

A by-law to amend the
Noise Control By-law 0360-1979, as amended, to
implement recommendations relating to the City's
Noise Control Program Review

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 on _____, Council passed Resolution _____ approving General Committee Recommendation _____ to amend the Noise Control By-law to implement recommendations set out in the corporate report from the Commissioner of Corporate Services, dated May 30, 2024 entitled "Amendments to Noise Control By-law 0360-1979";

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

1. That the Noise Control By-law 0360-1979, as amended, be further amended as follows:

(a) by adding the following definitions to Section 1 in alphabetical order:

"*ambient sound level*" means the sound level that is present in the environment, produced by sound sources other than the source under assessment;

"*City Facilities*" means buildings or land/properties that are either owned or occupied by the City, including but not limited to recreation centres, the Civic Centre, transit terminals and vehicles, libraries, sports fields, marinas, golf courses and cemeteries but does not include City Parks;

"*City Parks*" means the land, including any body of water, buildings or structures located therein, that is owned by or made available to the City by lease, agreement, or otherwise, and that is established, dedicated, set apart or made available for use as public open space but does not include marinas, golf courses, or cemeteries;

"*dB(A)*" means the sound level in decibels obtained when using a sound level meter with the A-weighting;

"*dB(C)*" means the sound level in decibels obtained when using a sound level meter with the C-weighting;

"*Leq*" means the energy equivalent sound level or the continuous sound level that would result in the same total sound energy being produced over a given period of time;

"*living area*" means any area that includes the premises of a dwelling or a workplace;

"*person*" means an individual, a corporation and its directors and officers, or a partnership and their heirs, executors, assignees and administrators;

“*Statutory Holiday*” means New Year’s Day, Family Day, Good Friday, Victoria Day, Canada Day, Civic Day, Labour Day, Thanksgiving Day, Christmas Day, Boxing Day and any other day proclaimed as a public holiday in the Province of Ontario;

- (b) by deleting the definition of “construction equipment” in Section 1 and replacing it with the following:

“*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 but does not include the operation of any powered or non-powered tools for domestic purposes;

- (c) by deleting the definition of “Noise Control Officer” in Section 1 and replacing it with the following:

“*Officer*” means a by-law enforcement officer employed by the City and/or appointed by Council to perform the duties of enforcing City by-laws, and also includes a police officer employed by the Peel Regional Police or the Ontario Provincial Police;

- (d) by deleting the definition of “pilot project” in Section 1 and replacing it with the following:

“*pilot project*” means a three year pilot project ending on June 28, 2026 to permit live music in the Lakeshore corridor, the Streetsville Business Improvement Area as described in Schedule “A” of By-law 0839-1979 (as amended by By-law 0332-1994 and By-law 0281-2013) and the Cooksville Business Improvement Area as shown in Schedule “A” of By-law 0034-2020, in accordance with this by-law;

- (e) A new Section 3.2 be added, as follows:

3.2 No person shall emit or cause or permit the emission of continuous amplified sound, measured with a sound level meter at a point of reception in an outdoor living area:

- (a) That has a sound level (expressed in terms of Leq for a ten-minute period) exceeding 50 dB(A) or 65 dB(C) from 7:00 p.m. to 9:00 a.m. or 55 dB(A) or 70 dB(C) from 9:00 a.m. to 7:00 p.m.
- (b) Where the ambient sound level at a point of reception exceeds the maximum sound level permitted under Subsection 3.2(a), that has a sound level (expressed in terms of Leq for a ten-minute period) equal to or exceeding the ambient sound level.

- (f) A new Section 3.3 be added, as follows:

3.3 If, during the course of an investigation, an Officer determines it is not reasonable to measure from a point of reception in an outdoor living area, then no person shall emit or cause or permit the emission of continuous amplified sound, measured with a sound level meter at a point of reception in an indoor living area:

- (a) That has a sound level (expressed in terms of Leq for a ten-minute period) exceeding 42 dB(A) or 57 dB(C) from 7:00 p.m. to 9:00 a.m. or 50 dB(A) or 65 dB(C) from 9:00 a.m. to 7:00 p.m.
- (b) Where the ambient sound level at a point of reception exceeds the maximum sound level permitted under Subsection 3.3(a), that has a

sound level (expressed in terms of Leq for a ten-minute period) equal to or exceeding the ambient sound level.

- (g) The heading above Section 6 be deleted and replaced with the following:

EXEMPTIONS FOR TRADITIONAL, FESTIVE, RELIGIOUS OR OTHER ACTIVITIES

- (h) A new Section 6.1 be added, as follows:

6.1 Any traditional, festive, religious or other activity set out in Schedule 3 to this By-law may be subject to such terms and conditions as set out by the Commissioner or any Director who has been granted delegated authority by the Commissioner to grant exemptions pursuant to Section 7.1 of this By-law.

- (i) Subsection 7(2)(f) be deleted and replaced with the following:

7(2)(f) 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 containing the information required by Clauses (a) through (e) hereof, stating the date upon which objections may be submitted to City staff.

- (j) A new subsection 7(2)(h) be added, as follows:

7(2)(h) the name, address and phone number of a person responsible for supervising the event which is the source of sound or vibration in respect of which exemption is being sought.

