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## **Noise By-law Amendments Staff Report to Council**

Report Number: 2024-16

Department(s): Legislative Services

Author(s): John Comeau, Acting Manager of Regulatory Services  
Chris Pumo, Acting Supervisor of Property Standards and Parking

Meeting Date: March 18, 2024

### **Recommendations**

1. That the report entitled Noise By-law Amendments dated March 18, 2024 be received; and,
2. That Noise By-law 2017-76 be repealed; and,
3. Noise By-law 2024-08, including the amendments proposed in this report, be adopted; and,
4. That Council amend AMPS By-law 2019-62; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Purpose**

This Staff Report is in response to Council's direction to make amendments to the Town's Noise By-law to address enforcement challenges with non-Planning Act construction vibration. Additionally, Staff are proactively proposing additional minor updates to the By-law, addressing issues that have presented themselves to Staff since the By-law was adopted in 2017.

### **Background**

In 2017, Council received [Staff Report 2017-27](#) which led to the adoption of the Town's [Noise By-law 2017-76](#). This By-law regulates Noise within the Town of Newmarket, establishing guidelines on permitted and prohibited noises.

On October 26<sup>th</sup>, 2020 [Report 2020-74](#) was presented at a Committee of the Whole, providing Council with three (3) options on how to proceed with enforcement of non-Planning Act construction vibration concerns. Council directed Staff to obtain additional information/research on non-Planning Act construction.

On November 2, 2020, at Committee of the Whole, a [Memorandum](#) was presented to Council. In response to this information, Council directed Staff to make changes to Noise By-law 2017-76 to allow for enforcement against nuisance vibration.

## Discussion

As directed by Council, Staff are presenting an updated Noise By-law (**Attachment 1**) that amends the definition of “Noise” to include vibration. In doing so, this will allow By-law Enforcement Officers to investigate complaints related to vibration from non-Planning Act construction projects, and engage in enforcement in the same manner as we would noise complaints:

- A formal complaint is received in relation to vibration;
- Complainants will be provided a Noise/Vibration Log to monitor these occurrences;
- A Property Standards Officer will review the complainant’s log to determine if the reported vibrations are in contravention of the Noise By-law (e.g. time of day, length of time, and location of where the vibration is occurring);
- If a violation is confirmed, Property Standards Officers will take an education-first approach to resolve any complaints; and
- If voluntary compliance cannot be reached, an AMPS ticket will be issued and further action may be taken.

In making amendments to the Noise By-law to address vibration, Staff are also proactively recommending additional minor amendments to Council in an effort to improve enforceability and clarity of the By-law including:

## Dedicated Violations for Businesses

In December of 2022, at a [Council Meeting](#), Council adopted escalating monetary penalties and increased a number of already existing fines, including fines related to noise violations. Escalated monetary penalties allow enforcement Staff the discretion to impose higher fines to repeat offenders. One of the primary reasons Council adopted escalated penalties was to address businesses who were treating monetary penalties for noise violations as a “cost of doing business”. Higher fines were required to encourage compliance with Town regulations. After over a year of utilizing escalated fines, Enforcement Staff have found it to be an incredibly useful tool in dealing with repeat offenders.

To provide a greater distinction between businesses, who may treat fines as a cost of business, and other minor noise violations that do not require as significant a penalty, Staff are proposing a separate Noise charge be established within the Noise By-law that is directed specifically towards businesses:

Charge	1 <sup>st</sup> Offence Penalty	2 <sup>nd</sup> Offence Penalty	3 <sup>rd</sup> Offence Penalty
No <b>person</b> shall make, cause, or permit noise likely to disturb	\$300	\$450	\$675
No <b>business</b> shall make, cause, or permit noise likely to disturb	\$700	\$1050	\$1575

Establishing separate monetary penalty amounts for businesses allow Enforcement Staff to encourage businesses to remain in compliance with Town regulations, while also maintaining an appropriate fine for residents, who often are found in violation of lesser offences and do not require as high of a penalty amount to encourage compliance.

## **Noise Exemption Updates**

Section 6 of the Town's Noise By-law outlines a process in which a person may obtain an exemption from the By-law to emit noise contrary to our regulations. The exemption process was primarily established for the purpose of permitting noise to be emitted for construction or special events open to the public subject to Staff approval.

In recent years, Staff have noted an increase in applications being received by residents for private house party events, seeking permission to play music late into the night. Staff have primarily denied these requests as they are likely to disturb surrounding residents. A jurisdictional scan has found that Aurora, Vaughan and Caledon do not permit private house parties to be eligible to apply for noise exemptions. It has also been noted that other municipalities apply significant application requirements to discourage applications related to private house parties.

The proposed amended Noise By-law removes the ability for Noise Exemptions to be applied for to exempt private house parties from the Town's Noise regulations.

## **Schedule "A" Language Update**

In response to informal feedback received from residents and businesses, amendments have been made to Schedule "A" to clarify regulations surrounding Noise Prohibitions by Time and Place. It is important to note that no regulations are being changed, rather, the language and formatting is being updated to make the schedule easier to read.

## **Delivery Noise**

Lastly, in 2021, the Municipal Act was amended to remove municipalities authority to regulate noise related to deliveries. The Town's Noise By-law has been amended to remove restrictions on delivery noise.

## **Conclusion**

At Council direction, amendments have been made to the Noise By-law to allow for the enforcement of non-Planning Act vibration. Additional improvements have been recommended by Staff in an effort to solve gaps that have presented themselves since the adoption of the By-law in 2017.

## **Business Plan and Strategic Plan Linkages**

This report recommending improvements to the Town's existing Noise By-law aligns with the Town's Mission of Making Newmarket Even Better.

## **Consultation**

Surrounding municipalities including but not limited to Toronto, Vaughan and Aurora were consulted in the preparation of this report.

## **Human Resource Considerations**

None.

## **Budget Impact**

None.

## **Attachments**

Attachment 1 – Proposed Noise By-law 2024-08

Attachment 2 - Amendment to AMPS By-law 2019-62, Schedule A

## **Approval**

Lisa Lyons, Director, Legislative Services/Town Clerk  
Esther Armchuk, Commissioner of Corporate Services

## **Contact**

John Comeau, Acting Manager of Regulatory Services