

Attachment 1 – Proposed By-law Amendments

Noise By-law Amendments

1. Add the whereas statement, “AND WHEREAS the Municipal Act prohibits municipalities from regulating noise that is a result of deliveries to retail businesses, restaurants, bars, cafes, hotels, motels and goods distribution facilities, however allows regulation of noise that is a result of other activities;”
2. Add Section 11(2), Applicability and Scope, add, the following text, “In line with the Municipal Act, this By-law does not apply to noise made in connection with deliveries of goods to any of the following:
 - a. Retail business establishments;
 - b. Restaurants, including bars and cafes;
 - c. Hotels and motels;
 - d. Good distribution facilities.”
3. Add Section 11(3) with the following text, “In line with the Municipal Act, Section 11(1), does not apply to noise made in connection with deliveries of goods to any of the following:
 - a. Retail business establishments;
 - b. Restaurants, including bars and cafes;
 - c. Hotels and motels;
 - d. Good distribution facilities.
4. Add the following to Section 15(1), “, which does not include back-up beepers or similar devices used by vehicles for safety purposes.”
5. Add Section 22(2) to (3) as follows, “
 - a. An Enforcement Officer may enter upon land within the City at any reasonable time for the purpose of carrying out inspections to determine whether the following are being complied with this By-law or a notice or order issued in accordance with this.
 - b. An Enforcement Officer may:
 - i. Require, for inspection, the production of documents or things relevant to the inspection;
 - ii. Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts of them;
 - iii. Require information from any person concerning a matter related to the inspection;

- iv. Be accompanied by such person or persons as the Enforcement Officer determines is necessary if such person or persons possesses special or expert knowledge related to the purpose of the inspection; and
- v. Make examinations or take tests, samples or photographs necessary for the purposes of the inspection.”

6. Add Section 23 as follows, and sequentially renumber following sections:

“ADMINISTRATIVE MONETARY PENALTIES

- (1) Instead of laying a charge under the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended, for a breach of any provisions of this By-law or failure to comply with a Notice under this By-law, an Officer may issue an administrative monetary penalty to the Person who has contravened this By-law.
- (2) If a Person is required to pay an administrative monetary penalty, no charge shall be laid against that same Person for the same contravention.
- (3) The amount of the administrative monetary penalty for a breach under this By-law is listed in Schedule 6.
- (4) A Person who is issued an administrative monetary penalty shall be subject to the procedures provided for in the Administrative Monetary Penalties By-law, as amended or its successor by-law.
- (5) An administrative monetary penalty imposed on a Person that becomes a debt to the City under the Administrative Monetary Penalties By-law, as amended or its successor by-law, may be added to the municipal tax roll and collected in the same manner as municipal taxes.”

7. Add Section 26 as follows, and sequentially renumber following sections:

“26. REPEAL AND AMENDMENT OF OTHER BY-LAWS

- (1) The following by-laws are hereby repealed: 062-2018 and all of its related amendments, including By-laws 168-2019 and 105-2020.
- (2) Schedule 1 of the By-law is hereby amended by including this By-law as a Designated By-law.
- (3) Schedules “1”, “2”, “3”, “4”, “5”, “6” and any Publications NPC annexed hereto are hereby declared to form part of this By-law.”

8. To delete Schedule 2 Row 3, and insert the following:

3	<p>Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, produce, materials, or refuse whatsoever, unless necessary for the maintenance of essential services or as a result of deliveries to retail businesses, restaurants, bars, cafes, hotels, motels and goods distribution facilities.</p>	<p>19:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. on Sundays and Statutory Holidays)</p>	<p>19:00 hrs. of one day to 07:00 hrs. next day and all day Sundays and Statutory Holidays</p>
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9. To create Schedule 6, as follows:

Schedule 6

Offences and Corresponding Administrative Monetary Penalties

Section	Description	Fine Amount
4(1)(a)	Emit or cause to permit emission of Sound from a Stationary Source	\$400
4(1)(b)	Emit or cause to permit emission of Sound from act in Schedule 1	\$400
4(1)(c)	Emit or cause to permit emission of Sound from Schedule 2	\$400
6(1)	Make any unusual Noise or likely to disturb inhabitants	\$300
7(1)	Ring a bell, sound a horn or shout in a manner likely to disturb inhabitants	\$200
8(1)	Use or operate or cause to be used or operated an air conditioner, heat pump, or similar device which has noise a level greater than 61 dBA	\$200
9(1)	Use or operate or cause to be used or operated a pump, filtration or similar device which has a has a noise level greater than 55 dBA	\$200
10(1)	Operate or cause to be operated, a construction vehicle or equipment during 19:00 and 7:00	\$700
10(2)	Operate or cause to be operated, a construction vehicle or equipment on Sunday or statutory holidays	\$700

11(1)	Load or unload a transport truck, commercial vehicle or other transport vehicle between 23:00 and 07:00	\$200
12(1)	Discharge into the open air exhaust not through a muffler or other device that prevents loud or explosive noises	\$100
13(1)	Operate or permit the operation of racing competitions between Motor Vehicles on a Property other than a Highway	\$300
14(1)	Operate or permit the operation of go-kart activities on a Property other than a Highway within the City	\$300
15(1)	Cause or permit unnecessary Motor Vehicle Noise	\$300
16(1)	Operate or use or cause to be operated or used, a Sound Reproduction Device in a residential area so as to disturb peace and comfort	\$200
16(2)	Noise from a Sound Reproduction Device not in compliance with Schedule 3, NPC-300	\$400
16(3)	Operate or use or cause to be operated or used, Sound Reproduction Device, on a highway or public place	\$800
16(4)	Operate or use or cause to be operated or used, a Sound Reproduction Device, originating from or in connection with a commercial establishment	\$800
19(3)	Event creating Noise to exceed 55 dBA	\$800

Administrative Monetary Penalties By-Law Amendments, 063-2019

1. To amend the Administrative Monetary Penalties By-law Schedule 1, 063-2019, to add the following row:

###-2021 [Added by section 26(2) of By-law ###-2021 on September 27, 2021.]	Noise By-law	Part 24.
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