



The Corporation of the Town of Milton

Report To: Council

From: Meaghen Reid, Director, Legislative & Legal Services/Town Clerk

Date: May 31, 2021

Report No: CORS-031-21

Subject: Excessive Noise from Vehicles

Recommendation: **THAT Staff Report CORS-031-21 be received for information.**

EXECUTIVE SUMMARY

- The purpose of this report is to respond to direction from Council to prepare a staff report with respect to excessive noise from vehicles, including considerations for enforcement and a potential amendment to the Town's Noise By-law.
- Excessive noise resulting from the operation of moving vehicles falls under the jurisdiction of the Highway Traffic Act, which is enforced by the police. Complaints related to excessive noise from motorcycles and vehicles are referred to Halton Region Police Services (HRPS).
- At present, the Town's enforcement staffing resources are directed to education and enforcement of emergency orders resulting from the COVID-19 pandemic, while continuing to provide regular by-law enforcement services to the community.
- Staff continue to work with HRPS and, when future resources permit, look forward to engaging with HRPS to explore ways to partner on Project #Noisemaker initiatives.

REPORT

Background

This report responds to a resolution that was passed by Council on October 19, 2020 with respect to excessive noise from vehicles:

WHEREAS there is growing concern from residents about the nuisance and disruption caused by loud vehicles, due to modified mufflers;



Background

THEREFORE BE IT RESOLVED THAT staff be directed to prepare a staff report with respect to excessive noise from vehicles, including considerations for the enforcement of a potential amendment to the Town's Noise By-law.

Discussion

In the development of this report, staff reviewed the provisions of the Highway Traffic Act, R.S.O. 1990, c. H.8 ("Highway Traffic Act"), reviewed the Town's Noise By-law provisions and engaged with regional municipal enforcement partners.

Highway Traffic Act and Excessive Vehicle Noise

Excessive noise resulting from the operation of moving vehicles falls under the jurisdiction of the Highway Traffic Act, which is enforced by the police. Complaints related to excessive noise from motorcycles and vehicles are referred to Halton Region Police Services (HRPS) for investigation given the authorities granted through the Highway Traffic Act.

Section 75(1) of the Highway Traffic Act states:

"Every motor vehicle or motor assisted bicycle shall be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and excessive smoke, and no person shall use a muffler cut-out, straight exhaust, gutted muffler, hollywood muffler, by-pass or similar device upon a motor vehicle or motor assisted bicycle".

In addition, section 75(4) of the Highway Traffic Act states:

"A person having the control or charge of a motor vehicle shall not sound any bell, horn or other signaling device so as to make an unreasonable noise, and a driver of any motor vehicle shall not permit any unreasonable amount of smoke to escape from the motor vehicle, nor shall the driver at any time cause the motor vehicle to make any unnecessary noise, but this subsection does not apply to a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call".

HRPS has provincially appointed officers who enforce the provisions of the Highway Traffic Act and have the authority to stop a moving vehicle. Noise complaints that are generated from aggressive driving, speeding or modified mufflers while vehicles are in motion on the roadway are referred to Halton Region Police Services (HRPS) and are currently not tracked by the Town.

Noise By-law

Noise By-law 113-2012, as amended (the "Noise By-law"), is a by-law to prohibit and regulate noise within the Town. The Town's Noise By-law addresses vehicle noise through Section 3.2, which states that: no person shall emit or cause or permit the

Discussion

emission of sound resulting from the following which sound is clearly audible at a point of reception: d) the operation of any combustion engine without an effective exhaust-muffling device in good working order.

There are challenges with respect to Municipal Law Enforcement Officers to enforcing vehicles on highways, including:

- The inability to engage in a vehicle pursuit
- No authority to stop a moving vehicle
- No authority to enforce the Highway Traffic Act

For these reasons, as well as the provisions available to police through the Highway Traffic Act, issues related to moving vehicles on highways are addressed by HRPS.

Vehicle noise associated with occurrences on private property, when vehicles are not in motion, can be addressed by the Town's enforcement team through the provisions of the Noise By-law. When a noise complaint is received by the Town, an officer is assigned the complaint for investigation and action, as appropriate. For report of a noise violation that has occurred in the past, a noise log may be sent to the complainant for completion along with a warning letter to the owners/occupants of the property where the violation is allegedly occurring. Further investigation and/or enforcement action may occur depending on the results of the log review. However, it is important to note the challenges listed above when vehicle noise takes place on a road or highway and does not occur on private property.

Project #Noisemaker

In 2020, the HRPS launched Project #Noisemaker, which aims to target loud and unsafe vehicles and aggressive driving. It has been communicated by HRPS that, during the course of the 2020 Project #Noisemaker campaign in Halton, enforcement activities resulted in more than 1420 charges laid region-wide.

HRPS has communicated that they will be continuing with Project #Noisemaker. This region-wide project will be launching on April 1st, 2021 and will run until October 31, 2021.

HRPS representatives will be presenting an annual report to Council in the coming months, at which time further questions can be addressed about Project #Noisemaker.

Current Resources

At present, the Town's enforcement staffing resources are directed to education and enforcement of emergency orders resulting from the COVID-19 pandemic, as well as continuing to provide regular by-law enforcement services to the community.



Discussion

Staff continue to work with HRPS and, when future resources permit, look forward to engaging with HRPS to explore ways to partner on Project #Noisemaker initiatives.

Financial Impact

There is no financial impact as a result of this report.

Respectfully submitted,

Troy McHarg
Commissioner, Corporate Services

For questions, please contact: Meaghen Reid, Director, Phone: Ext. 2132
Legislative and Legal Services
Division/Town Clerk

Attachments

n/a

CAO Approval
Andrew M. Siltala
Chief Administrative Officer