

Committee of Council: April 12, 2023

MOTION: Updating the Noise by-law

Moved by: Santos

WHEREAS:

1. Sections 8, 9 and 11 of the Municipal Act, 2001, authorize the Council of the Corporation of the City of Brampton 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;
2. Section 129 of the Municipal Act, 2001, as amended, provides that a municipality may prohibit noise and vibration unless a permit is obtained from the municipality and may impose conditions for obtaining, holding and renewing the permit;
3. Excessive sound and inadequately controlled noise may impair public health, safety and welfare and may become a nuisance;
4. Urban noise is not just considered an annoyance, it is considered a “top environmental risk,” according to a recent report by the [United Nations Environment Program](#) and cars are the number one source of noise pollution in cities;
5. Many residents and neighbourhoods in the GTA, including Brampton, have experienced an unacceptable increase in noise as a result of modified car and vehicle engines that has become incredibly apparent during and since COVID-19;
6. International research shows that auditory sensitivities are common among people with autism spectrum disorder diagnoses (ASD) and Brampton is home to Erin Oak Kids and currently negotiating with the South Asian Autism Awareness Centre (SAAAC) to establish a location in Brampton, and embraces and supports families with children and adults with autism;
7. Peel Police have launched an annual “Project Noisemaker” campaign to crack down on these “noisemakers”;
8. Neighbouring municipalities, for example, [Toronto](#), [Mississauga](#), [Richmond Hill](#) have updated their noise by-laws given the increase in complaints related to excessive vehicular noise;
9. The City of Brampton requires an update to its noise by-law and a data category for complaints concerning excessive vehicular noise or excessive noise caused by lawn maintenance equipment do not currently exist within Brampton’s noise by-law, and are instead miscellaneously categorized as “excessive loud music” or “construction noise respectively;
10. The City of Brampton data shows that complaints miscellaneously captured as “excessive loud music” have had an exorbitant TEN fold increase of 453 in 2018, to 4,896 in 2022;
11. It is an offence under the Highway Traffic Act (HTA) for the driver of a vehicle to permit smoke to escape from the vehicle or to cause the vehicle to make any unnecessary noise;
12. The HTA requires every motor vehicle to be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and excessive smoke and prohibits the use of a muffler cut-out, straight exhaust, gutted muffler, Hollywood muffler, by-pass or similar device upon a motor vehicle;
13. As of April 1, 2022, the act of modifying the exhaust system of a motor vehicle is now considered an offence under the HTA but some muffler and auto-body shops continue to provide such services;

14. In 2019 the Better for People, Smarter for Business Act, S.O. 2019, c. 14 was enacted to amend the HTA to include a new section (s. 75.1) that will make it an offence to tamper with motor vehicles by:
 - (a) removing, bypassing, defeating or rendering inoperative all or part of a motor vehicle's emission control system; or
 - (b) modifying a motor or motor vehicle in any way that results in increased emissions from the level to which it was originally designed or certified by the manufacturer of the motor or motor vehicle;
15. s.75.1 of the Act also prohibits the sale of tampering devices that create excessive noise on our streets and in our neighbourhoods.

THEREFORE BE IT RESOLVED THAT:

1. Staff update the noise bylaw with the following:
 - a) To include data categories to capture complaints specific to excessive vehicular noise and lawn maintenance equipment;
 - b) Similar to [Winnipeg](#), limit hours and distance of auto-shops that emit excessive vehicular noise generated from the testing of modified vehicles;
2. Staff report back on opportunities to amend licensing requirements for auto-shops as it relates to the modification of vehicles causing excessive noise as per the amendment to the HTA (s. 75.1);
3. Working together with Peel Regional Police launch of "Project Noisemaker" implement a communications plan to increase awareness and notice of respective changes to the City of Brampton's noise by-law;
4. Communication related to Project Noise Maker and the City of Brampton's updated noise by-law be issued to all licensed auto-shops in the City of Brampton;
5. This motion be forwarded to Local MPPs, and Peel Regional Police.