

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 121-2021

A By-law to regulate Noise and repeal the previous Noise By-law 062-2018 and its amending by-laws 168-2019 and 105-2020.

WHEREAS the *Municipal Act, R.S.O. 2001, c. 25*, Section 129. (1) Paragraphs 1, 2 and 3 authorize municipalities to pass by-laws to prohibit and regulate Noise;

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

AND WHEREAS a recognized body of scientific and technological knowledge exists by which *Sound* and vibration may be substantially reduced;

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;

AND WHEREAS it is in the public interest to reduce the Noise level in the City of Vaughan, so as to preserve, protect, and promote public health, safety, welfare, and the peace and quiet of the inhabitants of the City;

AND WHEREAS it is the policy of the Council of The Corporation of the City of Vaughan to regulate such Sound or vibration, or nuisance;

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

1.0 Short Title

(1) This By-law shall be known and may be cited as "The Noise Control By-Law".

2.0 Applicability and Scope

(1) The provisions of this By-law apply to all noise within the City of Vaughan.

(2) Despite 2.0(1), Schedule 3 lists *Ministry NPC Publications* that inform various provisions included in this By-law, as well as detail regulation of Noise that is outside of City's jurisdiction. This By-law does not apply to Noise that falls explicitly under provincial jurisdiction and for which regulation is prescribed by *Ministry NPC Publications*.

- (3) Despite 2.0(1), 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.

3.0 Definitions and Interpretation

- (1) In this By-Law:

"*Applicant*" includes any person or persons seeking in writing from the *Director of Enforcement*, an exemption of either a temporary or permanent nature from the provisions and requirements of this By-law;

"*City*" means the municipal corporation of the *City of Vaughan* or the geographic area of the *City of Vaughan* as the context requires;

"*Class 4 Area*" means a *Class 4 Area* within the meaning of the *Ministry NPC Publication 300- Stationary and Transportation Sources*;

"*Construction*" includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, the laying of pipe and conduit whether above or below ground level, street and *Highway* building, concreting, equipment installation and alteration and the structural installation of *Construction* components and materials in any form or for any purpose, and includes any work in connection therewith;

"*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, ditchers, compactors and rollers, pumps, concrete mixers, graders, or other *Vehicle* intended to haul, move, transport and/or material handling equipment;

"*Construction Site*" means the area or portion of land used for *Construction* or any other area used for any purpose related to the *Construction* or for any related purpose;

"*Conveyance*" includes a *Vehicle* and any other device used to transport a person or persons or goods from place to place but does not include any *Vehicle* or device

operated only within the premises of a person;

"*Council*" means the *Council of City* of Vaughan;

"*dBA*" means the *Sound* level in decibels obtained when using a *Sound* level meter with the A- weighting;

"*Director of Enforcement*" means the person occupying the position of the Department Head/Director of By-law & Compliance, Licensing & *Permit* Services of the *City* of Vaughan or authorized delegate;

"*Director of Environmental Services*" means the person occupying the position of the Department Head/*Director of Environmental Services* of the *City* of Vaughan or authorized delegate;

"*Effective Muffler*" means a muffler in good working order and in constant operation to prevent excessive or unusual Noise or excessive smoke but it does not include a cut-out muffler, straight exhaust gutted muffler, Hollywood muffler, by-pass or similar device;

"*Emergency Work*" means any necessary work, activities or actions to be undertaken by the *City* to address an immediate danger to the health or safety of any person;

"*Enforcement Officer*" means a person appointed by the *Council* of the *City* of Vaughan as a Municipal Law *Enforcement Officer*, pursuant to s.15.2 of the *Police Services Act*, to enforce the provisions of this By-law or a sworn member of York Regional Police, Ontario Provincial Police, Royal Canadian Mounted Police, or any other person so authorized;

"*Environmental Compliance Approval*" means a Certificate of Approval issued under section 9 of the *Environmental Protection Act*, a Renewable Energy Approval issued under section 47.3 of the *Environmental Protection Act*, a *Ministry* approval issued under Part II.1 of the *Environmental Protection Act*, or an approval or decision made under the *Environmental Assessment Act*.

