

THE CORPORATION OF THE CITY OF CAMBRIDGE

By-Law 24-XXX

Being a by-law to prohibit and regulate noise  
and to repeal By-law 32-04

**WHEREAS** sections 8 and 11 of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, authorize the municipal council to pass by-laws necessary and desirable for municipal purposes, and in particular paragraphs 5 and 6 of subsection 11 (2) authorize by-laws concerning the economic, social and environmental well-being of the municipality and the health, safety and well-being of persons;

**AND WHEREAS** section 128 of the *Municipal Act, 2001* authorizes the municipal council to pass by-laws to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of the municipal council are or could become public nuisances;

**AND WHEREAS** section 129 of the *Municipal Act, 2001* provides that a municipal council may pass by-laws to prohibit and regulate with respect to noise;

**AND WHEREAS** Section 425 of the *Municipal Act, 2001*, as amended, provides that a municipality may pass by-laws providing that a person who contravenes a By-law of the municipality passed under the *Municipal Act*, S.O. 2001, c.25, as amended, is guilty of an offence;

**AND WHEREAS** Section 429 of the *Municipal Act, 2001*, as amended, provides that a municipality may establish a system of fines for offences under a by-law passed under the *Municipal Act*, 2001, S.O. 2001, c.25, as amended;

**AND WHEREAS** Section 434.1 of the *Municipal Act, 2001*, as amended, provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the *Municipal Act, 2001*;

**AND WHEREAS** Section 436(1) of the *Municipal Act, 2001*, as amended, provides that a municipality may enter on land at any reasonable time for the purpose of carrying out inspections to determine compliance with the by-law;

**AND WHEREAS** Section 444(1) of the *Municipal Act, 2001*, as amended, provides that where a municipality is satisfied that a contravention of a by-law of the municipality passed under the *Municipal Act, 2001*, as amended, has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or

permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

**AND WHEREAS** Section 15 of the *Police Services Act*, R.S.O 1990, c. P.15 as amended, authorized municipalities to appoint persons to enforce the by-laws of a municipality and that Municipal Law Enforcement Officers are Peace Officers for the purpose of enforcing municipal by-laws;

**AND WHEREAS** in the opinion of the council of The Corporation of the City of Cambridge, sounds from certain activities when the sounds are excessive or unreasonable or may impair public health, safety and welfare and could become a public nuisance;

**AND WHEREAS** the municipal council considers it desirable to prohibit and regulate excessive and unreasonable noise in order to maintain the quality of life, well-being and health of the inhabitants of the City of Cambridge and to reduce the potential occurrence of public nuisances;

**NOW THEREFORE BE IT RESOLVED THAT the Council of The Corporation of the City of Cambridge hereby enacts as follows:**

#### **DEFINITIONS**

1. In this by-law, the following terms shall have the following meanings:

**"Administrative Penalty By-law"** means the Administrative Penalty By-law of the City, as amended from time to time, or any successor thereof;

**"City"** or **"City of Cambridge"** means The Corporation of the City of Cambridge or the geographical area as the context requires;

**"Construction"** includes erection, alteration, repair, dismantling, demolition, structural Maintenance, land clearing, earth moving, grading, excavating, the laying of lines, cable, pipe and conduit whether above or below ground level, street and highway building, application of concrete, equipment installation/removal 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 non-domestic equipment, tool, device or motorized conveyance designed and intended for use in construction or demolition, automotive repair or material handling, including but not limited to, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, drills, loaders, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders, stone crushing equipment or other material handling equipment;

**“Council”** means the Council of The Corporation of the City of Cambridge;

**“Designated Official”** means the City Clerk for The Corporation of the City of Cambridge, or designate;

**“Designated Provision”** means any section of this by-law designated in accordance with Section 32;

**“Effective Muffler”** means a muffler in good working order and in constant operation to prevent excessive or unusual noise and excessive smoke, but does not include a cut-out muffler, straight exhaust, gutted muffler, Hollywood muffler, by-pass or similar device;

**“Emergency”** means a situation or an impending situation, often dangerous, caused by the forces of nature, an accident, an intentional act or otherwise, which arises suddenly and calls for prompt action;

**“Fireworks”** means and includes any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, roman candles, Daygo bombs, sparklers, or other fireworks of like construction and any fireworks containing an explosive or flammable compound, or any tablets or any other device containing an explosive substance, except that the term :fireworks” shall not include toy pistols, toy canes, or toy guns or other device in which paper caps manufactured in accordance with the Department of Mines and Technical Surveys, Explosives Division regulations for packing and shipping therein, the sale and use of which shall be permitted at all times. Each package containing toy paper caps offered for retail sale shall be labeled to indicate the maximum explosive content per cap;

