

# **PROTECTION**

## **Chapter 776 NOISE**

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**Article 1**  
**INTERPRETATION**

**776.1.1 City - defined**

“City” means The Corporation of the City of Sudbury.

**776.1.2 Council - defined**

“Council” means the Council for The Corporation of the City of Sudbury.

**776.1.3 Person - defined**

“person” includes a sole proprietorship, a firm, a partnership, a co-partnership, an association, a corporation, and the heirs, executors, administrators, or other legal representatives of a person to whom the context can apply according to law.

**776.1.4 Times - reference to - defined**

All times referred to in this Chapter shall be the time in effect in the City of Sudbury in accordance with a resolution of Council passed in that behalf.

**Article 2**  
**GENERAL PROHIBITIONS**

**776.2.1 Bells - horns - sounding - prohibited**

No person shall ring any bell, blow or sound any horn or cause the same to be rung, blown or sounded.

**776.2.2 Shouting - noises unusual - prohibited**

No person shall shout or create, cause or permit any unusual noise or noises.

**776.2.3 Disturbance - of inhabitants - by noise - prohibited**

No person shall create, cause, or permit any noise or noises likely to disturb the inhabitants.

**776.2.4 Advertising - use of noise - unauthorized - prohibited**

No person shall cause or permit to be caused any noise or sound of whatsoever nature and kind for the purpose of advertising or for attracting attention to any performance, show, or sale or display of goods, wares or merchandise, which noise or sound projects into any street or other public place unless written permission of the Council has first been obtained.

**776.2.5 Sound amplification - from vehicle - without licence**

No person shall cause or permit to be caused any noise or sound created by the use or operation of any radio or mechanical loud speaker or amplifier or other such instrument or device or of any sound-producing, sound re-producing or sound-transmitting instrument or apparatus in or upon any vehicle without first having obtained a licence so to do pursuant to the provisions the General Licensing By-law, Chapter 476 [City of Sudbury Municipal Code] of the City.

**Article 3  
UNUSUAL NOISES****776.3.1 Unusual noises - set out**

For the purpose of Section 776.2.2, the noises or sounds set out in Sections 776.3.2 through 776.3.17 inclusive, without limiting the generality of Section 776.2.2, shall be deemed to be unusual noises.

**776.3.2 Tires - any vehicle - squealing**

The noise created by the squealing of tires of any vehicle shall be deemed to be unusual noise.

**776.3.3 Radio - television - other - volume - at disturbing levels**

The sound or noise from or created by any radio, phonograph, stereo equipment, television set, or any musical or sound producing instrument of whatsoever kind, when such radio, phonograph, stereo equipment, television set or musical or sound-producing instrument is played or operated in such a manner or with such volume as to annoy or disturb the peace, quiet, comfort or repose of any individual in any dwelling house, apartment house, hotel, motel, lodging house or other type of residence shall be deemed to be unusual noise.

**776.3.4 Animal - bird - sounds by - disturbing**

Any sound made by any animal or bird which has the effect of disturbing the peace, quiet, comfort or repose of any individual shall be deemed to be unusual noise.

**776.3.5 Machinery - equipment - in disrepair**

Any noise or sound of whatsoever nature and kind caused by a condition of disrepair or maladjustment of any machinery or equipment of whatsoever nature and kind or part or accessory thereof shall be deemed to be unusual noise.

**776.3.6 Vehicles - in disrepair - maladjusted**

Any noise or sound of whatsoever nature and kind caused by a condition of disrepair or maladjustment of any motor vehicle, motorcycle or other vehicle whatsoever or part or accessory thereof shall be deemed to be unusual noise.

**776.3.7 Vehicle - maintenance - repairing - unenclosed**

The sounds emanating from the repairing, refinishing, painting, repainting, plating or rust-proofing of vehicles, machinery or any parts thereof where such repairing, refinishing, painting, repainting, plating, or rust-proofing is not carried on within an enclosed structure the doors and windows of which are closed shall be deemed to be unusual noise.

**776.3.8 Whistles - steam - air - blowing**

The blowing of any steam or air whistle attached to or used in connection with any stationary boiler or other machine or mechanism, except for the purpose of giving notice to workmen of the time to commence or cease work or as a warning of danger shall be deemed to be unusual noise.