"*Exempted Employment Area*" means an industrial or commercial location that is adjacent to a *Class 4 Area* and which possesses a *Ministry*-approved *Environmental Compliance Approval* that outlines allowed activities, and is listed under Schedule 5 in this By-law;

"*Highway*" includes a common and public *Highway*, as defined under the *Highway*

Traffic Act R.S.O. 1990 and includes any bridge, trestle, viaduct, or other structure forming part of the *Highway* designed and intended for, or used by, the general public for the passage of *Vehicles*;

"*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;

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

"*Municipal Act*" means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, or its successor regulation;

"*Municipality*" means the land within the geographic limit of *City* of Vaughan and *City* shall have a concurrent meaning;

"*Necessary Municipal Work*" means work being undertaken by the *City*, the Region, Transit Authority, or any other level of government, and its agents, and includes but is not limited to any rehabilitation or require maintenance processes and activities within the *Public Right of Way* or any *Highway* as defined by the *Highway Traffic Act* (HTA) of Ontario, using of *Construction Equipment* that requires work must be performed at times that minimize traffic disruption, including minimizing lane closures or lane restrictions, or both, and includes any works undertaken on *Property* owned or under the control of the *City*, Region, or any other level of government. Without forgoing the generality rehabilitation or maintenance processes and activities include but are not limited to:

- (a) deck removal of any *Highway*;
 - (b) intersection rehabilitation and all related work;
 - (c) all transit authority work, including any ancillary *Property* or facilities and infrastructure;
 - (d) all other work as determined necessary by the *Director of Enforcement*, or delegate;
- "*Noise*" means unwanted *Sound*;

"*Notice*" means any *Notice* required to be given by the *City* to the *Owner* with respect to

this By-law, such *Notice* shall either be delivered or sent by prepaid registered mail to the *Owner's* address, as provided to the Clerk's Department. A *Notice* includes an order issued under sections 444 and 445 of the *Municipal Act, 2001*, as amended. In the event such *Notice* is mailed, it is deemed delivered on the third business day after mailing;

"*NPC Publication*" means a specified publication of the Noise Pollution Control Section of the Pollution Control Branch of the *Ministry* named in Schedule 3 of this By-Law;

"*Owner*" means the registered *Owner* of the *Property*;

"*Permit*" means and includes any *Permit* or written authorization of a temporary or permanent nature, issued by the *Director of Enforcement*, which provides an exemption(s) to specified terms and conditions of this By-law and may prescribe additional required conditions for the *Permit Holder*;

"*Permit Holder*" means any person or persons to whom the *Director of Enforcement* has been issued a *Permit*;

"*Point of Reception*" means any point on a *Property* or a location where Noise from a *Stationary Source* is received, in accordance with *Ministry NPC Publication-300 - Stationary and Transportation Sources*;

"*Property*" means a building or structure or part thereof and includes the lands appurtenant thereto and all mobile homes, buildings and/or any mobile or temporary structures and includes all vacant lands;

"*Public Right of Way*" means any public or common areas which are open to use by members of the general public, including pedestrians or *Vehicles*, such as, but not limited to a footpath, sidewalk, and *Highway* as defined by this by-law;

"*Quiet Zone*" means all lands located within a distance of 250 meters of all exterior walls of a hospital, nursing home, or seniors retirement facility;

"*Refuse Compacting Equipment*" means a *Vehicle* fitted in order to compact and transport refuse;

"*Residential Area*" means an area of the *Municipality* designated for residential use in *City of Vaughan Zoning By-Law*, which includes land, buildings and structures intended for human habitation;

"*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 or amplification 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, tape recorder, phonograph, loudspeakers or *Sound Amplifying System*;

"*Source*" or "*Source of Sound or Vibration*" means an activity, matter, thing, or tangible personal *Property* or real *Property*, from which *Sound* or vibration is emitted;

