

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. 083-2021

BEING A BY-LAW TO AMEND BY-LAW 133-2012, AS AMENDED, BEING A BY-LAW TO PROHIBIT AND REGULATE NOISE WITHIN THE TOWN OF MILTON

WHEREAS sections 8, 9 and 11 of the *Municipal Act, 2001* authorize the Town of Milton to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6 and 8 of subsection 11(2) and in particular paragraph 9 of subsection 11(3) authorize by-laws respecting the economic, social and environmental well-being of the municipality; the health, safety and well-being of persons; the protection of persons and property; and animals;

AND WHEREAS section 128 of the *Municipal Act, 2001* authorizes the Town of Milton to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of the Council of the Town of Milton are or could become public nuisances;

AND WHEREAS in the opinion of the Council of the Town of Milton certain kinds of noise are or could become a public nuisance;

AND WHEREAS section 129 of the *Municipal Act, 2001* authorizes the Town of Milton to prohibit and regulate with respect to noise and, in particular, to prohibit noise unless a permit is obtained from the Town of Milton and to impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans;

AND WHEREAS section 425 of the *Municipal Act, 2001* authorizes the Town of Milton to pass by-laws providing that a person who contravenes a by-law of Town of Milton passed under that Act is guilty of an offence;

AND WHEREAS the *Municipal Act, 2001* further authorizes the Town of Milton, amongst other things, to delegate its authority,, to impose fees or charges on persons for services or activities provided or done by or on behalf of it, to provide for inspections and inspection orders, and to make orders to discontinue activity or to do work;

AND WHEREAS Section 23.1 of the Municipal Act, S.O. 2001, c. 25, as amended, authorizes a municipality to delegate its powers and duties to a person;

AND WHEREAS the Council of the Corporation of the Town of Milton deems it appropriate and expedient to delegate authority to the Supervisor, Licencing and Enforcement to exempt upon application and paying a fee, any person, including special event, from the by-law;

AND WHEREAS section 444 of the *Municipal Act, 2001* provides that 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 any person who contravenes such an order is guilty of an offence;

AND WHEREAS Council deems it desirable to amend By-Law 133-2012, as amended;

NOW THEREFORE the Council of the Corporation of the Town of Milton hereby enacts as follows:

1. **THAT** Section 2 of By-Law 133-2012, as amended, is further amended to include the following definitions “Goods Distribution Facility”, “Hotel”, “Model”, “Retail business establishment”, and “Restaurant”.
2. **THAT** Section 4.3 of By-Law 133-2012, as amended, is further amended to include the following wording “unless defined as a retail business establishment; a restaurant, including cafes and bars; a hotel or motels; or a goods distribution facility”.
3. **THAT** all other provisions of By-law No. 133-2012, as amended, remain in full force and effect.
4. **AND THAT** this By-law shall come into force and effect and take on the date of its passing.

PASSED IN OPEN COUNCIL ON SEPTEMBER 13, 2021.

_____ Mayor
Gordon A. Krantz

_____ Town Clerk
Meaghen Reid