

The Corporation of The Town of Ajax By-Law 04-2026

Being a By-law to prohibit and regulate noise.

Whereas, the Municipal Act, 2001, S.O. 2001, c 25, as amended, authorizes a Municipality to pass a by-law to prohibit and regulate noise;

Therefore, it is enacted as a By-law of the Corporation of the Town of Ajax as follows:

1. Short Title

1.1. This By-law may be cited as the Noise By-law.

2. Definitions

2.1. In this By-law:

- a) "Construction" includes any earth moving, land clearing, excavating, constructing, demolition, alteration, use of tools, repair to any property, including any building or structure, and shall include the delivery or movement of any equipment or materials intended for use in Construction.
- b) "Council" means Council of the Town.
- c) "Manager" means the Manager of By-law Services or their designate.
- d) "Officer" means a Municipal Law Enforcement Officer appointed by the Town or a Police Officer in the Province of Ontario.
- e) "Person" means any individual Person or a corporation.
- f) "Town" means The Corporation of the Town of Ajax.
- g) "Waste" means any discarded or unwanted material including, but not limited to, garbage, recyclable material, debris, compostable material, excrement, ashes, packing material, cans, bottles, mechanical equipment, cardboard, grass clippings, tree branches, or leaves.
- h) "Waste container" means a receptacle manufactured for the containment of Waste that is capable of being emptied by a forklift truck or a packer truck or a similar vehicle.

3. General Provisions

- 3.1. No Person shall cause or permit the emission of any noise listed in "Schedule A – Prohibited Noise."
- 3.2. Notwithstanding any other provision under this by-law, a Person may cause or permit any noise provided the noise is in connection with any of the activities listed in "Schedule B – Exempted Noise."

4. Exemption Requests

- 4.1. Any Person may request an exemption from any provision of this By-law for the purposes of a special event or Construction. All applications shall be made in writing to the Manager and shall include:
 - a) The name, telephone number and address of applicant;
 - b) The date, time, and location of the event or activity for which the exemption is sought and where applicable, the number of people in attendance;

- c) Signed authorization from the property owner, where the applicant is not the owner of the property from which the Noise will originate;
- d) A description of the source of Noise in respect to the exemption being sought;
- e) Set out the reasons why an exemption should be granted;
- f) A statement of steps, if any, planned or presently being taken to minimize the Noise;
- g) Written confirmation that all property owners adjacent to where the Noise will be emitted will be notified at least 48 hours prior to the commencement of the exemption;
- h) The contact information of at least one Person who will be responsible for the event or activity; and
- i) An application fee as set within the Town's most recent Fees and Charges By-law.

4.2. The Manager may grant or refuse to grant any exemption request and may impose any conditions as they determine to be appropriate.

5. Penalty and Enforcement

- 5.1. Any Person who contravenes the provisions of this By-law, including every Person who fails to perform a duty imposed herein or who performs an act prohibited herein and every director or Officer of the corporation is liable to an administrative monetary penalty and fees, pursuant to the Town's Administrative Monetary Penalty System By-law, for offences that are designated, or is guilty of an offence, for any contravention, and upon conviction is liable to a fine or penalty for each offence, exclusive of costs as prescribed by the Provincial Offences Act, R.S.O. 1990, c. P.33. No Person that receives an administrative penalty shall be charged with an offence under the Provincial Offences Act, R.S.O. 1990 for the same contravention and offence date.
- 5.2. Pursuant to the Municipal Act, 2001, S.O. 2001, c. 25 the maximum fines prescribed for any Person who fails to comply with this by-law or who interferes with or obstructs any Person in the exercise of a power or the performance of a duty conferred by this by-law, is liable on conviction:
 - a) to a fine of not more than \$100,000.
 - b) in the case of a continuing offence, the minimum fine of each day or part thereof shall be a minimum of \$500 and a maximum of \$10,000. The total of the daily fines for a continuing offence shall not be limited to \$100,000.
 - c) in addition to any other fines under this section, a special fine may be imposed if the commission of the offence resulted in economic gain or advantage. The maximum amount of a special fine may exceed \$100,000.
- 5.3. A Person is guilty of a separate offence on each day that an offence under section 5.1 occurs or continues.
- 5.4. Despite the maximum fines set out in section 5.2, the court that convicts a Person of an offence may increase a fine imposed on the Person by an amount equal to the financial benefit that was acquired by or that accrued to the Person because of the commission of the offence.
- 5.5. If the owner or occupier of premises at which a nuisance party is held is present at the nuisance party, then the owner or occupier is presumed, in the absence of evidence to the contrary, to be hosting or organizing the nuisance party.