"*Sound*" is an oscillation in pressure, stress, particle displacement or particle velocity, in a medium with internal forces (e.g., elastic, viscous), or the superposition of such propagated oscillations, which may cause an auditory sensation;

"*Special Event*" has the same meaning as defined in the *City's Special Event By-law* or successor by-law;

"*Stationary Source*" means a *Source of Sound* or combination of *Sources of Sound* that are included and normally operated within the *Property* lines of a facility and includes the premises of a person as one *Stationary Source* unless the dominant *Source* on the premises is *Construction Equipment* or a *Conveyance*. It encompasses all the activities taking place within the *Property* boundary of the facility, including regular on-site traffic and material handling such as on-site movement of trucks and trailers and routine loading and unloading activity.

"*Vehicle*" includes a *Motor Vehicle*, trailer, traction engine, farm tractor, road-building machine, motorcycle, bicycle, and any *Vehicle* drawn, propelled, or driven by any kind of power, including muscular power, but does not include a motorized snow *Vehicle* or the cars of electric or steam railways running only upon rails.

4.0 Prohibitions

- (1) No person shall emit or cause to *Permit* the emission of *Sound* resulting:
 - (a) from a *Stationary Source* such that the level of resultant *Sound* at a *Point of Reception* located in a *Residential Area* or *Quiet Zone* exceeds the applicable *Sound* level limits prescribed in the applicable *NPC Publications* listed in Schedule 3;

- (b) from any act listed in Schedule 1 - General Prohibitions for which the Sound can be heard at a Point of Reception;
- (c) from any act listed in Schedule 2 - Prohibitions by Time and Place, if it can be heard at a Point of Reception in a Residential Area or Quiet Zone at a prohibited time, unless the Sound is generated in an Exempted Employment Area and can be heard in a Class 4 Area, and the act(s) in the Exempted Employment Area are subject to a valid Ministry-issued Environmental Compliance Approval that states that the specific act(s) of Schedule 2 are permitted, and the act(s) being conducted are in compliance with the Environmental Compliance Approval.

5.0 Pre-Emption

- (1) Where more than one provision in Section 4(1) applies to a *Source of Sound*, the less restrictive provision shall prevail.

6.0 Unusual Noise, Noise Likely to Disturb

- (1) No person shall make any unusual Noise or Noise likely to disturb the inhabitants of the City in a Residential Area.

7.0 Bells, Horns, Shouting

- (1) No person shall ring any bell, *Sound* any horn, or shout in a manner likely to disturb the inhabitants of the *City* provided that nothing herein contained shall prevent:
 - (a) the ringing of bells, or electronic reproduction of the Sound of bells, in connection with any church, chapel, meeting house or religious service;
 - (b) the ringing of fire bells or fire alarms or the making of any other Noise for the purpose of giving *Notice* of fire or any other danger or any unlawful act for a continuous period of time of twenty (20) minutes or less.

8.0 Air Conditioners, Heat Pumps and Similar Devices

- (1) No person shall use or operate or cause to be used or operated any residential air conditioner, heat pump, or similar device, the Noise from which has a level greater than 61 *dBA* when measured at the *Point of Reception*.

9.0 Pump of Filtration Systems

- (1) No person shall use or operate or cause to be used or operated any pump,

filtration system or similar device for an outdoor swimming pool, hot tub, spa, fountain or water feature, the Noise from which has a level greater than 55 *dba* when measured at the *Point of Reception* or in compliance with Schedule 3, *NPC Publication-300 - Stationary and Transportation Sources*.

10.0 Construction

- (1) No person shall, between 1900 hours of one day and 0700 hours of the next day operate or cause to be operated, any *Construction Vehicle* or *Construction Equipment* in connection with the *Construction* of any building or structure, *Highway*, motor car, steam boiler or other engine or machine;
- (2) Despite Subsection (1), no person shall operate or cause to be operated any *Construction Vehicle* or *Construction Equipment* before 0700 hours and no later than 1900 hours on any Saturday and not at all on Sunday or statutory holidays;
- (3) Subsection 10(1) and (2) does not apply to *Necessary Municipal Work* and *Emergency Work* as defined by this By-law.