**776.3.9 Exhaust - discharge - into open air - unmuffled**

The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorcycle except through a muffler or other device which effectively prevents loud or explosive noises shall be deemed to be unusual noise.

**776.3.10 Excavation - construction - unnecessary noise**

Any unnecessary noise arising between the hour of 6 o'clock p.m. of any day and 7 o'clock a.m. of the next following day from any excavation or construction work whatsoever including the erection, demolition, alteration or repair of any building, authorized by the City except in the case of urgent necessity shall be deemed to be unusual noise.

**776.3.11 Manufacturing industry - noises from - limitations**

Noises arising out of any manufacturing industry between the hour of 8 o'clock p.m. of any day and 8 o'clock a.m. of the next following day and which has the effect of disturbing the repose of any City inhabitant shall be deemed to be unusual noise.

**776.3.12 Any noise - near hospital - school - in session**

Any unnecessary noise in the vicinity of any school, seminary of learning or court, while any of the same are in session or in the vicinity of any hospital or convalescent or rest home shall be deemed to be unusual noise.

**776.3.13 Trucks - vehicle - loaded - restrictions**

Noises created by any vehicle including cement trucks which bear material or by articles or things loaded on any vehicle if such noises are likely to disturb the repose of any City inhabitant between the hours of 8 o'clock p.m. of any day and 8 o'clock a.m. of the next following day shall be deemed to be unusual noise.

**776.3.14 Whistle - train - other vehicle - sounding - unnecessary**  
The sounding of the whistle of any railway vehicle or other vehicle unnecessarily shall be deemed to be unusual noise.

**776.3.15 Lawn mower - motorized - operation - restrictions**  
The operation of a lawn mower which is run by electricity or gasoline, between the hours of 9 o'clock p.m. on any given day and 8 o'clock a.m. on the next following day during the months of July and August in any year and between the hours of 8 o'clock p.m. on any given day and 8 o'clock a.m. of the next following day for the remainder of the year shall be deemed to be unusual noise.

**776.3.16 Siren - artificial noise device - on bicycle**  
The operation of any siren or other artificial noise device other than a bell or horn, attached to a bicycle shall be deemed to be unusual noise. By-law 73-101, 22 May, 1973.

**776.3.17 Snow plowing - activities - time - restrictions**  
Noises created by any vehicle engaged in the plowing or removal of snow from private property shall be deemed to be unusual noise between the hours of 11:00 o'clock p.m. of any day and 6:00 o'clock a.m. of the next following day, if such noises are likely to disturb the inhabitants. By-law 84-25, 6 March, 1984.

#### Article 4 EXEMPTIONS

**776.4.1 Bell - horn - siren - signal - sounding - required by law**  
This Chapter shall not apply to the sounding of any bell, horn, siren or other signal device of whatsoever kind when such is required by law.

**776.4.2 Amplification - in public park - authorized by Council**  
This Chapter shall not apply to 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 in any other large public space in connection with any public election meeting, public celebration or other reasonable gatherings, provided that written permission of the Council has first been obtained.

**776.4.3 Band - parade - authorized - by Council**  
This Chapter shall not apply to any band or any parade operating under written permission first obtained from the Council.

**776.4.4 Newsboy - hawker - peddler - petty tradesman**  
This Chapter shall not apply to any newsboy, peddler, hawker or petty tradesman plying his/her calling legitimately.

**776.4.5 Public service - emergency vehicles - answering call**

This Chapter shall not apply to any police vehicle or any fire department vehicle or any ambulance or any public service or emergency vehicle while answering a call.

**776.4.6 Necessity - public**

This Chapter shall not apply to any case of public necessity.

**776.4.7 Salvation Army - operations**

This Chapter shall not apply to the operation of the Salvation Army as heretofore carried on. By-law 73-101, 22 May, 1973.

**Article 5  
ENFORCEMENT****776.5.1 Fine - for contravention**

Every person who contravenes any of the provisions of this Chapter is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than five thousand dollars (\$5,000), exclusive of costs and every such fine is recoverable under the *Provincial Offences Act*. By-law 91-13, 15 January 1991.

**Article 6  
REPEAL****776.6.1 By-laws - previous**

By-law 66-63 of The Corporation of the City of Sudbury and all amendments thereto are hereby repealed. By-law 73-101, 22 May, 1973.