- (k) A new subsection 7(2)(i) be added, as follows:

7(2)(i) a declaration from the applicant that the person named in accordance with subsection 7(2)(h) of this By-law, who is responsible for supervising the event which is the source of sound or vibration in respect of which exemption is being sought, will be on site for the duration of the exemption period.

- (l) Subsection 7(4) be deleted and replaced with the following:

7(4) The Commissioner may grant an exemption, in whole or in part, with terms and conditions, subject to the provisions of this By-law, which terms and conditions relating to amplified sound may include imposing a limit on sound level to a maximum of 85 dB(A) or 105 dB(C) measured with a sound level meter at the lot line of the property from which the source of sound or vibration originates.

- (m) Subsection 7(5)(c) be deleted and replaced with the following:

7(5)(c) Any correspondence received regarding the application as a result of the distribution of the notice referred to in Section 7(2)(f).

- (n) A new Section 7.3 be added, as follows:

7.3 Notwithstanding any other provisions in this By-law, where the grant of an exemption under Section 7 of this By-law relates to construction activities, the applicant shall, following notification of the approval of the exemption and at least one (1) week prior to the commencement of construction, circulate a public notice in the form of a flyer, as prescribed by the City, to

all residences within a 120 meter radius of the source of sound or vibration.

- (o) A new Section 7.4 be added, as follows:

7.4 The City may impose a fee upon any person who has been granted an exemption under this By-law for monitoring an event to ensure the noise volume is within the decibel limit(s) set out in the grant of exemption. The amount of the fee is as set out in the applicable User Fees and Charges By-law. Fees or charges imposed on a person pursuant to this by-law constitute a debt of the person to the City.

- (p) Subsection 8(3) be deleted and replaced with the following:

8(3) The defined terms “pilot project”, “Lakeshore corridor” and “live music” in Section 1, Section 4.1, this subsection 8(3) and Schedule 2-A of this by-law shall be in force and effect until June 28, 2026 and shall be deleted from this by-law effective June 29, 2026.

- (q) Schedule 1 be amended by deleting the first paragraph of Section 2 and replacing it with the following:

2 The operation of an engine or motor in, or on, any motor vehicle or item of attached auxiliary equipment for a continuous period exceeding ten (10) minutes, while such vehicle is stationary in a Residential Area or a Quiet Zone unless:

- (r) Schedule 3 be deleted in its entirety and replaced with a new Schedule 3, attached hereto.

2. This By-law shall come into force on June 28, 2024.

ENACTED and PASSED this _____ day of _____, 2024.

Approved by Legal Services City Solicitor City of Mississauga
Date:
File: BL.01-23.21

MAYOR

CLERK

SCHEDULE 3 TO BY-LAW NUMBER 0360-1979

EXEMPTIONS FOR TRADITIONAL, FESTIVE, RELIGIOUS OR OTHER ACTIVITIES

(Amended 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)

General Exemptions (to which exemptions to the By-law apply)	Additional Details
Film Activities authorized by the City's Film Unit with a film permit issued in accordance with Corporate Policy and Procedure 06-03-02 "Filming of City of Mississauga Property"	Citywide
Mississauga Celebration Square Civic Square 300 City Centre Drive and Library Square, 301 Burnhamthorpe Road West	Exemption applies to appropriately approved events, activities and programs that appear on the Mississauga Celebration Square calendar.
City Parks	Exemption applies to events and activities that have received park permits and/or other City approvals. Park permit/approval terms and conditions apply. Exemption applies to the City, its vehicles and its employees or agents acting within the scope of their duties as employees or agents of the City.
City Facilities	Exemption applies to events and activities that have received facility rental approvals from the City and/or other City approvals. Approval terms and conditions apply. Exemption applies to the City, its vehicles and its employees or agents acting within the scope of their duties as employees or agents of the City.
Event Specific Exemptions	Location(s)
Applewood Acres Homeowners Association Annual Family Fun Day	West Acres Park 2166 Westfield Drive
Can-Sikh Festival	Paul Coffee Park 3430 Derry Road
Canada Day Celebrations Hosted By: Churchill Meadows Friendship Park Malton BIA and Partners Port Credit Paint the Town Red Streetsville BIA and Partners	Churchill Meadows Park – McDowell Drive West Wood Mall – 7205 Goreway Drive Port Credit Memorial Park – 32 Stavebank Rd N (plus designated locations throughout Port Credit Village) Streetsville Memorial Park (plus designated locations throughout Streetsville Village)
Caroling in the Park	Port Credit Memorial Park 32 Stavebank Road North
Carassauga Festival of Cultures	Paramount Fine Foods Rose Cherry Place Plus designated approved locations
Mississauga Marathon	Mississauga Celebration Square, approved road routes, plus designated park locations
Mount Zion Apostolic Church Picnic	Paul Coffee Park 2430 Derry Road
Movies in the Park – Mississauga Rotary Club	Port Credit Memorial Park 32 Stavebank Road North
Port Credit Busker Fest	Port Credit Memorial Park 32 Stavebank Rd North (Plus designated locations throughout Port Credit Village)
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	Totoredaca Park 2715 Meadowvale Boulevard
Streetsville Founders Bread and Honey Festival	Streestville Memorial Park 335 Church Street (Plus designated sites throughout the village)
Southside Shuffle Blues and Jazz Festival	Port Credit Memorial Park 32 Stavebank Road North (Plus designated sites throughout Port Credit Village)