11.0 Loading and Unloading

- (1) No person shall load or unload any transport truck, commercial *Vehicle*, or any other *Vehicle* used to transport anything whatsoever, including but not limited to goods, materials, fill, debris and waste, between 23:00 of one day and 07:00 of the next day, or at any time on Sundays and Statutory Holidays, so as to make or cause Noises that disturb, or tend to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood in a *Residential Area*.
- (2) Section 11(1) does not apply to waste removal operations undertaken by the *City* as authorized by the *Director of Enforcement* or *Director of Environmental Services*.
- (3) 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.

12.0 Mufflers

- (1) No person shall discharge into the open air, on any *Property* other than a *Highway*, the exhaust of any *Motor Vehicle* except through a muffler or other device, which effectively prevents loud or explosive *Noises*.

13.0 Motor Sports

- (1) No person shall operate or *Permit* the operation of racing competitions between *Motor Vehicles* on a *Property* other than a *Highway* within the *City*, whether or not an admission fee is charged, unless:
 - (a) the competitions are held at a permanent facility;
 - (b) all *Motor Vehicles* are properly equipped with *Effective Mufflers*; and
 - (c) such competitions are not carried out between 2300 hours of one day and 1000 hours of the next day.
- (2) Subsection (1) shall not apply to permanent go-kart operations on a *Property* other than a *Highway*.

14.0 Go-kart Activities

- (1) No person shall operate or *Permit* the operation of go-kart activities on a *Property* other than a *Highway* within the *City*, whether or not an admission fee is charged, unless,
 - (a) the activities are held at a permanent go-kart facility;
 - (b) all go-karts are equipped with *Effective Mufflers*, and
 - (c) such activities are not carried out between 2300 hours of one day and 0700 hours of the next day.

15.0 Unnecessary *Motor Vehicle* Noise

- (1) No person shall cause or *Permit* unnecessary *Motor Vehicle Noise* such as the *Sounding* of the horn, or revving of engine, or the squealing of tires of any *Motor Vehicle* on any *Property* other than a *Highway*, which does not include back-up beepers or similar devices used by *Vehicles* for safety purposes.

16.0 Sound Reproduction or Amplification Devices

- (1) No person in a *Residential Area* shall operate or use or cause to be operated or used any *Sound Reproduction Device* during any time of day so as to disturb the peace and comfort of any person in any dwelling house, or other type of

residence.

- (2) In addition to Subsection (1), Noise from a *Sound Reproduction Device*, when measured in any dwelling house, apartment house, or any other type of residence in a *Residential Area*, shall be compliant with the limits set in Schedule 3, *NPC Publication-300 - Stationary and Transportation Sources*.
- (3) No person shall operate or use or cause to be operated or used any *Sound Reproduction Device* on any *Highway* or other public place.
- (4) No person shall operate or use or cause to be operated or used any *Sound Reproduction Device* originating from or in connection with the operation of any commercial establishment at any time.
- (5) Subsections (1) and (3) do not apply to prevent:
 - (a) the use of *Sound Reproduction Devices* in the *City's* parks provided that the user has a *Permit* from or the written permission of the *City* to do so and the user otherwise complies with the provisions of this By-law, including the Noise level maximum herein provided;
 - (b) the amplification of the *Sound* of the ringing of bells or the playing of chimes in connection with, any church, chapel, meeting house or religious service, or the *City Hall* between 0900 hours and 2100 hours of the same day;
 - (c) the use of musical instruments by street musicians on the *Highway* or other public place, provided that it does not disturb the peace, enjoyment and comfort or convenience of individuals or the public.

