
New Response Completed for Council Delegation Form

From noreply@esolutionsgroup.ca <noreply@esolutionsgroup.ca>

Date Fri 8/1/2025 11:47 AM

To Cindy Page <cpage@cavanmonaghan.net>; Karlie Hartman <khartman@cavanmonaghan.net>

Hello,

Please note the following response to Council Delegation Form has been submitted at Friday August 1st 2025 11:43 AM with reference number 2025-08-01-002.

- **Date:**
8/1/2025
- **Meeting Date:**
8/11/2025
- **Subject:**
Request for a moratorium and revision of Bylaw 2022-21 re outdoor, projected music (noise) in downtown Millbrook
- **Name of Delegate:**
Deborah Luchuk
- **Name of the Community Group/Organization:**
Residents and business owners affected by externally projected noise (music) in downtown Millbrook
- **Address:**
27 McGuire Drive
- **City:**
Millbrook
- **Province:**
ON
- **Postal Code:**
L0A 1G0
- **Phone Daytime:**
[REDACTED]

- **Phone Evening:**

- **Email:**

- **Do you require any Accessibility Accommodation?**

No

- **Detailed statement of what you are seeking from Council.**

I am seeking a five-month moratorium (stoppage) of all externally projected music (noise) from any business or residence on King Street, between Tupper and Hay and Union Streets in downtown Millbrook. Currently, per the Cavan-Monaghan noise bylaw, downtown businesses are permitted to project their music out to the street and beyond between 9 am and 9 pm, with no specifics to regulate volume. No downtown residents nor many businesses were consulted directly before the bylaw was approved in April 2022. The purpose of the moratorium is to permit Council and staff to conduct research and review best practices in municipal noise bylaws; conduct and review research into the health, wellness, and financial/business effects of unwanted noise; and from that, revise the noise bylaw to eliminate the exception for downtown businesses to project their music (noise) to other businesses and residents. The timeline and dates are to ensure this work is completed as soon as possible so resolution of the noise issue is not delayed or prolonged. NOTE: I will be making a PowerPoint presentation but will need to send this separately as only one document can be uploaded with this request.

- **Do you have any documentation (i.e. Powerpoint presentation, letter, memo, photo etc.) that you would like to provide/make to Council**

Yes

- **Please include any documentation/presentation (i.e. images, brochures, correspondence etc.) material that will be attached to your deputation.**

1. [Background Notes Moratorium on Downtown Music.docx \[34.1 KB\]](#)

[This is an automated email notification -- please do not respond]

PROPOSAL

A MORATORIUM ON MUSIC OUTSIDE OF DOWNTOWN MILLBROOK BUSINESSES

PRESENTER: Deborah Luchuk

Monday, August 11, 1:00 pm Council Meeting

Purpose of Presentation

To propose a temporary noise moratorium:

- To protect residents/businesses from negative impacts of unwanted noise
- To allow for proper, direct consultation with those affected
- To modernize the Municipality of Cavan-Monaghan's current noise bylaw to prohibit unwanted noise projecting from the outside of any business or residence on King Street between Tupper and Hay and Union Streets

Effects on Health, Wellbeing, and Business Operations

Unwanted noise is affecting residents, business owners, employees' mental health, concentration, sleep, and the ability to work — especially for home-based businesses

Lack of soundproofing in heritage buildings

- Older buildings in downtown Millbrook (by nature of being heritage) lack soundproofing; residents can't escape daily projected noise even with windows closed.
- To ask landlords or building owners to change windows with same/similar newer windows to replace the original heritage ones is cost-prohibitive, negatively affecting these stakeholders

Fairness & Equity

- One or more businesses should not be allowed to project music that negatively impacts many others' physical and mental health, enjoyment of residences, pursuit of livelihood, or business operations

Lack of Public Consultation

- Prior to approving bylaw with music exception, no consultations nor direct conversations with residents/many businesses to obtain opinions or impact of unwanted noise
- Council considered opinions of visitors to or shoppers in downtown Millbrook, with no effort to speak directly with **each resident** and **business owner/operator** directly affected
- Many residents affected by unwanted noise feared speaking out due to social or safety concerns - following online abuse and threats directed to resident who made presentation in May 2021

Moratorium Proposal

- Propose full moratorium on all outdoor projected noise (music) from any business or residence in downtown Millbrook for five months between September 1, 2025 (12:01 am) to and including January 31, 2026 to 11:59 pm – specifically on King Street between Tupper and Union and Hay Streets

Rationale for Timeline

- Sufficient time for confidential, direct consultation with all downtown residents and business owners/operators
- Enough time to research/assess scientific articles and business/financial implications re the effects of noise
- To allow for research/review of best municipal practices re noise bylaws
- Council may extend the moratorium beyond five months if additional time required
- Affords residents and businesses much needed quiet, improving enjoyment of residences and the ability to conduct business without distraction

Council's Role

- To protect those most affected by unwanted, projected noise from downtown Millbrook businesses — residents, other businesses, property owners
- To not favour less important opinions of infrequent or temporary visitors, or desire of one or two businesses to play music outside of their premises
- To stop unwanted noise from any downtown business or residence affecting residents or businesses alike

Recommended Action by Council

- Adopt full moratorium as proposed or for longer period as needed
- Conduct thorough, in-person consultation with all residents/businesses affected negatively by projected music (noise) from businesses
- Build a fair and enforceable bylaw that ensures no resident, business owner or operator, landlord, or property owner is subjected to unwanted noise

PROPOSED MORATORIUM ON NOISE: BACKGROUND NOTES

Presentation by Deborah Luchuk

Past and recent history

To support friends living in downtown Millbrook who experience unwanted noise, I met with Millbrook Councillor Lance Nachoff in June 2025 to raise my concerns about the suffering of downtown residents and business owners due to unwanted noise projected outward from one and now two businesses, supported by an exception for projected music in the municipal bylaw.

