

**OFFICE CONSOLIDATION**

**FOR INFORMATION PURPOSES ONLY**

**Last amended by By-law No. 3543, March 24, 2004**

**For copies of amending By-laws, please contact the Clerk at 613-267-3311**

**THE CORPORATION OF THE TOWN OF PERTH**

**BY-LAW NO. 2137**

**Being a By-law to prohibit unusual noises and noises likely to disturb the inhabitants**

**WHEREAS** the *Municipal Act*, 2001, S.O. 2001, c. 25 provides that the Councils of local municipalities may pass by-laws for prohibiting or regulating within the municipality or within any defined area or areas thereof, noises likely to disturb the inhabitants;

**AND WHEREAS** the Council of the Corporation of the Town of Perth deems it expedient to prohibit or regulate such noises.

**WHEREAS** The Council of the Town of Perth adopted By-law No. 2137 for prohibiting or regulating within the municipality or within any defined area or areas thereof, the ringing of bells, the blowing of horns, shouting and unusual noises or noises likely to disturb the inhabitants.

**THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PERTH ENACTS AS FOLLOWS:**

1. No person shall ring any bell, blow or sound any horn or cause the same to be rung, blown or sounded; shout or create, cause or permit any unusual noises, or noises likely to disturb the inhabitants.
2. For the purpose of Section 1, the following noises or sounds, among others, shall be deemed to be unusual noises or noises likely to disturb the inhabitants:
  - a) The sound or noise from or created by any radio, phonograph or television set, or any musical or sound producing instrument of whatever kind, when such radio, television set, phonograph or instrument is played or operated in such manner, or with such volume as to annoy or disturb the peace, quiet, comfort, or repose of the inhabitants in any dwelling house, apartment house, hotel or any other type of residence.
  - b) No person shall keep birds or animals, the noise of whose crowing, cries, barking or other such sounds disturb the peace and comfort of the neighbourhood.
  - c) Noise arising between the hours of 11:00 p.m. of any day and 6:00 a.m. of the next following day from any excavation or construction work whatever, including the erection, demolition, alteration or repair of any building, authorized by the corporation, except in the case of urgent necessity.
  - d) Any noise in the vicinity of any school, seminar of learning or court while the same is in session, or in the vicinity of any hospital or convalescent or rest home when such noise interferes with the undertaking of the same.

- e) The grating, grinding or rattling noise or sound caused by a condition of disrepair or maladjustment of any motor vehicle whatsoever, or part or accessory thereof.
  - f) The continuous running of any engine of any truck, car or other motor vehicle adjacent to any residence, apartment house, hotel or other type of residence, between the hours of 11:00 p.m. of any day and 6:00 a.m. of the next following day, except those employed on snow removal, fire, police or ambulance service, garbage collection services, or such authorized by the Corporation of the Town of Perth.
3. For the purpose of this By-law the owner of the animal or bird creating the sound under the provisions of paragraph 2 (b) shall be deemed to be the person responsible for the creation of the said sound.
4. Sections 1 and 2 of this By-law shall not apply to:
- a) The use in a reasonable manner of any apparatus or mechanism for the amplification of the human voice or of music in a public park or any other public place in connection with any lawful and peaceable public meeting or gathering not otherwise prohibited by law.
  - b) Any peaceable band or parade not otherwise prohibited by law.
  - c) Any newsboy, peddler, hawker or petty tradesman, or auctioneer plying his trade or calling legitimately and moderately.
  - d) Any vehicle of the police or fire Department, or any ambulance, or any public service or emergency vehicle while answering a call.
  - e) The sound from any private radio in a motor vehicle, installed for the sole benefit of entertainment of the operator and occupants of such vehicles, when same is not audible at a distance of twenty-five feet from such vehicle.
  - f) Any case of public convenience or necessity.
  - g) The operations of the Salvation Army or other religious service.
5. Any person convicted of a breach of any of the provision of the By-law shall forfeit and pay, at the discretion of the convicting judge a penalty not exceeding (exclusive of costs) the sum of \$100.00 for each offence, and every such penalty shall be recoverable under the *Summary Convictions Act*.
6. Notwithstanding Section 5 above, where a person is found to be in contravention of this By-law a Provincial Offences Officer may issue a certificate of offence to said person and the set fine as provided for in Schedule "A" Set Fines hereto.
7. This By-law shall become effective on the 25<sup>th</sup> day of September, 1972.

**SCHEDULE "A" SET FINES**

**of By-law 2137, as amended by By-law 3543**

**(SET FINES PER PART 1 OF THE PROVINCIAL OFFENCES ACT)**

The sums to be paid as set fines are as follows:

<b>Short Form Wording</b>	<b>Offence Creating Provision or Defining Offence</b>	<b>Set Fine</b>
1. Cause to permit noise likely to disturb	Section 1	\$75.00

**NOTE: The general penalty provision for the offences listed above is section 61 of the Provincial Offence Act, R.S.O., c. P. 33.**