

PROTECTION

Chapter 691 NOISE

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Article 1
INTERPRETATION

691.1.1 Construction - defined

“construction” includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, the laying of pipe and conduit, whether above or below ground level, street and highway building, concreting, equipment installation and alteration and the structural installation of construction components and materials in any form or for any purpose, and includes any work in connection therewith.

691.1.2 Construction equipment - defined

“construction equipment” means any equipment or device designed and intended for use in construction, or material handling, including, but not limited to, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders, or other material handling equipment.

691.1.3 Dwelling house - defined

“dwelling house” means the whole or any part of a building or structure that is kept or occupied as a permanent or temporary residence and includes:

- (a) a building within the curtilage of a dwelling house that is connected to it by a doorway or by a covered and enclosed passageway; and
- (b) a unit that is designed to be mobile and to be used as a permanent or temporary residence that is being used as such a residence.

691.1.4 Emergency vehicle - defined

“emergency vehicle” means a police car, ambulance, fire truck or other vehicle responding to an emergency call pursuant to a statutory duty.

691.1.5 Person - defined

“person” includes a corporation.

Article 2
GENERAL PROVISION

691.2.1 Noise - unusual - likely to disturb - prohibited

No person shall, within the limits of The Corporation of the City of Peterborough, ring any bell, blow any horn, shout or make or permit an unusual noise, or a noise likely to disturb the inhabitants thereof.

“691.2.2 Noise - unusual - likely to disturb - prohibited – owner
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 Peterborough.”

Article 3
NOISES - PROHIBITED

691.3.1 Noises - likely to disturb - set out

Without limiting the generality of Article 2, the noises or sounds set out in this Article shall be deemed to be noises likely to disturb the inhabitants of the Corporation.

691.3.2 Radio - loud speaker - disturbing peace - comfort

The noise or sound made or created by any radio, phonograph, public address system, sound equipment, loud speaker, musical instrument or other sound-producing equipment, when the equipment is played or operated in such a manner that the sound or noise made or created thereby disturbs the peace, comfort or repose of any person in a dwelling house, or a police officer acting in accordance with their duties pursuant to the *Police Act*, or successor legislation shall be deemed to be noises likely to disturb.

691.3.3 Amplifier - loud speaker - in vehicle - on highway

The noise or sound caused or made by an amplifier or loud speaker carried in or attached to a motor vehicle being operated or standing on a public highway shall be deemed to be noises likely to disturb.

691.3.4 Animal - bird - disturbing peace - comfort

The sound made by an animal, or bird, under the care, custody, or control of a person which disturbs the peace, comfort or repose of any person in another occupied dwelling house shall be deemed to be noises likely to disturb.

691.3.5 Exhaust - without muffler

The noise or sound caused by the discharge into the open air or the exhaust from any steam engine, boiler or stationary internal combustion engine, otherwise than through a muffler or other device which effectively prevents unnecessary noise shall be deemed to be noises likely to disturb.

691.3.6 Tire noise - squealing - acceleration - braking

The wheel, or tire noise, caused by the deliberate and unnecessary acceleration, rapid turning or rapid braking of a motor vehicle shall be deemed to be noises likely to disturb.

691.3.7 Motor - racing - standing motor vehicle

The noise caused by the unnecessary racing of the motor of a standing motor vehicle shall be deemed to be noises likely to disturb.

691.3.8 Construction - demolition - repair - restrictions

The noise caused by the erection, demolition, alteration or repair of a building or by construction or earth-moving equipment working upon such a site situate within 500 feet of an occupied dwelling house on any day between the hours of 9:00 o'clock in the afternoon and 7:00 o'clock in the forenoon of the next following day, excepting Sundays, when no such noise shall be created before the hour of 12:00 noon and no such noise shall be made after 9:00 o'clock in the afternoon on a Sunday shall be deemed to be noises likely to disturb.

691.3.9 Lawn mower - times - days

The noise made by a power lawn mower within 100 feet of an occupied dwelling unit shall be deemed to be noises likely to disturb:

- (a) except for the hours as recited in Sections 691.3.9(b) and 691.3.9(c), between the hours of 9:00 p.m. and 7:00 a.m. of any succeeding day from Sunday at 9:00 p.m. until Friday at 7:00 a.m., inclusive;
- (b) between 9:00 p.m. on a Friday and 9:00 a.m. of the succeeding Saturday; and
- (c) between 9:00 p.m. on a Saturday and 12:00 noon of the succeeding Sunday.