17.0 General Exemptions

- (1) The provisions of this By-law shall not apply to the *City* or *Regional Municipality* of York, the Province of Ontario, the Government of Canada or any of their agents when the emission of *Sound* is in connection with work undertaken for the immediate health, safety or welfare of the inhabitants of the *City*.
- (2) The provisions of this By-law shall not apply to preclude musicians or performers providing outdoor entertainment involving *Sound Reproduction Devices* during *Special Events* that have been granted a *Special Events Permit* by the *City*.
- (3) The provisions of this By-law shall not apply to agricultural operations and

agricultural processing activities in areas zoned for agricultural use, as per the Zoning By-law or its successor by-law.

- (4) The provisions of this By-law shall not apply to snow removal activities conducted by the *City*, *Regional Municipality* of York, or the Province of Ontario.
- (5) Nothing in this By-law shall prevent the clearing of snow from designated fire routes.

18.0 Exempted Employment Areas

- (1) The *Director of Enforcement* is delegated the authority to include a location as an *Exempted Employment Area* in Schedule 5, when such location:
 - (a) is a commercial or industrial location adjacent to a *Class 4 Area* that is identified on Schedule 4 of this By-law; and
 - (b) has a *Ministry-approved Environmental Compliance Approval* in good standing that lists the activities that may be performed at that location.
- (2) *Exempted Employment Areas* are permitted to perform activities listed in their *Ministry-approved Environmental Compliance Approval*, including those activities that do not meet the requirements listed in Schedule 2 of this By-law.
- (3) For activities not listed in an *Environmental Compliance Approval*, the other provisions of this By-law continue to apply.
- (4) If, in the opinion of the *Director of Enforcement*, a location designated as an *Exempted Employment Area* no longer meets the conditions of Section 18(1)(a) or (b), the *Director of Enforcement* shall send a *Notice* to the *Owner* of the location designated as an *Exempted Employment Area* advising of their opinion and the basis for it.
- (5) An *Owner* in receipt of a *Notice* under Section 18(4) shall have 60 days from the date of the *Notice* to respond to the *Director of Enforcement* and establish how the location meets the conditions of Section 18(1)(a) and (b).
- (6) Failure by the *Owner* in receipt of a *Notice* under Section 18(4) to respond within 60 days of the date of the said *Notice* shall result in the subject location no longer designated an *Exempted Employment Area*, effective immediately.
- (7) If, upon the receipt and review of a response to a *Notice* under Section 18(4), the *Director of Enforcement* is still of the opinion that the location no longer meets

the conditions of Section 18(1)(a) or (b), the *Director of Enforcement* shall bring the matter before *Council* for a final determination.

- (8) With respect to a matter under Section 18(7), *Council* may:
- (a) uphold the determination made by the *Director of Enforcement*;
 - (b) overturn the determination made by the *Director of Enforcement*; and/or
 - (c) establish conditions under which the location may continue to be designated as an *Exempted Employment Area*.

19.0 Delegated Authority to Grant Exemptions

- (1) The *Director of Enforcement* is delegated the authority to grant an exemption for an event subject to the following conditions:
- (2) The event relates to live or recorded music or involves the use of a *Sound Amplifying System* or *Sound Reproduction Device* operated in a reasonable manner in the context of the *Special Event*;
- (3) The event shall not create *Noise* to exceed 55 *dba* when measured at the *Point of Reception*;
- (4) Any activity that is lawfully carried out pursuant to a *Special Event Permit* issued by the *City* is subject to any conditions imposed on the *Special Event Permit*. Where there is a conflict between a condition imposed on the *Special Event Permit* and this By-law, the requirements of this By-law shall prevail;
- (5) The breach of any conditions imposed by this Section shall nullify the *Special Event Permit*;
- (6) An *Enforcement Officer* may monitor the activity at the *Special Event*, the cost of which will be borne by the *Special Event Permit Holder* at a rate of remuneration established under the *City of Vaughan Fees & Charges By-law*.

