



**THE CORPORATION OF THE CITY OF MISSISSAUGA
NOISE CONTROL BY-LAW 360-79**

(Amended by 77-85, 1298-86, 755-87, 63-92, 230-94, 303-00, 495-03, 124-05, 110-06, 92-07, 120-07, 127-07, 248-07, 73-08, 99-08, 299-08, 325-09, 243-13, 43-15, 60-15, 120-17, 125-18)

***WHEREAS* sections 8, 9 and 11 of the *Municipal Act, 2001*, authorize the Council of the Corporation of the City of Mississauga to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6 and 8 of subsection 11(2) authorize by-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons; and the protection of persons and property;**

***AND WHEREAS* section 129 of the *Municipal Act, 2001*, empowers a local municipality to prohibit and regulate with respect to noise and vibration;**

NOW THEREFORE the Council of the Corporation of the City of Mississauga ENACTS as follows:

INTERPRETATION

1. In this by-law, (303-00)

“City” means the City of Mississauga in the Regional Municipality of Peel

“Commissioner” means the Commissioner of Transportation and Works for the City or his or her designate; (299-08)

“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 material handling equipment;

“Council” means the Council of the Corporation of the City of Mississauga;

“highway” means a common and public highway and includes any bridge, trestle, viaduct, pathway, or other structure forming part of the highway, and except as otherwise provided, includes a portion of a highway and the area between the lateral property lines thereof; (125-18)

“Minister” means the Minister of the Environment;

“Ministry” means the Ministry of the Environment;

“motor vehicle” includes an automobile, motorcycle, motor assisted bicycle unless otherwise indicated in The Highway Traffic Act, 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 vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of The Highway Traffic Act.

“motorized conveyance” includes a vehicle and any other device employed to transport a person or persons or goods from place to place, but does not include any such device or vehicle if operated only within the premises of a person or if propelled or driven only by muscular, gravitational or wind power;

“noise” means unwanted sound;

“Noise Control Officer” means a person designated by the Commissioner for the City as a noise control officer; (1298-86, 755-87, 299-08)

“point of reception” means any point on the premises of a person where sound or vibration originating from other than those premises is received;

“public notice” means written notice provided by regular mail or delivery in person which includes information regarding the type of construction, the address or general area where the construction will take place, the date(s) and time(s) of construction, the source of construction noise and mitigation measures, that will be taken to reduce the noise or vibration from construction; (125-18)

“Quiet Zone” means those areas of the City where quiet is of particular importance and as more particularly designated in Schedule 4 to this By-law.

“Residential Area” means any area containing dwellings which are normally used for human habitation.

ADMINISTRATION

2. The Commissioner shall be responsible for the administration and enforcement of this by-law. (1298-86, 755-87, 495-03, 299-08)

GENERAL PROHIBITION

3. No person shall emit or cause or permit the emission of sound resulting from an act listed in Schedule 1 to this by-law and which sound is clearly audible at a point of reception.

PROHIBITION BY TIME AND PLACE

4. No person shall emit or cause or permit the emission of sound resulting from any act listed in Column 1 to Schedule 2 to this by-law if clearly audible at a point of reception located in a residential area or quiet zone within a prohibited period of time for such an area as set out in Column 2 to Schedule 2 to this By-law.

PUBLIC SAFETY EXEMPTION

5. The provisions of Section 3 and 4 do not apply to the emission of a sound or vibration in connection with emergency measures undertaken:
 - (a) for the immediate health, safety or welfare of the inhabitants of the City or any of them; or
 - (b) for the preservation or restoration of property.

EXEMPTION OF TRADITIONAL FESTIVE OR RELIGIOUS ACTIVITIES

6. The provisions of Section 3 and 4 do not apply to the emission of sounds or vibrations made by persons in connection with any of the traditional, festive, religious or other activities set out in Schedule 3 to this by-law.