**“Highway”** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines of a highway;

**“Holiday”** means,

- a) New Year’s Day,
- b) Family Day,
- c) Good Friday,
- d) Easter Monday
- e) Victoria Day,
- f) Canada Day,
- g) Labour Day,

- h) Thanksgiving Day,
- i) Christmas Day,
- j) Boxing Day, and
- k) Any other public holiday declared by proclamation of the Lieutenant Governor to be a holiday;

**“Industrial land use”** shall include any industrial use as defined in the City’s Zoning By-law;

**“Inhabitants”** means any owner, tenant, or occupier of real property within the City of Cambridge;

**“Intermittent”** means to cease for a time or to occur at intervals;

**“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 street car or other motor vehicle running only upon rails, 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;

**“motorized snow vehicle”** means a self-propelled vehicle designed to be driven primarily on snow, including snowmobiles;

**“multi-residential building”** includes a building containing multiple units intended for human occupancy including an apartment building and a condominium building;

**“Municipal Law Enforcement Officer”** means a municipal law enforcement officer appointed by the municipal council of the City of Cambridge, a police officer of the Region of Waterloo Police Service or any other person appointed under the authority of the *Police Services Act*, R.S.O. 1990, c. P.15, as amended, for the purpose of enforcing City By-laws;

**“Noise”** means sound or vibration that is of such volume, level or nature that is likely to disturb the inhabitants of the City;

**“Officer”** shall have the same meaning as Municipal Law Enforcement Officer;

**“Official Plan”** means the Cambridge Official Plan as approved, in part, with modifications by the Region of Waterloo on November 21, 2012 and amended by the Ontario Municipal Board on 22 April 2014, as amended from time to time or any successor thereof;

**“Persistent Noise”** means any noise that is continuously heard for a period of ten minutes or more or intermittently over a period of at least one hour;

**“Person”** includes an individual, association, firm, sole proprietorship, partnership, limited partnership, joint venture, trust, organization, trustee or corporation (with the exception of The Corporation of the City of Cambridge);

**“Point of Reception”** means any point on premises where sound is received, other than the premises from which the sound originates, and includes any point on public property adjacent to the premises from which the sound originates and any point in the interior common living areas of a multi-residential building in which sound originates;

**“Premises”** means a parcel of land and includes any buildings and structures on the land;

**“Residential Renovation”** means any construction on a property that is zoned as residential or a property that permits residential use under the Zoning by-law that is conducted by:

- a) a property owner on their own property, or
- b) an occupant or tenant on a property on which they ordinarily reside but shall not include any construction by a person that is hired to do such work;

**“Solid Waste Bulk Lift”** means a vehicle designated to load, unload and transport containers for handling refuse;

**“Unreasonable Noise”** means any noise that would disturb the peace, rest, enjoyment, comfort, or convenience of a reasonable person in the circumstances. Unreasonable noise does not include commonplace household or workplace sounds such as sound from furniture being moved, children playing or people engaging in conversation;

**“Vehicle”** includes a motor vehicle, trailer, traction engine, farm tractor, road building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a street car;

**“Zoning By-law”** means a by-law passed by Council under the provisions of s. 34 of the *Planning Act*, R.S.O., 1990, c. P.13, as amended.

## **GENERAL PROHIBITION**

- 2. No person shall emit or cause or permit the emission of sound resulting from any activity listed in Column 1 of Schedule “A” during a prohibited time as outlined in Column 2 of Schedule “A”, if clearly audible at a Point of Reception.
- 3. No person shall emit or cause or permit unreasonable noise at any time.

4. Section 3 shall only apply to noise that is not described in Schedule “A”.

## **EXCEPTIONS**

5. Notwithstanding any other provisions of this By-law, this By-law shall not apply to the sounds arising from:
- a) the activities of municipal, provincial or federal police services, Fire Departments, or ambulance services during the performance of their duties;
  - b) emergency measures undertaken for the immediate health, safety or welfare of the inhabitants of the City, including emergency measures undertaken for the preservation or restoration of property;
  - c) the operation of vehicles, machines and equipment by or on behalf of the City, or a public entity or a public utility;
  - d) signalling devices used as traffic and pedestrian control devices at intersections, crosswalks, and railway crossings;
  - e) the operation of bells, chimes, carillons or clocks and the recitation of prayers associated with religious, school or public buildings or with religious or public festivals;
  - f) bells or sirens required for the purposes of public safety including sirens when operated by Police Services, Fire and Ambulance Services, or bells or whistles operated by rail or transit services;
  - g) activities from industrial land uses located on lands principally used for industrial land uses or lands designated for industrial land uses as set out in the Official Plan or Zoning By-law if the sound is in accordance with the terms and conditions of a valid environmental compliance approval issued under the Environmental Protection Act, R.S.O. 1990, c. e 19, where such approval addresses sound as a source of contamination;
  - h) the operation of air conditioning units, heating pumps for swimming pools, and refrigeration units, provided the units or the pumps are in proper working order;
  - i) noise created by the activity of snow removal;
  - j) activities that are the subject of a valid temporary noise exemption permit;
  - k) Any fair, parade, exhibition, celebration, concert, event, or activity organized by the City; or

