



Report
Staff Report
 The Corporation of the City of Brampton
 9/18/2024

Date: 2024-09-18

Subject: Review of Public Nuisance By-Law 136-2018 in Respect to Car Rallies (RM 49/2024)

Secondary Title: Results of the review of the City of Vaughan Special Events By-law and Noise By-law in respect car rallies, tinted windows and loud mufflers.

Contact: Peter Bryson, Manager, Enforcement and Bylaw Services

Report number: Legislative Services-2024-738

RECOMMENDATIONS:

1. That the report from Peter Bryson, Manager, Enforcement and Bylaw Services to the Committee of Council Meeting of September 18, 2024, re: **Review of Public Nuisance By-Law 136-2018 in Respect to Car Rallies (RM 49/2024)(RM 49/2024)**, be received; and,
2. That Council support the current enforcement model utilizing the Public Nuisance Bylaw 136-2018, as amended, as a means to enforce nuisance noise associated with unsanctioned events such as car rallies and other nuisance noise.

OVERVIEW:

- This report addresses the Committee of Council's request (RM 49/2024) for staff to review and report back on opportunities to strengthen The City of Brampton Nuisance Bylaw 136-2018 after a comparative review to the City of Vaughan Noise Bylaw 121-2021 as amended and its Special Events Bylaw 045-2018 as amended which now include special provisions related to car rallies.
- This report informs Council of Enforcement and Bylaw Services' current service delivery standards and legislative authorities as they relate to the enforcement of nuisance offences through various bylaws.
- Although the bylaw structures are different, the City of Brampton Public Nuisance Bylaw 136-2018 is comparable, and in some ways, more comprehensive than the City of Vaughan bylaws.
- In relation to car rallies and its associated noise, the City of Brampton also benefits from the strong relationship between Enforcement and Bylaw Services and Peel Regional Police (E.R.A.S.E. and Road Safety Services)

BACKGROUND:

This report will inform Council of a comparative review of the City of Brampton [Public Nuisance Bylaw 136-2018](#) as a means to enforce nuisance noise associated with unsanctioned events such as car rallies and the City of Vaughan [Special Events Bylaw 045-2018](#) and [Noise Bylaw 121-2021](#) to explore ways to enhance and strengthen enforcement efforts when these events occur.

Municipal and Parking Enforcement Operations

The Municipal and Parking Operation section operates within the Enforcement and Bylaw Services Division and is responsible for the administration and enforcement municipal bylaws which regulate and prescribe compliance standards, outline offences under specific bylaws, enforcement authority options and penalties for non-compliance in the City of Brampton; including but not limited to Public Nuisance Bylaw 136-2018, the Noise Bylaw 93-84 and the [Traffic Bylaw 93-93](#). This team is comprised of both full-time and part-time officers providing a work model of 24 hours per-day, seven days per-week coverage to the community.

Prior to July 2023, noise reporting and service requests were captured in three different categories. The categories prior to that time were Noise attributed to Construction, Noise attributed to Loud Music, and Noise as a result of Barking Dogs. The table below illustrates the volume of noise complaints from 2020 until the conclusion of 2023 (the year in which new noise classifications were introduced) and also provides data for service requests for the new classifications that were introduced in July of 2023 up to September 6, 2024

YEAR	CONSTRUCTION	LOUD MUSIC	BARKING DOGS	MOTOR VEHICLE	POWER DEVICE	TOTAL
2020	48	1529	36	N/A	N/A	1613
2021	47	3556	104	N/A	N/A	3707
2022	155	4896	418	N/A	N/A	5469
2023	341	5770	511	277*	92*	6991
2024**	235	4080	302	480	180	5277

*Data from July – Dec of 2023, **Data current to September 6, 2024

The Municipal and Parking Operation Team traditionally employs a compliance-based enforcement model through progressive and proportionate enforcement action. The method of enforcement is to be proportionate with the alleged violation(s), considering the seriousness, intent, and history of the alleged offence. Progressive enforcement generally includes education, voluntary compliance, enforcement action, and escalation. Officers may choose to proceed with enforcement action immediately for repeat or egregious contraventions.