GRANT OF EXEMPTION

7.
 - (1) Any person may apply for an exemption from the provisions of Sections 3 and 4 of this By-law, with respect to any source of sound or vibration. (299-08)
 - (2) An application for exemption under Subsection (1) shall be in writing and shall contain:
 - (a) the name and address of the applicant,
 - (b) a description of the source of sound or vibration in respect of which exemption is being sought,
 - (c) a statement of the section of the by-law from which exemption is sought,
 - (d) the period of time (not in excess of six (6) months) for which the exemption is sought,

- (e) the reasons why the exemption is being sought,
 - (f) proof of publication for two consecutive days within the preceding ten (10) days in a newspaper of general circulation within the City, of a notice of intention to apply for any exemption to this by-law, received or by the distribution of a flyer as prescribed by the City to all residences within a 500 meter radius of the subject property containing the information required by Clauses (a) through (e) hereof, stating the date upon which objections may be submitted to City staff. (299-08)
 - (g) the application fee. (299-08)
- (3) An application for an exemption completed in accordance with section 7(2) shall be delivered to the Commissioner. (299-08)
- (4) The Commissioner may grant an exemption, in whole or in part, with terms and conditions, subject to the provisions of this By-law. (299-08)
- (5) In considering the completed application for any exemption, the Commissioner shall take into account the following: (299-08)
 - (a) If an exemption is granted, a time limit shall be specified, and an exemption shall not exceed six months.
 - (b) The Commissioner shall consult with the affected Ward Councillor on an application for an exemption and the consultation shall include any terms and conditions that may be attached to an exemption.
 - (c) Any correspondence received regarding the application as a result of the distribution of the Notice or newspaper advertisement referred to in Section 7(2)(f).
 - (d) The proximity of the sound to a Residential Area and the likelihood that the sound for which an exemption is requested may negatively affect persons in a Residential Area.
 - (e) Whether any negative impacts under clauses (c) or (d) can be reduced with the use of mitigation measures including limiting the sound to certain days or times of the day.
- (6) A breach by the applicant of any of the terms or conditions imposed by the Commissioner in granting an exemption shall immediately render the exemption null and void. (299-08)
- (7) Notwithstanding that the authority to grant an exemption is delegated to the Commissioner, and that he or she may have already exercised the delegated power, Council shall retain the right to exercise the authority to grant or deny an exemption in accordance with the conditions set out in section 7 (5) of this By-law. (299-08)

- (8) Notwithstanding any other provisions in this By-law, where the grant of an exemption under section 7 of this By-law relates to construction on a City Highway: (125-18)
- (i) subparagraphs 7(2)(f), (g) and 7(5)(c) do not apply;
 - (ii) the period of time for the exemption may be greater than six months; and
 - (iii) the applicant shall, following notification of approval of the exemption and at least two weeks prior to the commencement of construction, circulate a public notice to all residences within a 500 meter radius of the source of sound or vibration.

SEVERABILITY

8. If a court of competent jurisdiction declares any section or part of a section of this by-law invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

PENALTY

9. (1) Every person who contravenes any provision of this by-law is guilty of an offence. Pursuant to the provisions of the Provincial Offences Act, R. S. O. 1990, c.P. 33 upon conviction a person is liable to a fine of not more than \$5,000, exclusive of costs. (77-85, 63-92)
- (2) In addition to the provisions of Subsection (1), the Court in which the information is first laid and any court of competent jurisdiction thereafter, may issue an order prohibiting the contravention and repetition of the offence by the person convicted, and such order shall be in addition to any penalty imposed on the person convicted.
10. (1) By-law Number 7364 enacted by the former Town of Mississauga and any other by-law passed by the former Town of Mississauga to control noise is hereby repealed.
- (2) By-law Number 957, enacted by the former Village of Port Credit and any other by-law passed by the former Village of Port Credit to control noise is hereby repealed.
- (3) By-law Number 66-36, enacted by the former Town of Streetsville and any other by-law passed by the former Town of Streetsville to control noise is hereby repealed.
- (4) By-law 2370 enacted by the former Township of Toronto and any other by-law passed by the former Township of Toronto to control noise is hereby repealed.

- (5) Any Noise Control By-law, enacted by the Town of Oakville in that part of Oakville which was annexed by the City of Mississauga, and more particularly described in Section 2(1)(a) of The Regional Municipality of Peel Act, 1973, S.O. 1973, c. 60, is hereby repealed.

READ A FIRST AND SECOND TIME THIS 28TH DAY OF MAY, 1979.

