

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 059-2024

A By-law of The Corporation of the City of Vaughan to amend Noise By-law 121-2021, as amended, to set up regulations for amplified sound in outside seating areas of commercial establishments.

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act*"), as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS subsection 8(1) of the *Municipal Act* provides that the powers of a municipality under the *Municipal 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 129(a) confirms that a municipality has the authority to pass by-laws to prohibit and regulate noise;

AND WHEREAS Council has determined that it is desirable to make amendments to By-law 121-2021 to set up regulations for amplified sound in outside seating areas of commercial establishments;

NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. That Noise By-law 121-2021, as amended, be further amended by adding the following to section 3.0(1), in alphabetical order:

"Banquet Hall" means a building or part thereof used for the purpose of entertaining a large assembly of people, where food and liquor may be provided, and may include an Eating Establishment as an accessory use, as per the *Business Licensing By-law*;

"Business Licensing By-law" refers to City Business Licensing By-law 122-2022, as amended, or its successor by-law;

"Eating Establishment" means a building or place where food and drink are prepared and offered for sale and served at the same table or counter where the food and drink are ordered and are to be consumed and shall include but not be limited to, cafeteria-style, buffet, self-service, or take out facilities, and includes Restaurant; Eating

Establishment, Convenience; Eating Establishment, Convenience with Drive-through; and Eating Establishment, Takeout, but shall not include a Banquet Hall, Pub, Lounge or a Night Club as a principal or an accessory use, as per the *Business Licensing By-law*;

2. That Noise By-law 121-2021, as amended, be further amended by adding section 16.0(4.1) to read as follows:

(4.1) Notwithstanding section 16.0(4) an *Eating Establishment* or a *Banquet Hall* that has a patio that is in compliance with this By-law and all other applicable *City* by-laws may operate a *Sound Reproduction Device* such that the amplified *Sound* from it allows for normal conversation.

3. That Noise By-law 121-2021, as amended, be further amended by adding section 16.0(4.2) to read as follows:

(4.2) For purposes of section 16.0(4.1), an *Officer* has discretion to establish whether the amplified *Sound* allows for normal conversation.

4. That Noise By-law 121-2021, as amended, be further amended by adding section 16.0(4.3) to read as follows:

(4.3) Notwithstanding section 16.0(4.1), if three or more complaints are received by the *City* respecting the amplified *Sound* being emitted, as per section 16.0(4.1), within a one-month period with respect to the same *Eating Establishment* or *Banquet Hall*, the *Director* may impose limitations on that *Eating Establishment* or *Banquet Hall's* municipal business licence or endorsement in accordance with *City's* Business Licensing By-law, including prohibiting the use of a *Sound Reproduction Device*.

5. That Noise By-law 121-2021, as amended, be further amended by adding the following line to Schedule 6:

Section	Description	Fine Amount
16.0(4.1)	Operate a <i>Sound Reproduction Device</i> , originating from or in connection with a commercial establishment outside seating area with an amplified <i>Sound</i> beyond normal conversation	\$750

Voted in favour by City of Vaughan Council this 22nd day of April, 2024.

Steven Del Duca, Mayor

Todd Coles, City Clerk

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Authorized by Item No. 10 of Report No. 14 of the Committee of the Whole.
Report adopted by Vaughan City Council on April 22, 2024.
City Council voted in favour of this by-law on April 22, 2024.
Approved by Mayoral Decision MDC 005-2024 dated April 22, 2024.
Effective Date of By-Law: April 22, 2024