



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

*Number* \_\_\_\_\_ - 2023

## **To Amend Public Nuisance By-law 136-2018 – Introduction of Decibel Sound Limits**

---

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 in excess of acceptable sound limits;

AND WHEREAS Council passed Resolution \_\_\_\_\_ to amend Public Nuisance By-law 136-2018, as amended, to introduce decibel sound limits into the by-law for enforcement purposes;

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:

“dBA” means the A-weighted sound pressure level;

“Police Officer” means a chief of police or any other police officer, including a person who is appointed as a police officer under the *Police Services Act* and its successor legislation, but does not include a special constable, a First Nations Constable, a municipal law enforcement officer or an auxiliary member of a police force;”

2. 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:

“(gg) Refuse to provide for inspection a motor vehicle owned or operated by that person to any police officer duly authorized to enforce this by-law;

(hh) Operate any motor vehicle on a highway if the motor vehicle is emitting a sound from the exhaust outlet exceeding 92 dBA as measured by means of a Sound Level Meter, while the engine is at idle.”

3. By-law 136-2018, as amended, is further amended by deleting sections 9 and 10 under PART IV – ENFORCEMENT AND INSPECTION, and replacing with the following:
- “9. For the purposes of conducting an inspection pursuant to this By-law, an Officer may:
    - (1) require the production for inspection of documents or things relevant to the inspection;
    - (2) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
    - (3) require information from any person concerning a matter related to the inspection; and
    - (4) alone, or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
  
  - 9A. For the purposes of conducting a motor vehicle inspection to measure the sound from the exhaust system pursuant to this by-law, a Police Officer may alone or in conjunction with a person possessing special or expert knowledge conduct any reasonable tests including measuring sound loudness levels to determine the dBA levels of such motor vehicle.
  
  - 10. No Person shall prevent, hinder or obstruct, or attempt to hinder or obstruct, an Officer who is exercising a power or performing a duty under this By-law, including refusing to identify themselves when requested to do so by an Officer.
  
  - 10A No person shall fail to comply with any Police Officer’s instructions or refuse to provide for inspection a motor vehicle owned or operated by that person to any Police Officer duly authorized to enforce this by-law.”

ENACTED and PASSED this 9<sup>th</sup> day of August, 2023.

Approved as to  
form.  
2023/07/25  
Colleen Grant

\_\_\_\_\_  
Patrick Brown, Mayor

Approved as to  
content.  
2023/07/18  
P. Fay

\_\_\_\_\_  
Peter Fay, City Clerk