READ A THIRD TIME AND FINALLY PASSED THIS 28TH DAY OF JANUARY 1980.

Signed by: "Hazel McCallion", Mayor "Terence L. Julian", Clerk

This by-law is approved pursuant to the provisions of The Environmental Protection Act, 1971, as amended, at Toronto, this 9th day of April, 1980.

Signed by: "Harry Parrott", Minister of the Environment

SCHEDULE 1 TO BY-LAW NUMBER 360-79
GENERAL PROHIBITIONS

- 1. The racing of any motorized conveyance other than in a racing event regulated by law.**
- 2. The operation of a motor vehicle at a speed and in a manner which causes its tires to squeal.**
- 3. The operation of any combustion engine or pneumatic device without an effective exhaust or intake muffling device in good working order and in constant operation.**
- 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, or inadequate maintenance.**
- 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 a Quiet Zone unless:**
 - (a) 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,**
 - (b) 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 and refuse compactors; or,**
 - (c) 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 the preservation of perishable cargo, and the vehicle is stationary for purposes of delivery or loading; or,**
 - (d) prevailing low temperatures make longer idling periods necessary immediately after starting the motor or engine; or,**
 - (e) the idling is for the purpose of cleaning and flushing the radiator and associated circulation system for seasonal change of antifreeze, cleaning of the fuel system, carburettor 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 when required or authorized by law or in accordance with good safety practices.**
- 7. The operation of any item of construction equipment in a Quiet Zone or Residential Area without effective muffling devices in good working order and in constant operation.**

SCHEDULE 2 TO BY-LAW NUMBER 360-79
PROHIBITED PERIODS OF TIME:

- A - 23:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. Sundays)**

- B - 19:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. Sundays)**

- C - 17:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. Sundays)**

- D - All Day Sundays and Statutory Holidays**

- E - 17:00 hrs. of one day to 07:00 hrs. next day**

- F - 19:00 hrs. of one day to 07:00 hrs. next day**

SCHEDULE 2 TO BY-LAW NUMBER 360-79
PROHIBITED PERIODS OF TIME:

COLUMN 1

COLUMN 2

PROHIBITED PERIOD OF TIME
QUIET ZONE **RESIDENTIAL**
AREA

1.	The operation of any auditory signalling 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 sounds by electronic means except where required or authorized by law or in accordance with good safety practices.	At Any Time	B & D
2.	The operation of any electronic device or group of connected devices incorporating one or more loudspeakers or other electro-mechanical transducers, and intended for the production, reproduction or amplification of sound.	At Any Time	C
3.	All selling or advertising by shouting or outcry or amplified sound.	At Any Time	B & D
4.	Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, products, materials, or refuse, whatsoever, unless necessary for the maintenance of essential services or the moving of private household effects.	B	B & D
5.	The operation of any construction equipment in connection with construction.	E & D	F & D
6.	The detonation of fireworks or explosive devices not used in construction.	At Any Time	A - unless otherwise permitted in accordance with the provisions of By-law 160-74 or its successors

SCHEDULE 2 TO BY-LAW NUMBER 360-79
PROHIBITED PERIODS OF TIME:

	<u>COLUMN 1</u>	<u>COLUMN 2</u>	
		<u>QUIET ZONE</u>	<u>RESIDENTIAL AREA</u>
7.	The discharge of firearms.	At Any Time	At Any time- unless in accordance with the provisions of By-law 331-77 or its successors.
8.	The operation of a combustion engine which (i) is, or (ii) is used in, or (iii) is intended to be used in, a toy, or a model or replica of any device, which model or replica has no function other than amusement and which is not a conveyance.	At Any Time	A
9.	The operation of any powered rail car including but not limited to refrigeration cars, locomotives or self-propelled passenger cars, while stationary on property not owned or controlled by a railway governed by The Canada Railway Act	At Any Time	A
10.	The operation of any motorized conveyance other than on a highway or other place intended for its operation.	At Any Time	B
11.	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	A
12.	Persistent barking, calling or whining or other persistent noise making by any domestic pet.	At Any Time	At Any Time
13.	The operation of any powered or nonpowered tool for domestic purposes other than snow removal.	A	A

SCHEDULE 2 TO BY-LAW NUMBER 360-79
PROHIBITED PERIODS OF TIME:

