarify the fine schedule** with staged penalties, including a first stage focused on public education and warnings prior to enforcement.

Sincerely,

Algonquin Accommodations Inc

Per: Andrew Michel