

GENERAL

Chapter 450 NOISE

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**Article 1
INTERPRETATION**

450.1.1 Noise - defined

Without limiting the generality of the provisions of Section 450.2.1 the following noises or sounds set out in Sections 450.3.1 through 450.8.3, inclusive, shall be deemed to be unusual noises or noises likely to disturb the inhabitants. By-law 87-258, 13 October, 1987.

450.1.2 Officer - defined

“officer” means any municipal law enforcement officer or by-law enforcement officer of The Corporation of the City of Kitchener, and any member of the Waterloo Regional Police Services. By-law 2009-064, 6 April, 2009.

**Article 2
UNUSUAL NOISE - PROHIBITED**

450.2.1 Unusual noise - prohibited

No person shall, within the territorial limits of the City ring any bell, blow or sound any horn or cause or permit the same to be rung, blown or sounded, shout or make any unusual noise or noise likely to disturb the inhabitants or cause or permit the same to be made. By-law 87-258, 13 October, 1987.

450.2.2 Adult of dwelling - responsibility

Every adult tenant and every adult occupant of a dwelling unit is deemed to permit noise likely to disturb the inhabitants contrary to this Chapter where unusual noise or noise likely to disturb the inhabitants emanates from the dwelling unit. By-law 2010-191, 15 November, 2010.

**Article 3
MOTOR VEHICLE**

450.3.1 Warning device - lawful use only

The sounding of any bell, horn, siren or other warning device on any motor vehicle, motorcycle, snowmobile, bicycle or other vehicle of whatsoever kind except when permitted by law.

450.3.2 Warning device - unreasonable period

The sounding of any such bell, horn, siren or warning device for an unnecessary or unreasonable period of time. By-law 87-258, 13 October, 1987.

450.3.3 Disrepair - maladjustment

The grating, grinding or rattling sound or noise caused by the condition of disrepair or maladjustment of any motor vehicle, motorcycle, snowmobile, trailer or other vehicle or part or accessory thereof while on private property. By-law 94-182, 11 October, 1994.

450.3.4 Motor vehicles

The sound or noise created by the operation of any motor vehicle, trailer or other vehicle bearing material, articles or things which are loaded upon such vehicle in such manner as to create noise. By-law 87-258, 13 October, 1987.

450.3.5 Exhaust - except through muffler

The sound or noise from the discharge into the open air of the exhaust of any steam engine or internal combustion engine, including the engine of an automobile, motorcycle and snowmobile, while on private property, except through a muffler or other device which effectively prevents loud or explosive noise. By-law 95-95, 19 June, 1995.

**Article 4
ANIMAL OR BIRD****450.4.1 Unreasonable disturbance - of the peace**

The sound by any animal or bird which unreasonably disturbs the peace, quiet, comfort or repose of any person in any residence and/or yard associated with a residence. By-law 91-186, 13 May, 1991.

**Article 5
STEAM - AIR - GASEOUS MATERIAL****450.5.1 Whistle - attached to boiler - other mechanisms**

The sound or noise from 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.

450.5.2 Venting - pressure release

The sound or noise produced by the venting, release or pressure relief of air, steam or other gaseous material, product or compound from any autoclave, boiler, compressor, pressure vessel, pipe, valve, machine, device or system which disturbs the peace, quiet, comfort or repose of any person in any dwelling unit, hotel or other type of residence. By-law 87-258, 13 October, 1987.

**Article 6
CONSTRUCTION WORK**

450.6.1 Excavation - demolition - alteration - time limit

The sound or noise arising between the hour of 7 o'clock p.m. of any day and 7 o'clock a.m. of the following day from any excavation or construction work whatsoever, including the erection, demolition, alteration or repair of any building or structure except in case of urgent necessity. By-law 2000-71, 8 May, 2000.

**Article 7
RADIO - AMPLIFIER - PUBLIC ADDRESS SYSTEM**

450.7.1 Radio - television - record or tape player

The sound or noise from or created by any radio, television, record player, tape player, amplifier, loud speaker, public address system, musical instrument or equipment, device or instrument which emits sound when the same is played or operated in such manner or with such volume as to disturb the peace, quiet, comfort or repose of any person in any dwelling unit, hotel or other type of residence.