<u>COLUMN 1</u>		<u>COLUMN 2</u> <u>PROHIBITED PERIOD OF TIME</u> <u>QUIET ZONE</u> <u>RESIDENTIAL</u> <u>AREA</u>	
14.	The operation of solid waste bulk lift or refuse compacting equipment.	B	A
15.	The operation of a commercial car wash with air drying equipment.	B	B
16.	Yelling, shouting, hooting, whistling or singing.	At Any Time	A

SCHEDULE 3 TO BY-LAW 360-79
ACTIVITIES TO WHICH THE BY-LAW DOES NOT APPLY

(amended by 230-94, 495-03, 124-05, 110-06, 92-07, 120-07, 127-07, 248-07, 73-08, 99-08, 325-09, 243-13, 43-15, 60-15, 120-17)

ACTIVITIES TO WHICH THE BY-LAW DOES NOT APPLY	LOCATION
Applewood Acres Homeowners Association – Annual Family Fun Day	West Acres Park 2166 Westfield Drive
Banares Museum - Exemption applies to all approved events and activities at this location.	Banares Museum 1507 Clarkson Road North
Bradley Museum - Exemption applies to all approved events and activities at this location.	Bradley Museum 1620 Orr Road
Can-Sikh Festival	Paul Coffey Park 3430 Derry Road West
Canada Day (various locations throughout the City) <ul style="list-style-type: none"> • Churchill Meadows Friends • Malton BIA and Partners • Port Credit Paint the Town Red • Streetsville BIA and Partners 	Churchill Meadows Park 3370 McDowell Drive West Wood Mall 7205 Goreway Drive Port Credit Memorial Park 32 Stavebank Rd N - (plus designated locations throughout Port Credit Village) Streetville Memorial Park 335 Church Street - (plus designated locations throughout the Village)
Caroling in the Park	Port Credit Memorial Park 32 Stavebank Road North
Cavalia	Hershey Centre 5399 Rose Cherry Place
Desh Bhagat	Paul Coffey Park 3430 Derry Road West
Filming Activities Authorized by the City’s Film Unit via a Film Permit issued in accordance with Corporate Policy and Procedure No. 06-03-02 - "Filming on City of Mississauga Property"	Approved designated locations

Lakeside Park - Exemption applies to all approved events and activities at this location.	Lakeside Park 2268 Lakeshore Rd West
Leslie Log House - Exemption applies to all approved events and activities at this location.	Leslie Log House 4415 Mississauga Rd
Malton Festival	Paul Coffey Park 3430 Derry Road West
Mississauga Celebration Square Exemption applies to appropriately approved events and activities that appear on the MCS calendar of events, programs and activities	Civic Square 300 City Centre Drive, Library Square 301 Burnhamthorpe Road West Living Arts Centre Park 4141 Living Arts Centre Drive
Mississauga Marathon	City Centre Drive, Lakefront Promenade Park 800 Lakefront Promenade PLUS designated locations
Mississauga Waterfront Festival	Port Credit Memorial Park 32 Stavebank Road North PLUS Port Credit Library and Port Credit Arena
Mount Zion Apostolic Church - Picnic	Paul Coffey Park 3430 Derry Road West
Movies In The Park - Rotary Series	Port Credit Memorial Park 32 Stavebank Road North
Palestine House Educational and Cultural Centre	Mississauga Valley Park 1275 Mississauga Valley Boulevard
Port Credit Art Fest	Port Credit Memorial Park, 32 Stavebank Road North
Port Credit Busker Fest	Port Credit Memorial Park 32 Stavebank Road North PLUS event designated sites throughout Port Credit Village
Rebel – National Youth Week	Mississauga Celebration Square PLUS approved designated locations

