



By-law 2018-114

To amend By-law 2017-74 being a By-law
to Regulate Noise in the City of Markham

WHEREAS section 128 of the *Municipal Act, 2001, S.O. 2001, c. 25* authorizes a local municipality to prohibit and regulate matters that, in the opinion of Council, are or could become public nuisances;

WHEREAS section 129 of the *Municipal Act, 2001*, authorizes municipalities to pass by-laws to prohibit and regulate noise; and,

WHEREAS section 391 of the *Municipal Act, 2001* authorizes Council to pass by-laws imposing fees and charges on any class of persons for services or activities provided or done by or on behalf of it; and,

WHEREAS the people of the City of Markham expect, and have a right to an environment free from excessive sound levels relative to the sound level standards set by this By-law which may degrade the quality and tranquillity of their life, disturb or likely to disturb the people of the City of Markham; and,

WHEREAS Section 398(1) of the *Municipal Act, 2001* states that fees and charges imposed by a municipality on a person constitute a debt of the person to the municipality; and,

WHEREAS Section 429(1) of the *Municipal Act, 2001* provides that a municipality may establish a system of fines for an offence under a by-law passed under the Act; and,

WHEREAS this By-law does not regulate traffic noise;

WHEREAS administrative amendments are required from time to time for enforcement purposes;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM ENACTS AS FOLLOWS:

1. That By-law 2017-74 be amended as follows:

- (a) By Adding the following as Section 30 – Service Fees immediately after Section 29:

"Service Fees

30. The municipal service fees for the administration and enforcement of this By-law shall be in accordance with the **City's Fees By-law** and any revisions thereto.

31. Service fees for the administration and enforcement of this By-law may be applied when a contravention has been confirmed by a **Municipal Law Enforcement Officer.**"


- (b) By Adding the following as Section 22 – Collection of Unpaid Fines immediately after Section 21.0 Service Fees:

"Collection of Unpaid Fines

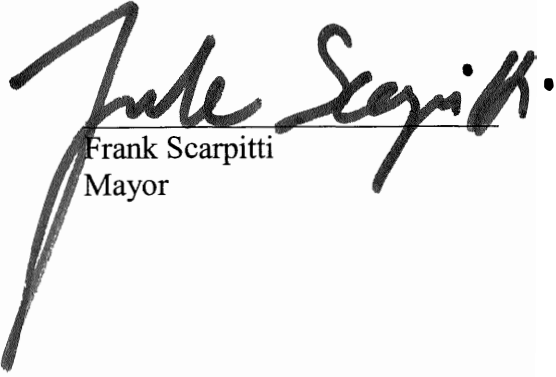
32. Pursuant to subsection 441.1 of the *Municipal Act, 2001*, the **Treasurer** of the **City** may add any part of a fine for a commission of a provincial offence that is in default under section 69 of the *Provincial Offences Act* to the tax roll for any property in the **City** which all of the **Owners** are responsible for."

2. That the Sections following Section 32 be renumbered accordingly.
3. That this by-law comes into force and takes effect upon its passage.
4. All other provisions of By-law 2017-74, except as herein amended or effected, which are not inconsistent with the provisions of this By-law, shall continue to apply.

Read a first, second, and third time and passed on 12th day of September, 2018.



Kimberley Kitteringham
City Clerk



Frank Scarpitti
Mayor