691.3.10 Air conditioning equipment - disturbing peace

The noise made or created by air conditioning equipment which is likely to disturb the peace, comfort, or repose of any person in a dwelling house shall be deemed to be noises likely to disturb.

691.3.11 Watercraft noise - not incidental to shipping

The noise emanating from a source found on any houseboat or other watercraft not associated with the operation of the said houseboat or other watercraft nor to any other incidental shipping activity which is of such a volume or duration that it is likely to disturb inhabitants in a dwelling house shall be deemed to be noises likely to disturb.

691.3.12 Disturbance - police officer - investigation

The noise which disturbs a police officer investigating complaints which are received in regard to enforcement of this Chapter shall be deemed to be noises likely to disturb.

“691.3.13 Unmuffled Engine Brakes

The noise or sound caused by the use of truck and heavy equipment engine brakes other than through a muffler or other device which effectively prevents unnecessary noise shall be deemed to be noise likely to disturb.”

**Article 4
EXCEPTIONS****691.4.1 Parade**

None of the provisions of this Chapter shall apply to prevent the noise made by a parade.

691.4.2 Newsboy - peddler - plying his/her calling

None of the provisions of this Chapter shall apply to prevent the call of a newsboy, peddler, hawker or tradesman plying his/her calling.

691.4.3 Stereo - motor vehicle - not audible - limitation

None of the provisions of this Chapter shall apply to prevent the sound from a radio or tape recorder in a motor vehicle if such sound is not audible at a distance of more than 25 feet from such vehicle.

691.4.4 Outdoor hymn - carolling

None of the provisions of this Chapter shall apply to prevent an outdoor hymn sing or carolling performance.

691.4.5 Outdoor concert - approved by Council

None of the provisions of this Chapter shall apply to prevent an outdoor concert or outdoor band approved by Council.

691.4.6 Church bells - chimes

None of the provisions of this Chapter shall apply to prevent the sound of a church bell or chime.

691.4.7 City works - public utility work

None of the provisions of this Chapter shall apply to prevent the noise caused by the erection, demolition, alteration or repair of a building or by construction or earth-moving equipment working upon a site or highway when such work is undertaken by forces of The Corporation of the City of Peterborough, the Public Utilities Commission, any other public utility, or their agents or servants.

691.4.8 Emergency vehicles - sirens

None of the provisions of this Chapter shall apply to prevent the siren of an emergency vehicle. By-law 90-273, 15 October, 1990.

Article 5
ENFORCEMENT

691.5.1 Fine - for contravention

Every person who contravenes this Chapter is guilty of an offence and is liable to the penalty, as prescribed by applicable law, for each offence. By-law 91-116, 22 April, 1991.

Article 6
REPEAL - ENACTMENT

691.6.1 By-laws - previous

This Chapter hereby repeals By-laws 1970-110, 1973-19, 1982-3, section 8, 1986-149, 1986-188, and 1988-38, for The Corporation of the City of Peterborough, and this Chapter is deemed to be a consolidation of all such by-laws, with amendments, *mutatis mutandis*, as recited in this Chapter, and all of the same are reflected in this one Chapter.

691.6.2 Effective date

This Chapter shall come into force on the day that the enabling by-law receives third reading of the Council for The Corporation of the City of Peterborough. By-law 90-273, 15 October, 1990.

Note: Except where otherwise expressly provided in this Chapter, and pursuant to other provincial statutes, such as the *Planning Act*, the maximum fine for violation of the Code is specified in section 62 of the *Provincial Offences Act*, R.S.O. 1980, c. 400, which indicates that a party guilty of an offence is liable to a fine of not more than five thousand dollars (\$5000.00).

APPENDIX A

The Corporation of the City of Peterborough

Part I Provincial Offences Act

By-law 90-273 being a by-law to prohibit or regulate noise

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1	Permit noise likely to disturb	Section 2	\$100.00

NOTE: The penalty provisions for the offence indicated above is Section 5 of By-law 90-273, a certified copy of which is attached and Section 61 of the **Provincial Offences Act**, R.S.O. 1990, c.P.33.