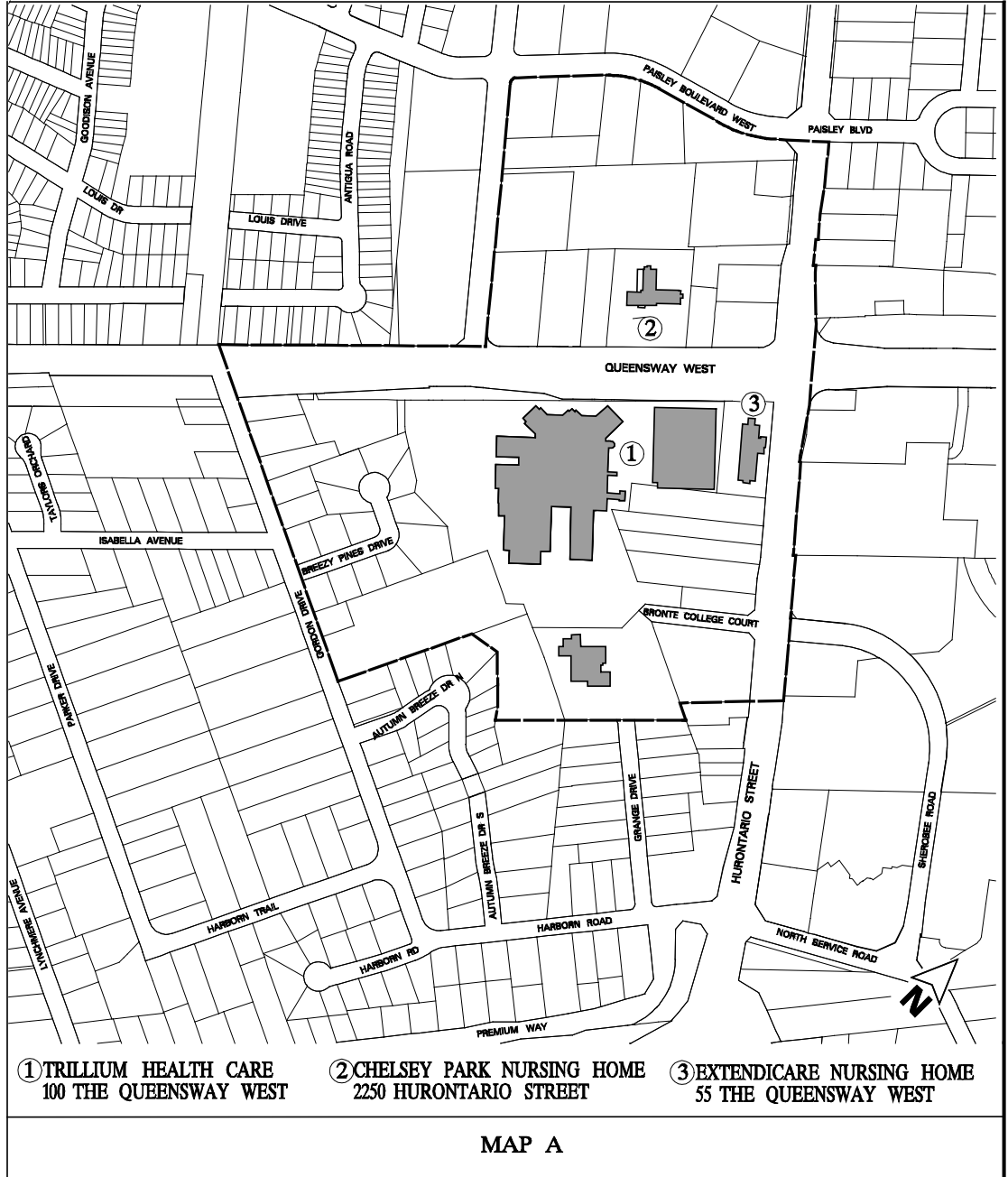
Safe City Mississauga – Neighbours Night Out	Approved designated locations
Sherwood Forrest - Annual Family Fun Day	Sherwood Green Park 1864 Deer's Wold
St Gabriel Lebanese Festival	Streetsville Memorial Park 335 Church Street
Southside Shuffle – Blues and Jazz Festival	Port Credit Memorial Park 32 Stavebank Road North PLUS event designated sites throughout Port Credit Village
Streetsville Founders - Bread & Honey Festival	Streetsville Memorial Park 335 Church Street
Sunset Concert Series (Culture Division Program)	Port Credit Memorial Park 32 Stavebank Road North Lake Aquitaine 2750 Lake Aquitaine Avenue
University of Santos Thomas Alumni - Annual Picnic	Mississauga Valley Park 1275 Mississauga Valley Boulevard