20.0 Exemption for Construction Equipment

- (1) The *Director of Enforcement* is delegated the authority to grant an exemption to Subsection 7(1) for *Construction Equipment* utilized during prohibited hours subject to the following conditions:
- (a) the use of *Construction Equipment* shall not exceed the established *Noise* levels of Schedule 3, *NPC Publication-115, Construction Equipment*;
 - (b) the duration of the exemption requested shall not exceed 90 days in

length;

- (c) the application for exemption complies with the provisions of s.19 (2).
- (2) An application for exemption from the provisions of the *Noise* by-law for *Construction Equipment* shall be made in writing to the *Director of Enforcement* at least sixty (60) days prior to the commencement of the use of the *Construction Equipment* for which the exemption is sought and shall include the following:
- (a) the name and address of the *Applicant*;
 - (b) the name and address of the business represented by the *Applicant*, if applicable;
 - (c) the *Source of Sound or Vibration* in respect of which the exemption is sought;
 - (d) the provision of this By-law from which the exemption is sought;
 - (e) the date and time of commencement of the *Construction*, for which the exemption is sought;
 - (f) the time of conclusion for each day for the use of the *Construction Equipment* for which the exemption is sought;
 - (g) the duration of the use of the *Construction Equipment*, for which the exemption is sought;
 - (h) the location of the *Construction* for which the exemption is sought;
 - (i) rationale for granting an exemption;
 - (j) the name of the contact person or persons who will be supervising the use of the *Construction Equipment*, and
 - (k) payment of the application fee as described in the *City of Vaughan Fee Bylaw*.
- (3) The *Director of Enforcement* may require the *Applicant* to provide documentation confirming that notification of the use of *Construction Equipment* has been given to the affected parties including but not limited to community associations, business improvement areas and adjacent residents and businesses.
- (4) Where the *Director of Enforcement* requires monitoring of *Sound* levels resulting from the *Construction*, the monitoring shall be conducted at the *Applicant's* expense as outlined in the *City of Vaughan Fees & Charges By-law*.

21.0 Exemption for Temporary Motor Racing Competitions

- (1) The *Director of Enforcement* is delegated the authority to grant an exemption for motor racing competitions at temporary venues subject to the following conditions:
 - (a) the competition does not exceed three (3) days in length; and
 - (b) the event shall not create Noise to exceed 65 *dBA* at any *Point of Reception*.
- (2) An application for exemption from the provisions of the Noise By-law for motor racing competitions at temporary venues shall be made in writing to the *Director of Enforcement* at least sixty (60) days prior to the commencement of the temporary motor competition for which the exemption is sought and shall include the application provisions as outlined in Section 20 (2), and may include any other conditions as determined by the *Director of Enforcement*.
- (3) The *Director of Enforcement* may require the *Applicant* to provide documentation confirming that notification of the motor racing competition at a temporary venue has been given to the affected parties including but not limited to community associations, business improvement areas and adjacent residents and businesses.
- (4) Where the *Director of Enforcement* requires monitoring of *Sound* levels resulting from the event or activity, the monitoring shall be conducted at the *Applicant's* expense as outlined in the *City's* Fee By-law.

22.0 Enforcement

- (1) This By-law shall be enforced by any *Enforcement Officer* or person duly authorized by the *City*.
- (2) 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.
 - (a) require, for inspection, the production of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the

- purpose of making copies or extracts of them;
- (c) require information from any person concerning a matter related to the inspection;
 - (d) 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
 - (e) make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

23.0 Fines

- (1) Every person who contravenes any of the provisions of this By-law is guilty of an offence. Every person who is convicted of an offence under this By-law is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, Chap. P.33
- (2) When a person has been convicted of an offence under this by-law:
 - (a) the Ontario Court (Provincial Division) of the *City of Vaughan*, or
 - (b) any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence.

24.0 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.

25.0 Severability

- (1) It is declared that if any Section, Subsection or part or parts thereof be declared by any Court of Law to be bad, illegal or ultra vires, such Section, Subsection or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.
- (2) In this by-law, a word interpreted in the singular number has a corresponding meaning when used in the plural.