- l) the delivery of goods to any of the following:
  - (i) retail business establishment;
  - (ii) restaurants, including cafes and bars;
  - (iii) hotels and motels; or
  - (iv) goods distributing facilities.

#### **TEMPORARY NOISE EXEMPTION PERMIT**

- 6. Any person may make application to the Designated Official to be granted an exemption from any of the provisions of this By-law. The application must be made in writing at least 45 days prior to the event or activity and shall contain:
  - a) the name and contact information of the applicant including municipal address, phone number and email address;
  - b) the name and contact information of the person or persons who will be supervising the event;
  - c) a detailed description of the event generating the noise including the number of people expected to attend, list of equipment being used, and a sketch of the area indicating the location and direction of any sound amplifying devices;
  - d) the location of the event or activity for which the exemption is sought;
  - e) a description of the source of noise and level of sound for which the exemption is sought;
  - f) the times of day, and the period of time for which the exemption is sought;
  - g) the reasons why the exemption should be granted;
  - h) steps, if planned, or presently being taken, to minimize or mitigate the impact of the noise;
  - i) Proof of circulation of a notice of intention to apply for any exemption to this By-law, in the form of a flyer as prescribed by the City, to all residences within a 120-meter radius of the subject property; and
  - j) an application fee as set out in the City's Fees and Charges By-law.
- 7. Pursuant to section 23.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25, and

subject to subsection 10(d) of this By-law, Council hereby delegates to the Designated Official the power to issue permits granting an exemption from any of the provisions of this by-law with respect to any source of noise for which the person might be prosecuted.

8. The delegation of power in section seven (7) may be revoked by Council at any time without notice.
9. In determining whether to grant the temporary noise exemption permit, the Designated Official shall consider the following, if applicable:
  - a) whether there are any objections from the residents where the event or activity for which the noise exemption is sought is to be held;
  - b) any negative effects or any benefits that the granting of the temporary noise exemption permit may have on the neighbouring properties and the City;
  - c) any previous violation of the Noise By-law or violations of the conditions imposed through previous temporary noise exemption permits by the applicant;
  - d) whether the applicant has provided all of the information required by section 6;
  - e) whether approval of the exemption would be contrary to the general intent and purpose of this by-law; and
  - f) any other matter that the Designated Official reasonably considers to be relevant to the application.
10. Upon receipt of an application, the Designated Official may:
  - a) issue a temporary noise exemption permit;
  - b) refuse to issue, suspend, revoke, or cancel a temporary noise exemption permit;
  - c) impose conditions on the issuance of a temporary noise exemption permit, including but not limited to any number of the following:
    - (i) the type and volume of noise that may be made;
    - (ii) the times during which noise may be made;
    - (iii) the date of expiry of the temporary noise exemption permit; and



- (iv) the posting of security by the applicant; or
  - d) refer the application to Council for a decision, in which case Council shall have the same powers as the Designated Official. For the purposes of an application that is referred to Council under this subsection, any reference to the Designated Official in this By-law shall be interpreted to mean Council.
- 11. The Designated Official shall give written notice of their decision to the applicant by regular mail or email at the address provided on the application. The written notice shall contain the decision and the grounds of the decision.
  - a) The decision of the Designated Official shall be final.
  - b) The Applicant shall comply with the terms and conditions of the temporary noise exemption permit granted by the Designated Official.
  - c) Failure by the applicant to comply with the terms and conditions of the temporary noise exemption permit shall render the temporary noise exemption permit null and void.
- 12. Any temporary noise exemption permit issued under this By-law shall expire on the date set out on the temporary noise exemption permit, or if no date is set out on the temporary noise exemption permit, the permit shall expire forty-eight hours after its issuance.
- 13. The Designated Official may require the Applicant to provide notice of the issuance of a temporary noise exemption permit to all residents, businesses, community associations, or business improvement areas within 120 metres of the location where the event or activity is proposed, and to provide documentation confirming that notification of the event has been given to the affected parties.
- 14. Any person to whom a temporary noise exemption permit is granted and for which conditions have been imposed by the Designated Official in accordance with Section 10 shall comply with such conditions.

