

being a by-law to prohibit noises likely to disturb the inhabitants of the City of Oshawa and to repeal by-law number 3827, as amended by by-law number 67-69.

Be it enacted and it is hereby enacted as a by-law of The Corporation of the City of Oshawa by the Council thereof as follows:

1. No person shall in the City of Oshawa ring any bell, blow any horn, shout or make any unusual noise or noise likely to disturb the inhabitants of the City of Oshawa.
- 1.1. No Owner shall emit, cause or permit the emission from the Owner's Property of noise likely to disturb the inhabitants of the City of Oshawa. (1-2005)
2. Without limiting the generality of sections 1 and 1.1 of this by-law, the following noises are hereby deemed to be noises likely to disturb the inhabitants of the City of Oshawa: (1-2005)
 - a) the ringing of bells, blowing of horns or sounding of sirens on any motor vehicle except to the extent that such ringing, blowing or sounding is required by law or by the requirement of safety;
 - b) the sound or noise from or created by a radio or phonograph, or any musical or sound-producing instrument of whatsoever kind when such radio or phonograph or instrument is played or operated in such manner or with such volume as to annoy or disturb the peace, quiet, comfort or repose of any individual in any dwelling house, apartment house, hotel or other type of residence outside the premises where the instrument is being played.
 - c) the grating, grinding or rattling noise or sound caused by a condition of disrepair or maladjustment of any motor vehicle, motorcycle, or other vehicle whatsoever or part or accessory thereof;
 - d) the blowing of any steam or air whistle attached to or used in connection with any stationary boiler or other machine or mechanism, except for the purpose of giving notice to workmen of the time to commence or cease work or as a warning of danger.
 - e) the noise made by power lawn mowers, outboard motors or similar power motors.
 - f) the noise made by the discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorcycle except through a muffler or other device which effectively prevents loud or explosive noises.
 - g) any noise which may be heard beyond the lot upon which it is made at sufficient volume to disturb persons beyond such lot.
3. Notwithstanding the other provisions of this by-law, this by-law shall not apply to prevent:
 - a) the use in a reasonable manner of any apparatus or mechanism for the amplification of the human voice or of music in a public place within the limits of the Corporation if the operator of such amplifying device holds a licence for the purpose and the operation is carried on within the terms of section 272 of the Consolidated By-laws of the City of Oshawa, 1940.
 - b) any military or other band or any parade, operating under written permission first obtained from the Board of Commissioners of Police.
 - c) any vehicle of the police or fire department or any ambulance or any public service or emergency vehicle while answering a call.
 - d) any sound arising from the operation of any railway which operates under The Railway Act of Canada or from any plant or work in connection with any such railway.

- e) the sounding of church bells or carillons.
- f) the making by any person upon his own property of noise which is reasonable and necessary for his enjoyment and use of such property provided that such noise is not audible at a distance of twenty-five feet from the limit of such property and provided in addition that such noise does not interfere with the enjoyment of any adjoining property owner.
- g) any sound made by Construction between the hours of seven o'clock in the forenoon (7:00 am) and seven o'clock in the evening (7:00 pm) on any day that is not a Holiday. (1-2005)
- h) any sound made by Construction between the hours of nine o'clock in the forenoon (9:00 am) and five o'clock in the afternoon (5:00 pm) on any Sunday. (110-2013)

3.1. In this By-law, the following terms have the meanings indicated:

- a) "Construction" means lawful erection, alteration, repair, dismantling, demolition, structural maintenance, land clearing, earth moving, grading, excavating, laying of pipe and conduit (whether above or below ground level), street and highway building, application of concrete, equipment installation and alteration, and structural installation of construction components and materials, in any form or for any purpose.
- b) "Holiday" means New Year's Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Christmas and Boxing Day. (110-2013)
- c) "Owner" includes, in respect of a Property,
 - i) each person shown by the records in the Registry Office or the Land Titles Office for the Land Registry Division of Durham to be the owner at law of the Property;
 - ii) each person from time to time managing any part of the Property or receiving the rent, fees, or any other compensation paid by or on behalf of any person from time to time occupying or entitled to occupy any part of the Property; and
 - iii) each lessee of any part of the Property.
- d) "Property" means a parcel of land which is shown as a lot or block on a registered plan of subdivision or described in a single transfer/deed of land of legal effect registered in the Land Registry Office or the Land Titles Office for the Land Registry Division of Durham and includes any part of a building, structure, mobile building or mobile structure on the Property. (1-2005)

4. Every person who makes or cause to be made any noise prohibited by this by-law and every person who contravenes any provision of this by-law shall be guilty of an offence and liable upon conviction to a penalty of no more than \$5,000.00 exclusive of costs for each offence. (1-2005)

4.1. Administrative Penalty Process By-law 63-2013 applies to each administrative penalty issued pursuant to this By-law. (110-2013)

4.2. Tiered and Escalating Penalties: Each person who contravenes any provision of this By-law shall, upon issuance of a Penalty Notice in accordance with Administrative Penalty Process By-law 63-2013, be liable to pay to the City an administrative penalty. If a person receives a Penalty Notice in accordance with the City's Administrative Penalty Process By-law for a contravention of the Noise By-law, as amended, and the person has not received a Penalty Notice for a subsequent contravention of the Noise By-law, as amended within one (1) calendar year or less, the person shall be liable to pay to the City a tier one (1) administrative penalty amount for that contravention in the amount of \$125. If a person receives an additional Penalty Notice for a subsequent contravention of the Noise By-law, as amended within one (1) calendar year or less from the date of the Penalty Notice containing a tier one (1) administrative penalty amount, the person shall be liable to pay to the City a tier two (2) administrative penalty amount for that subsequent contravention in the amount of \$225. If the person receives a subsequent Penalty Notice for a further contravention of the Noise By-law, as amended law within one (1) calendar year or less from the date of the Penalty Notice containing a tier two

(2) administrative penalty amount, the person shall be liable to pay to the City a tier three (3) administrative penalty amount for that contravention in the amount of \$325. If the person receives further Penalty Notice(s) for continued contravention(s) of the Noise By-law, as amended within one (1) calendar year or less from the date of the Penalty Notice containing a tier three (3) administrative penalty amount, the person shall continue to be liable to pay to the City a tier three (3) administrative penalty amount for that offence in the amount of \$325. (91-2020)

4.3. Noise Exemption Request: Each person and/or Owner who requires an exemption from this By-law shall submit a Noise Exemption Request and a Noise Exemption Application Fee in accordance with Schedule "A" of the City's General Fees and Charges By-law 13-2003, as amended, to the City's Director, Municipal Law Enforcement and Licensing Services ("M.L.E.L.S.") within thirty (30) days in advance of said activity. The Director, M.L.E.L.S. and/or their designate shall notify all property occupants and property owners within one hundred and twenty (120) metres of the activity being considered under the Noise Exemption Request advising property occupants and property owners to submit written representations in relation to the Noise Exemption Request. The Director, M.L.E.L.S., may approve or deny any Noise Exemption Request and impose such conditions the Director, M.L.E.L.S. sees fit as a condition of obtaining said exemption. (17-2022)

5. By-laws number 3827 and 67-69 of the City of Oshawa are hereby repealed.

By-law read a first, second and third time and finally passed this fourth day of October, 1982.

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