



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number _____ - 2023

**To To Amend Public Nuisance By-law 136-2018 - Regulating Nuisance
Noises from Motor Vehicles and Power Devices.docx**

WHEREAS section 128 of the Municipal Act, 2001, provides that, without limiting sections 9 and 11, a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS Council deems it appropriate to prohibit or regulate matters that are, or could become or cause public nuisances, including excessive noise and emissions from motor vehicles and power devices;

AND WHEREAS Council passed Resolution _____ to amend Public Nuisance By-law 136-2018, as amended, to regulate excessive noise and emissions from motor vehicles and power devices;

NOW THEREFORE the Council of The Corporation of the City of Brampton ENACTS as follows:

1. By-law 136-2018, as amended, is further amended by adding the following definitions, in alphabetical order, to section 1 under PART I – DEFINITIONS:

"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;

"Motor Vehicle" includes an automobile, a motorcycle, a motor assisted bicycle unless otherwise indicated in this By-Law, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a municipal transit vehicle, street car or other motor vehicle running only upon rails, a vehicle operated by a municipality or on behalf of a municipality for snow or ice removal, emergency services, roadway or utility services Construction, maintenance or repair, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine;

“Power Devices” means any powered device used in the servicing, maintenance, or repair of property except devices driven by muscular power only and snow or ice removal devices.

"Residential Area" means an area of the Municipality designated for residential use in City of Brampton Zoning By-Law, which includes land, Buildings and structures intended for human habitation and/or within 150 metres of a residential dwelling unit;

“Statutory Holidays” means New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Christmas Day, and Boxing Day.

2. By-law 136-2018, as amended, is further amended by deleting the definition for “Person” in section 1 under PART I – DEFINITIONS, and replacing it with the following:

“Person” means an individual, firm, corporation, partnership, association or organization, including a charitable organization and includes the registered plate owner of a Motor Vehicle only when any contravention pursuant to this by-law involves a Motor Vehicle;

3. By-law 136-2018, as amended, is further amended by adding to the definition for “Public Nuisance” in section 1 under PART I – DEFINITIONS, the following:
 - (z) permitting, or causing to be emitted into the open air, the exhaust of any Motor Vehicle except through a muffler or other device, which effectively prevents loud or explosive or unreasonable noises;
 - (aa) permitting, or causing to be installed a modified muffler or exhaust with the express intention to create unreasonable noises;
 - (bb) permitting, or causing to be emitted unnecessary Motor Vehicle Noise such as the sounding of the horn, or revving of engine, or the squealing of tires of any Motor Vehicle, which does not include back-up beepers or similar devices used by Vehicles for safety purposes;
 - (cc) permitting, or causing the grating, grinding or rattling noise or sound caused by a condition of disrepair or maladjustment of any Motor Vehicle, or other vehicle whatsoever or part or accessory thereof;
 - (dd) permitting, or causing to be emitted any sound made by Power Devices such as leaf blowers, chain saws, lawnmowers, grass trimmers, drills, sanders, grinders or similar devices out of doors within a Residential Area between the hours of nine o'clock in the evening (9:00 pm) and seven o'clock in the morning (7:00 am) the next day, except until nine o'clock in the morning (9:00 am) on Saturdays, Sundays and Statutory Holidays;
 - (ee) operating or permitting the operation of heavy equipment, machinery or tools used in Construction, drilling or demolition, between the hours of seven o'clock in the afternoon (7:00 pm) and seven o'clock in the forenoon (7:00 am) the next day, except until nine o'clock in the forenoon (9:00 am) on Saturdays, Sundays and Statutory Holidays;
 - (ff) repairing, rebuilding, modifying or testing out of doors any Motor Vehicle, motorboat, outboard motor or recreational vehicle within a Residential Area between the hours of nine

o'clock in the afternoon (9:00 pm) and seven o'clock in the forenoon (7:00 am) the next day, except until nine o'clock in the forenoon (9:00 am) on Saturdays, Sundays and Statutory Holidays;

4. By-law 136-2018, as amended, is further amended by deleting the definition for "Reasonable Excuse" in section 1 under PART I – DEFINITIONS, and replacing it with the following:

"Reasonable Excuse" means

- (a) the contravention of this By-law must be inevitable, unavoidable and afford no reason or opportunity for an alternative course of action that does not contravene this By-law; or
 - (b) where the contravention of this By-law is the consequence of illness, the person did not contemplate, or acting reasonably ought not to have contemplated, that the person's actions would likely cause the illness or give rise to the contravention of this By-law; or
 - (c) being exempt from the provisions of this By-Law pursuant to the Noise By-Law 93-84, or any other City of Brampton By-Laws or policy or provincial legislation or regulations, as may be established and amended from time to time.
5. This by-law shall come into force and effect as of the 28th day of June, 2023.

ENACTED and PASSED this 28th day of June, 2023.

Approved as to
form.
2023/06/12
C. Grant

Patrick Brown, Mayor

Approved as to
content.
2023/06/09
P. Fay

Peter Fay, City Clerk