## **ENFORCEMENT, RIGHT OF ENTRY AND OBSTRUCTION**

- 15. This by-law may be enforced by a Municipal Law Enforcement Officer or a police officer or other individual authorized by Council.
- 16. Subject to Section 17, a Municipal Law Enforcement Officer may enter upon land or premises at any reasonable time for the purpose of carrying out an inspection to determine compliance with this By-law, with any order issued under this By-law and any order issued under *the Municipal Act, 2001*.

17. A Municipal Law Enforcement Officer shall not enter an occupied dwelling unit without first obtaining the informed consent of the occupant who must be of legal age to provide said consent.
18. For the purpose of an inspection under Section 16, a Municipal Law Enforcement Officer may:
  - a) require for inspection, the production of documents or things relevant to the inspection
  - b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts of them
  - c) require information from any person concerning a matter related to the inspection
  - d) be accompanied by such persons as the Municipal Law Enforcement Officer determines is necessary if such person or persons poses special expert knowledge related to the purpose of the inspection; and
  - e) make examinations or take tests, samples or photographs necessary for the purpose of the inspection.
19. No person shall obstruct or hinder or attempt to obstruct or hinder a Municipal Law Enforcement Officer in the exercise of a power or the performance of a duty under this By-law.
20. A person shall not knowingly make a false or misleading statement to an Officer or any person who is acting under the authority of this By-law.

#### **ORDER TO DISCONTINUE ACTIVITY**

21. When a Municipal Law Enforcement Officer is satisfied that this by-law has been contravened, the officer may issue an Order to discontinue the contravention to the person who contravened the by-law, or who caused or permitted the contravention of the by-law, or the owner or occupier of the land or premises where the contravention occurred. The Order shall set out:
  - a) the municipal address of the land or premises where the contravention occurred;
  - b) the date of the contravention;
  - c) reasonable particulars of the contravention; and
  - d) the date by which there shall be compliance with the By-law.

22. The Order may be given in writing in any of the following ways and is effective and considered served:
- a) on the date on which a copy is delivered to the person to whom it is addressed;
  - b) on the seventh calendar day after a copy is sent by mail to the persons last known address or usual place of abode;
  - c) upon the posting of a copy in a conspicuous place at the persons last known address or usual place of abode;
  - d) upon the sending of a copy by email transmission to the persons last known email address; or
  - e) upon the conclusion of the transmission of a copy by facsimile transmission to the persons last known facsimile transmission number.
23. Every person on whom the municipal law enforcement officer has served an Order issued pursuant to section 21 shall comply with the Order.

#### **WORK ORDER**

24. When a Municipal Law Enforcement Officer is satisfied that this by-law has been contravened, the officer may issue an Order requiring the person who contravened this by-law, or who caused or permitted the contravention, to do work to correct the contravention. The Order shall set out:
- a) the municipal address of the land or premises where the contravention occurred;
  - b) the date of the contravention;
  - c) reasonable particulars of the contravention;
  - d) the work to be done and the date by which the work must be done.
25. The Order may be given in writing in any of the following ways and is effective and considered served:
- a) on the date on which a copy is delivered to the person to whom it is addressed;
  - b) on the seventh calendar day after a copy is sent by mail to the persons last known address or usual place of abode;
  - c) upon the posting of a copy in a conspicuous place at the persons last

known address or usual place of abode;

- d) upon the sending of a copy by email transmission to the persons last known email address; or
  - e) upon the conclusion of the transmission of a copy by facsimile transmission to the persons last known facsimile transmission number.
26. Every person on whom the municipal law enforcement officer has served an Order issued pursuant to section 24 shall comply with the Order.

## **REMEDIAL ACTION AND COST RECOVERY**

27. Wherever this by-law or an order issued under this by-law directs or requires any matter or thing to be done by a Person within a specified time period, in default of it being done by the Person directed or required to do it, the action may be taken under the direction of the Officer at that Person's expense and the City may recover the costs incurred through a legal action or by recovering the costs in the same manner as taxes.
28. For the purposes of taking remedial action under section 27, the City, its staff and/or its agents may enter, at any reasonable time, upon lands on which a default to carry out a required thing or matter occurred.

