

A by-law to amend the
Noise Control By-law 0360-1979, as amended,
to increase fines

WHEREAS sections 8, 9 and 11 of the *Municipal Act, 2001*, as amended (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 WHEREAS section 129 of the *Municipal Act, 2001*, empowers a local municipality to prohibit and regulate with respect to noise and vibration;

AND WHEREAS Council of The Corporation of the City of Mississauga ("Council") enacted the Noise Control By-law 0360-1979, as amended (the "Noise Control By-law");

AND WHEREAS the Noise Control By-law currently provides for a maximum fine of \$5,000 upon conviction;

AND WHEREAS Council of The Corporation of the City of Mississauga wishes to amend the Noise Control By-law to introduce a minimum fine of \$500 and to increase the maximum fine to \$100,000 upon conviction for by-law offences where charges are laid under Part III of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, in accordance with the *Municipal Act, 2001*;

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

1. That section 9 of the Noise Control By-law 0360-1979, as amended, be deleted in its entirety and replaced with the following:
 - 9(1) Every person who contravenes any provision of this by-law, and every director or officer of a corporation who knowingly concurs in such contravention by the corporation, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, and the *Municipal Act, 2001*, as both may be amended from time to time.
 - 9(2) All contraventions of any provision of this by-law are designated as continuing offences.
 - 9(3) In addition to sections 9(1) and 9(2), any person who is charged with an offence under this by-law by the laying of an information under Part III of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33 and is found guilty of the offence is liable, pursuant to the *Municipal Act, 2001*, to the following fines:
 - (a) a minimum fine of \$500 and a maximum fine not exceeding \$100,000; and
 - (b) in the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine of \$500, and a maximum fine not exceeding \$10,000, and the total of all daily fines for the offence is not limited to \$100,000.

9(4) Every person who is convicted of an offence under this by-law may be liable, in addition to the fines established under subsection 9(3)(a), to a special fine, which may exceed \$100,000, designed to eliminate or reduce any economic advantage or gain from contravening this by-law.

ENACTED and **PASSED** this _____ day of _____, 2023.

Approved by Legal Services City Solicitor City of Mississauga

Nupur Kotecha
Date: December 7, 2023
File: BL.08-23.03

MAYOR

CLERK