THE CORPORATION OF THE CITY OF MISSISSAUGA
SCHEDULE 4 TO BY-LAW NUMBER 360-79

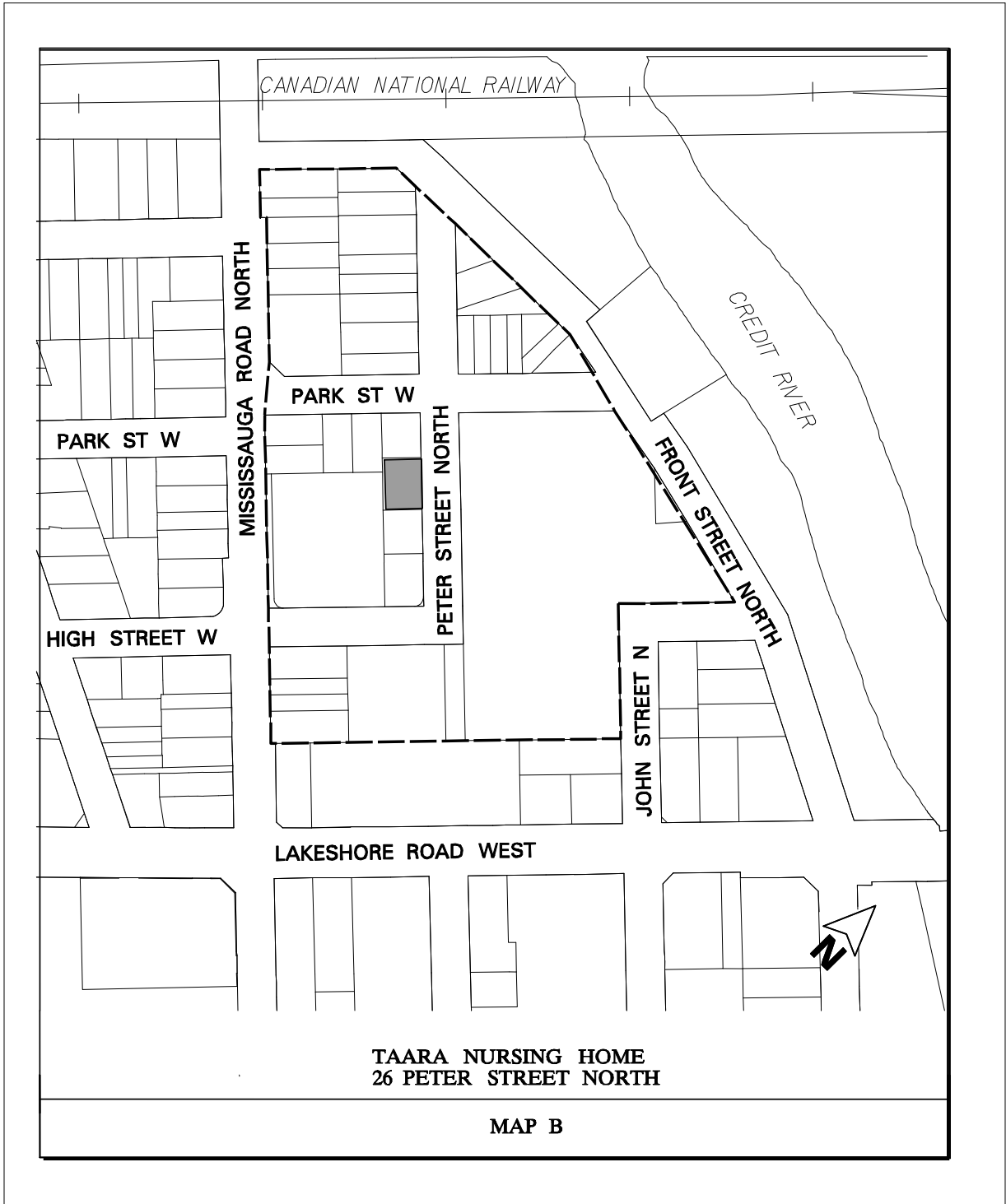
QUIET ZONES

The Quiet Zones are those areas contained within the dotted lines on Maps A, B, C and D which are attached to By-law 360-79

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