## **PENALTY**

29. Any person who contravenes any provision of this by-law is guilty of an offence and shall be liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended.
30. Where a person contravenes any provision of this By-law, each day or part of a day that the contravention continues is a separate offence.
31. If this By-law is contravened and a conviction entered, in addition to any other remedy and to a penalty imposed by this By-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.
32. Sections 2, 3, 14, 19, 20, 23, and 26 of this By-law, inclusive of all subsections thereunder, are hereby designated as parts of this by-law to which the Administrative Penalty By-law applies.
33. Any person who contravenes any Designated Provision of this by-law shall, upon issuance of a penalty notice in accordance with the Administrative Penalty By-law, be liable to pay an administrative penalty and any applicable administrative fees.

## **SEVERABILITY/CONFLICTS**

34. If any section, clause or provision of this By-law is for any reason declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention of Council that the remaining sections, clauses or provisions of the by-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions of this by-law shall have been declared to be invalid.
35. Nothing in this by-law relieves any person from complying with any provision of any Federal or Provincial Legislation or any other by-law of the Municipality.
36. Where a provision of this By-law conflicts with a provision of another By-law in force in the Municipality or any Provincial or Federal Legislation, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

## **GENERAL**

37. Schedules "A" attached hereto shall form part of this By-law.
38. By-law Number 32-04 and any amendments thereto are hereby repealed.
39. This By-law may be referred to as the "Noise By-law".

## **ENACTMENT**

40. This By-law shall come into force and effect upon the final passing hereof.

PASSED AND ENACTED this 3<sup>rd</sup> day of December, 2024

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MAYOR

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CLERK

## **SCHEDULE "A"**

<b>Activity</b>		<b>Prohibited Period of Time</b>
1	The detonation of fireworks, Firecrackers or explosive devices	At all times other than those permitted in the Fireworks By-law for the City
2	The discharge of firearms (except by police).	At all times other than those permitted in the Firearms By-law for the City
3	The noise or sound made or created by any sound-producing equipment, such as a radio, phonograph, public address system, sound equipment, loudspeaker, musical instrument, or other sound-producing equipment intended for the production, reproduction or amplification of sound	9:00pm one day to 7:00am the next day, Sunday to Thursday 11:00pm one day to 7:00am the next day, Friday and Saturday
4	Persistent barking, calling, or whining or other similar persistent noisemaking by any domestic pet or any other animal kept or used for any purpose	At All Times
5	Yelling, shouting, screaming, hooting, whistling or singing	9:00pm one day to 7:00am the next day, Sunday to Thursday 11:00pm one day to 7:00am the next day, Friday and Saturday
6	The operation of a motor vehicle without an Effective Muffler device in proper working order	At All times
7	The emission of sound resulting from unnecessary motor vehicle noise, such as the sounding of a horn, revving of an engine, squealing of tires, banging, clanking or any like sound that is clearly audible at a point of reception	At All Times
8	The operation of a dirt bike, e-bike, all-terrain vehicle, go cart, dune buggy, motorized snow vehicle, or similar vehicle for recreational purposes	9:00pm on one day to 7:00am the next day. Except that each day, during the 14-hour period from 7:00am to 9:00pm, the noise of the vehicle is permitted for one unbroken two-hour period
9	The operation of any alarm, bell, horn, siren or other warning device in or on any motor vehicle for an unnecessary or unreasonable period of time except where required or authorized by law or in accordance with good safety practice	At All Times

10	Loading, unloading, delivering, packing, unpacking, or otherwise handling any equipment, containers, products, materials, or refuse, whatsoever, unless necessary for the maintenance of essential services or the moving of private household effects.	10:00pm one day to 7:00am next day (9:00am on Sundays)
11	The operation of solid waste bulk lift or refuse compacting equipment	9:00pm one day to 7:00am the next day (9:00am on Sundays)
12	The operation of any construction equipment other than in connection with a residential renovation	All day Sundays and Statutory Holidays. 7:00pm one day to 7:00am next day (8:00am on Saturdays)
13	The operation of any domestic tool powered or non-powered including a hammer, saw, nail gun, lawnmower, hedge trimmer, leaf blower, staple gun, drill or similar device for domestic purposes other than snow removal	9:00pm one day to 7:00am the next day (9:00am on Sundays)
14	The operation of any exhaust fan, exhaust system, intake fan, generator, including a combustion exhaust or a high efficiency furnace, which is not in good working order	At All Times
15	The operation of any air conditioner, heat pump, compressor, condenser, chiller, cooling tower or similar device which is not in good working order	At All Times
16	The operation of any item of construction equipment in a residential area without effective muffling devices in good working order and in constant operation	At All Times
17	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	9:00pm one day to 7:00am the next day (9:00am on Sundays)