26.0 Repeal and Amendment of Other By-laws

- (1) The Noise By-law 062-2018, and its amending by-laws 168-2019 and 105-2020 are hereby repealed and replaced.
- (2) Schedule 1 of the Administrative Monetary Penalties By-law, as amended, 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.

27.0 Force and Effect

- (1) This By-law shall come into force and effect on the date it was enacted.

Enacted by City of Vaughan Council this 27th day of September, 2021.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

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 shall not discharge into the open air, on any *Property* other than a *Highway*, the exhaust of any *Motor Vehicle* except through a proper muffler or legal device which effectively prevents loud or explosive *Noises*.
- (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 five minutes, while such *Vehicle* is stationary in a *Residential Area* or, unless:
 - (a) the *Vehicle* is in an enclosed structure constructed so as to effectively prevent excessive *Noise* emission; or,
 - (b) 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,
 - (c) 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,
 - (d) 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,
 - (e) prevailing low temperatures make longer idling periods necessary, immediately after starting the motor or engine; or,
 - (f) 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* shall not discharge into the open air, on any *Property* other than a *Highway* the exhaust except through a proper muffler or legal device, which effectively prevents loud or explosive *Noises*.

Schedule 2
Time and Place Prohibited Periods

No.	Activity	When it is prohibited in the <i>Quiet Zone</i>	When it is prohibited in a <i>Residential Area</i>
1	The operation of any auditory signaling device, including but not limited to the ringing of bells or gongs and the blowing of horns or sirens or whistles, or the production, reproduction or amplification of any similar <i>Sounds</i> by-law; or unless required in accordance with good safety practices.	at any time	19:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. on Sundays)
2	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 <i>Sound</i> .	at any time	23:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. on Sundays)
3	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.	19:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. on Sundays and Statutory Holidays)	19:00 hrs. of one day to 07:00 hrs. next day and all day Sundays and Statutory Holidays
4	The operation of any <i>Construction Equipment</i> in connection with <i>Construction</i> .	17:00 hrs. of one day to 07:00 hrs. next day and all day Sundays and Statutory Holidays	19:00 hrs. of one day to 07:00 hrs. next day and all day Sundays and Statutory Holidays
5	The detonation of fireworks or explosive devices	at any time	23:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. on Sundays)
6	The operation of a combustion engine which is, or is used in, or is intended for use in, a toy or a model or replica of a larger device, which model or replica has no function other than amusement and which is not a <i>Conveyance</i> .	at any time	19:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. on Sundays)
7	The operation of any powered rail car including but not limited to refrigeration cars, locomotives or self-propelled passenger cars, while stationary on <i>Property</i> not owned or controlled by a railway governed by The Canada Railway Act.	at any time	23:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. on Sundays)
8	The operation of any <i>Motorized Conveyance</i> other than on a <i>Highway</i> or other place intended for its operation, in which " <i>Motorized Conveyance</i> " includes, but is not limited to snowmobiles, mopeds, go-carts, track bikes and trail bikes.	at any time	19:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. on Sundays)
9	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.	at any time	23:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. on Sundays)

No.	Activity	When it is prohibited in the <i>Quiet Zone</i>	When it is prohibited in a <i>Residential Area</i>
10	Persistent barking, calling or whining or other similar persistent <i>Noise</i> making by any domestic pet.	at any time	at any time
11	The operation of any powered or non-powered tool for domestic purposes other than snow removal.	17:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. on Sundays)	21:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. on Sundays)
12	The operation of solid waste bulk lifts or <i>Refuse Compacting Equipment</i> .	17:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. on Sundays)	19:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. on Sundays)
13	The operation of commercial car wash with air-drying equipment.	17:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. on Sundays)	22:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. on Sundays)
14	The operation of a power assisted hang glider or Para foil.	at any time	at any time
15	The operation of any item of snow making equipment.	at any time	at any time
16	The operation of a <i>Sound</i> emitting pest control device.	at any time	at any time
17	The discharge of firearms.	at any time	at any time