450.7.2 Attracting attention - to performance - advertising

The sound or noise from or created by any drum, horn, bell, radio, record player, tape player, amplifier, loudspeaker, public address system or equipment, device or instrument which emits sound when the same is used or operated for the purpose of advertising or for attracting attention to any performance or sale, show or display of goods, wares or merchandise and projects such sound or noise into any street or other public place.

450.7.3 Motor vehicle - radio operated from

The sound or noise from or created by any radio, record player, tape player, amplifier, loud speaker, public address system or equipment, device or instrument which emits sound when the same is used or operated from any motor vehicle, trailer or other vehicle except for such time and under such conditions as the Regional Chief of Police may prescribe.

**Article 8
OTHER NOISES**

450.8.1 Air-conditioning equipment

The sound or noise produced by the operation of residential air-conditioning equipment which disturbs the peace, quiet, comfort or repose of any person in any dwelling unit, hotel or other type of residence.

450.8.2 Shouting - yelling - hooting - whistling - singing

Any shouting, yelling, hooting, whistling or singing which disturbs the peace, quiet, comfort or repose of any person in any dwelling unit, hotel or other type of residence and arises between the hour of 11 o'clock p.m. of any Sunday, Monday, Tuesday, Wednesday or Thursday and the hour of 7 o'clock a.m. of the following day (unless the following day is a holiday) or between the hour of 1 o'clock a.m. and the hour of 7 o'clock a.m. of any Saturday, Sunday or holiday.

450.8.3 Quiet zones - school - hospital - court

Any unreasonable or unnecessary noise in the vicinity of any school, hospital or court while same is in session, provided that conspicuous signs are displayed in or upon the streets adjoining any such school, hospital or court indicating that such noises are prohibited in the vicinity.

**Article 9
EXCEPTIONS****450.9.1 Prohibitions - where not applicable**

That none of the provisions of this Chapter shall apply in the circumstances set out in Sections 450.9.2 through 450.9.8, inclusive.

450.9.2 Use - amplification - in a reasonable manner

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 recreational area under the control and management of the City in connection with any public election meeting, public celebration or other lawful gathering, provided that written permission of Council has first been obtained.

450.9.3 Band or parade - having written permission

Any band or parade operating under written permission first obtained from Council.

450.9.4 Commercial calling - legitimate - moderate

Any newsperson, pedlar, hawker or petty tradesperson plying his/her calling legitimately and moderately.

450.9.5 Police - Ambulance - public service

Any vehicle of the police or fire department, any ambulance or any public service or emergency vehicle while answering a call.

450.9.6 Radio - in motor vehicle - limitation

Any sound from any private radio in a motor vehicle, installed for the sole benefit or entertainment of the operator and occupants of such vehicle, when same is not audible at a distance of 25 feet (7.62 metres) from such vehicle.

450.9.7 Railway - operation - plant

Any sound arising from the operation of any railway which operates under the *Railway Act of Canada* or from any plant or work in connection with any such railway.

450.9.8 Public convenience - necessity

Any case of public convenience or necessity. By-law 87-258, 13 October, 1987.

450.9.9 Exemption - snow removal - for safety

The provisions of this Chapter shall not apply to snow clearing or removal activities that are necessary for maintaining property in a safe condition. By-law 2010-191, 15 November, 2010.

**Article 10
ENFORCEMENT****450.10.1 Fine - for contravention**

Every person who contravenes any provision of this Chapter is guilty of an offence and is liable, upon conviction, to a fine not exceeding Ten Thousand Dollars (\$10,000), exclusive of costs, for each offence, recoverable under the *Provincial Offences Act*. This Section comes into force April 1, 2011. By-law 91-186, 13 May, 1991; By-law 2010-191, 15 November 2010; By-law 2011-012, 24 January, 2011.

450.10.2 Inspection - right of entry

An officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not this Chapter is being complied with. Entry to any place actually being used as a dwelling unit shall be subject to the requirements of the *Municipal Act, 2001*. By-law 2009-064, 6 April, 2009.