- 5.6. If this by-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the Person convicted.
- 5.7. Nothing in this By-law prevents any individual from privately initiating a charge for an alleged offence.
- 5.8. A Person is guilty of an offence if the Person:
- a) hinders or obstructs, or attempts to hinder or obstruct, an Officer, or any Person in the exercise of a power or the performance of a duty under this By-law;
 - b) makes a false or intentionally misleading recital or fact, statement or representation or produces any falsified or fictitious agreement or document; or
 - c) fails to perform a duty imposed within this By-law or who performs an act prohibited herein.
- 5.9. If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such a section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law and it is hereby declared that the remainder of the By-law shall be valid and shall remain in force.

6. Effective Date and Repeal

- 6.1. This By-law shall come into effect immediately on the date of its passing.
- 6.2. Upon the effective date of this By-law, By-law #44-2025 and any amending by-laws thereto, are hereby repealed, subject to section 6.3.
- 6.3. By-laws #44-2025 and any amending by-laws thereto shall apply and will continue to apply to any enforcement proceedings which had been initiated prior to this By-law coming into force and then only until such enforcement proceedings have been concluded.

By-law passed this January 19, 2026

Mayor and CEO

Clerk

Schedule A
To By-Law 04-2026
Prohibited Noise

1. The sound or noise from or created by any musical, sound producing or sound amplification device when such device is played or operated in such a manner or with such a volume as to disturb the peace, quiet, comfort or repose of any individual in any dwelling house, apartment house, hotel or other type of residence or business outside the premises where the instrument is being played.
2. The operation of a stereo or other electronic device designed to amplify sound in a motor vehicle at such a volume that the sound is clearly audible from the outside of the motor vehicle.
3. Waste collection from any Waste container from any property adjacent to any residentially zoned area in accordance with the Town's Zoning By-law between the hours of 12:00 a.m. and 6:00 a.m.
4. Persistent yelling, shouting, hooting, whistling or singing at such a volume that is audible from the interior of a residence or business whose occupant has made every reasonable attempt to mitigate the reception of noise.
5. Excessive and unnecessary revving of a motor vehicle engine.
6. Excessive Noise caused by the operation of an air conditioner, pool pump or filter, heat pump or the like that is not in proper working order.
7. The operation of a horn or other warning device except where required and authorized by law or in the interest of good safety practices.
8. Any noise likely to disturb the peace and enjoyment of any inhabitants of the Town.

Schedule "B"
To By-Law Number # 04-2026
Exempted Activities

1. Any emergency work being carried out by or on behalf of the Town, The Regional Municipality of Durham.
2. Any emergency work undertaken for the immediate health, safety or welfare of the inhabitants of the Town.
3. Any noise emitted from Construction between the hours 7:00 a.m. and 8:00 p.m.
4. Any sound originated from or caused by the operation of farm equipment or machinery for cultivating, seeding, crop maintenance or harvesting on any lands designated as an agricultural use.
5. Necessary municipal operations carried out in the interest of public necessity and convenience, including but not limited to, snow clearing and street cleaning, undertaken by or on behalf of the Town.
6. Any snow removal which is essential for the effective operation of a business, residential condominium or school.
7. The operation of bells, chimes carillons and clocks used in conjunction with churches, schools and other institutional buildings.
8. The use of bells or horns for managing traffic flow, including traffic signalling, the operation of a railroad or emergency services.
9. Noise resulting from the reasonable enjoyment of property shall not constitute a violation of this by-law, provided that such noise is not excessive in nature and is not clearly audible from within a dwelling located on a separate property from where the noise originates.