Schedule 3

Index of *NPC Publications*

<i>NPC Publication-101</i>	Technical Definitions Publication
<i>NPC Publication-102</i>	Instrumentation
<i>NPC Publication-103</i>	Procedures
<i>NPC Publication-104</i>	<i>Sound Level Adjustments</i>
<i>NPC Publication-115</i>	<i>Construction Equipment</i>
<i>NPC Publication-117</i>	Domestic Outdoor Power Tools
<i>NPC Publication-118</i>	<i>Motorized Conveyances</i>
<i>NPC Publication-119</i>	Blasting
<i>NPC Publication-206</i>	Road Traffic
<i>NPC Publication-300</i>	Stationary and Transportation <i>Sources</i>

Schedule 4

City of Vaughan Class 4 Designated Areas

Tesmar Holdings Inc., part of Lot 15, Concession 4, being Parts 1 to 9 Incl. on Plan 65R32119,
City of Vaughan, Regional *Municipality* of York.

Schedule 5

City of Vaughan Exempted Employment Areas

805062 Ontario Limited, a wholly owned subsidiary of Granite Real Estate Investment Trust and Granite REIT Inc., and its lessee, Magna International Inc., part of Lot 15, Concession 4, being Parts 1, 2, 11, 12, 13, 14, 15, 16 on 65R-34051, *City of Vaughan*, Regional *Municipality of York*. Municipally known as 401 Caldari Road, Vaughan, ON L4K 5P1.

Schedule 6

Offences and Corresponding Administrative Monetary Penalties

Section	Description	Fine Amount
4(1)(a)	Emit or cause to <i>Permit</i> emission of <i>Sound</i> from a <i>Stationary Source</i>	\$400
4(1)(b)	Emit or cause to <i>Permit</i> emission of <i>Sound</i> from Schedule 1	\$400
4(1)(c)	Emit or cause to <i>Permit</i> emission of <i>Sound</i> from Schedule 2	\$400
6(1)	Make any unusual Noise or likely to disturb inhabitants	\$300
7(1)	Ring a bell, <i>Sound</i> 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 <i>dB</i> A	\$500
9(1)	Use or operate or cause to be used or operated a pump, filtration or similar device which has a noise level greater than 55 <i>dB</i> A	\$500
10(1)	Operate or cause to be operated, a <i>Construction Vehicle</i> or equipment during 19:00 and 7:00	\$750
10(2)	Operate or cause to be operated, a <i>Construction Vehicle</i> or equipment on Sunday or statutory holidays	\$750
11(1)	Load or unload a transport truck, commercial <i>Vehicle</i> or other transport <i>Vehicle</i> between 23:00 and 07:00	\$750
12(1)	Discharge into the open air exhaust not through a muffler or other device that prevents loud or explosive noises	\$300
13(1)	Operate or <i>Permit</i> the operation of racing competitions between <i>Motor Vehicles</i> on a <i>Property</i> other than a <i>Highway</i>	\$300
14(1)	Operate or <i>Permit</i> the operation of go-kart activities on a <i>Property</i> other than a <i>Highway</i> within the <i>City</i>	\$300
15(1)	Cause or <i>Permit</i> unnecessary <i>Motor Vehicle</i> Noise	\$300
16(1)	Operate or use or cause to be operated or used, a <i>Sound Reproduction Device</i> in a <i>Residential Area</i> so as to disturb peace and comfort	\$750
16(2)	Noise from a <i>Sound Reproduction Device</i> not in compliance with Schedule 3, NPC-300	\$500
16(3)	Operate or use or cause to be operated or used, <i>Sound Reproduction Device</i> , on a <i>Highway</i> or public place	\$750
16(4)	Operate or use or cause to be operated or used, a <i>Sound Reproduction Device</i> , originating from or in connection with a commercial establishment	\$750
19(3)	Event creating Noise to exceed 55 <i>dB</i> A	\$750