Enforcement action related to Noise or Public Nuisance offences can take the form of any or a combination of the following:

- Verbal or Administrative Penalty System (APS) warnings;

- Orders to comply;
- Non-parking Administrative Penalties;
- Part III Charges in accordance with the Provincial Offences Act.

Based on the seriousness or repetition of the contravention, the officer may elect to commence enforcement action with any one of the above measures and repeat or escalate enforcement action where compliance is not achieved.

Peel Regional Police

As reported by Peel Regional Police to [City Council on July 10, 2024](#), in the first half of 2024 they had issued over 20,000 Highway Traffic Act charges, including:

- Over 4200 charges for speeding
- Over 400 charges for careless driving
- Over 1300 charges for mufflers causing unnecessary noise
- Over 900 charges for stunt driving and racing

Project E.R.A.S.E.

To assist, in support of this review the City of Brampton's Enforcement and Bylaw Services Division who participated in a Peel Regional Police joint initiative called [Project E.R.A.S.E](#) (Eliminating Racing Activities on Streets Everywhere) which aimed to confront the escalating issue of dangerous driving behaviours, particularly street racing. The City of Brampton Enforcement and Bylaw Services Division deployed resources to assist with the initiative from May 3 – June 29, 2024.

In support of Project E.R.A.S.E and Peel Regional Police the Enforcement and Bylaw Services Division issued 83 penalty notices totaling \$24,900 under the authority of the City of Brampton Public Nuisance Bylaw 136-2018 demonstrating its effectiveness as a tool against nuisance noise associated with vehicles.

After the conclusion of the joint initiative of Project E.R.A.S.E. on June 29, 2024, Enforcement and Bylaw Services deployed resources on July 5, 2024 independent of Peel Regional Police to continue these efforts. On this date an additional 18 penalty notices were issued totaling \$5,400 which further demonstrates the ability of Enforcement to enforce vehicle associated noise using Public Nuisance Bylaw 136-2018.

CURRENT SITUATION:

When Enforcement and Bylaw Services attends a request for service related to Nuisance or Noise offences, which would include noise associated with car rallies, the officer is dispatched by our Call Centre. Noise and Nuisance calls are assigned a Priority Level #1 response and are assigned to the next available officer based on geographic proximity to the service request. Priority Level #1 calls are classified as such typically because the time or window of the offence is short or more importantly because they generally involve some risk to property or individuals in the community. The officer, upon attendance, will determine compliance with City of Brampton bylaws and take enforcement action where necessary. Enforcement efforts could include education, issuance of orders, administrative penalties or Part III charges.

Additionally, officers may be assigned to proactive special attention patrols throughout the year where it is in the interest of the public to take proactive measures such as was the support of Peel Regional Police partnership with Project E.R.A.S.E.

Service Level Trends

Enforcement and Bylaw Services noted a need to begin formally tracking noise and nuisance specifically as it relates to noise from vehicles in July 2023 when new noise sub-types were created to capture these statistics. While these metrics were only captured for approximately six months in 2023, an increase of 42% in calls for service related to vehicle noise in the eight months of 2024 has been observed.

Partnerships

The City of Brampton Enforcement and Bylaw Services has fostered strong partnerships with its internal and external stakeholders to facilitate the safe operation of vehicles on city streets.

While it is noted that the City of Vaughan has introduced an authority to close a road under the authority of its Special Events Bylaw 045-2018 by a Municipal Law Enforcement Officer due to events such as car rallies, an authority already exists in the [Highway Traffic Act Section 134](#) which reads;

Direction of traffic by police officer

134 (1) Where a police officer considers it reasonably necessary,

- (a) to ensure orderly movement of traffic;*
- (b) to prevent injury or damage to persons or property; or*
- (c) to permit proper action in an emergency,*

he or she may direct traffic according to his or her discretion, despite the provisions of this Part, and every person shall obey his or her directions.

Highway closing

(2) For the purposes of subsection (1), a police officer may close a highway or any part thereof to vehicles by posting or causing to be posted signs to that effect, or placing or causing to be placed traffic control devices as prescribed in the regulations.

In consultation with Peel Regional Police about this authority and continuing to leverage our strong partnership as demonstrated through initiatives such as Project E.R.A.S.E and our commitment to community safety, it is recommended by Peel Regional Police (PRP) that road closures, where required due to safety concerns that may arise from unsanctioned street events such as car rallies, be administered by PRP members. Peel Regional Police and its members are trained in such functions, and it is understood by Enforcement and Bylaw Services through this partnership and consultation that a high degree of skill and training is required to safely close a road while working to restore order and ensure that the safety of self and the community are not placed at further risk by an improperly executed road closure.

It is also understood that many offences that arise out of car rallies are moving violations that will require Peel Regional Police authority to enforce the Highway Traffic Act. Much of the complaints received by Brampton Enforcement and Bylaw Services are attributed to noise from after-market exhausts, revving of engines and loud music from vehicles in attendance. Many of these offences can be appropriately addressed under authority of the current Public Nuisance Bylaw 136-2018. Refer to Appendix 1 for a comparative table of offences under City of Vaughan Special Events Bylaw 045-2018 and Noise Bylaw 121-2021 along with the associated penalties as compared with the City of Brampton Public Nuisance Bylaw 136-2018 and its associated penalties.

Comparison

It is generally noted that where the City of Vaughan has made an amendment to its Special Events Bylaw 045-2018 to include offences related to car rallies it does not have a stand-alone bylaw that addresses these events. The City of Brampton Public Nuisance Bylaw 136-2018 has provisions to address the same manner of offences under a progressive Administrative Penalty System albeit with a lower set fine at the top of its progressive enforcement penalty structure. The progressive structure was implemented in June 2023 by amending [Bylaw 111-2023](#) (See Appendix 1)

In addition to the Administrative Penalty System utilized to enforce offences under each municipalities appropriate bylaw for noise associated with car rallies an investigating officer does still have an option to proceed by way of a Part III Provincial Offence Notice where it is noted that Brampton has a significantly higher maximum penalty that can be imposed by the court. (See Appendix 1)

It is also noted that the City of Brampton Public Nuisance Bylaw 136-2018 includes a provision to charge individuals under the same progressive scale for permitting or causing to be installed a modified muffler or exhaust with the express intention to create unreasonable noise which does not appear to have a comparable provision under the City of Vaughan Bylaws.

It was requested that tinted windows be considered as an additional offence. This offence already exists within the Highway Traffic Act and is enforceable by our PRP partner agency. A review of the current bylaw demonstrated that this violation would always be applicable after the person was already contravening the existing bylaw and, as such, does not add to the bylaw's effectiveness. It was further noted that the facts-in-issue to this offence would be more complex than existing offences already contained within the existing bylaw.

Ongoing Service Delivery Enhancement

Enforcement and By-law Services regularly monitors service requests to improve the efficiency and delivery of enforcement services. As the result of a third-party operational review in 2023, the division is undertaking a comprehensive review of all Standard

Operating Procedures and is increasing the current staffing model with the implementation of a Staffing Stabilization model as endorsed by Council.

CORPORATE IMPLICATIONS:

Financial Implications: The information provided in this report and implementing any described actions are accommodated within the prescribed budget. There are no financial implications.

STRATEGIC FOCUS AREA:

This report supports Brampton's Term of Council priorities to be a Healthy and Safe City and to be a Green City in that it strives to promote resident safety during unsanctioned events such as car rallies and the potential negative environmental issues such events may have within the City of Brampton.

CONCLUSION:

Following an Enforcement and Bylaw Services review of the applicable bylaws of both municipalities there appears to be suitable provisions in the existing City of Brampton bylaws to adequately address nuisance noise associated with unsanctioned events such as car rallies. Further, after consultation with its partner enforcement agency, Peel Regional Police, it is supported that through this strong partnership sufficient authority exists in the Highway Traffic Act to close roads where required without a need to extend this authority to Municipal Law Enforcement Officers, who are not equipped or trained to perform this function in the same manner as Peel Regional Police.

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Attachments:

- Attachment 1 – Comparative Table Brampton and Vaughan