Before the current bylaw was decided and approved in April 2022, residents concerned made a delegation and/or wrote letters to Council opposing the proposed noise exception – the projected music already had a negative physical and mental health impact on many. Several businesses were affected by unwanted noise projected toward their premises.

I wrote and sent a registered letter myself in support of those affected and did not receive a response. One person who presented their concerns to Council subsequently suffered threats and were called out online to the point where they didn't feel safe leaving their apartment.

Despite this individual's presentation, and the letters written by residents to Council, nothing was done about the problem. The business projecting music for many hours a day continued to do so. Individuals approached the business owner and politely asked if he could turn down his music. Instead, residents noticed an increase in volume after such encounters.

Now there's a 24/7 business downtown who has also set up exterior speakers and music is concurrent to the other businesses', and equally as loud and for longer hours. The residents who are affected are afraid to go to Council for fear of what happened last time. With their assent and at their request, I have decided to speak on their behalf. If you are not accustomed to making presentations or lecturing, it's a lot of work to prepare. Not many people are comfortable speaking to a group.

I'm here because I care about my neighbours - and because what is happening is unjust and illogical. I care about my community, and want everyone to have the same quality of life I have (or better!) in my house in Millbrook – not assaulted by unwanted noise for up to 12 hours a day, most days a week.

It does not make logical sense that the desire of one, now two business owners (and possibly more) should be allowed to project their music outside to be heard far from King Street at the expense and suffering of many more business owners/operators and residents. These two business owners would not be damaged by revision of the noise bylaw to retract the music exception for downtown businesses. But many others are negatively affected by keeping the exception as part of the current noise bylaw.

Some residents have attested that their front windows facing the businesses in question vibrate with the volume of the music – they cannot open those windows, even on hot days because the unwanted noise would further affect them negatively. Considering the heritage nature of downtown Millbrook and many building owners’ attempts to retain heritage features, windows of apartments and often, businesses on the main floor are often original and/or single-paned glass. The angle of the speakers and the volume of music projected outside of the two businesses ensures the noise blasts directly into residents’ front windows, regardless of whether the windows are open or not.

I have visited a few of those apartments to see for myself and can attest to the constant blasting of unwanted noise. There is no way I’d be able to conduct business in my own company, or take a nap, or otherwise focus on anything else in one of those apartments.

The vast majority of other business owners do not play music outside of their facilities. They choose the music they play inside their stores or offices and many smart entrepreneurs know that with the right music, shoppers will linger and buy more. A door to a business opens and you can briefly hear a bit of what’s playing inside.

Some businesses may have windows open during the summer, but their interior music is only heard when you walk immediately in front of their building. That’s to be expected and no downtown resident would have a problem with that. When my family moved here in 1971, there was no music projected onto the street. One could see a neighbour while out doing errands and have a good chat on the sidewalk - without being overwhelmed by noise coming from one or two businesses. However, those of us out shopping or visiting a service-based business were only on the street for a few minutes up to a couple of hours, and were popping in and out of various shops and offices.

Visitors’ opinions should not count in determination of whether music (noise) is projected on the street. Those who live, work, or otherwise pursue a livelihood on that part of King Street are the ones impacted hours a day, several days a week.

Before a downtown resident made a presentation to Council about the impact of unwanted noise on themselves and others on May 3, 2021, apparently several visitors to/shoppers downtown got wind of the proposed noise bylaw potentially shutting down exterior projected music from the only business doing so. Online and through social media these people stated they liked the music, how quaint it was and charming – at worst, these people made ignorant remarks about the people most affected by the noise. Many contacted councillors to give their opinion. Unfortunately, Council of the day was swayed by this group’s often rabid opinions about how the business owner was doing a service and that he should be grandfathered to continue projecting his music. Make no mistake – the exception to the bylaw allowing businesses to project their music outside was made to please that business owner. No one else was projecting music on the street at that time.

In deliberations about the proposed bylaw, no one at the municipality went door-to-door to talk to residents and businesses most impacted by projected music (noise) – so their input was not heard or given the higher consideration it should have. While the noise bylaw was being developed

during COVID lockdowns and restrictions, it appears no effort was made to identify all the residents or businesses downtown nor acquire at least contact numbers to phone those who would be potentially affected by an exception for projected music.

I have acquired some of the social media postings on Town Hoopla from around that time. I didn't see any posted comments or messages from anyone who lived downtown at the time supporting exterior projected noise. There were many comments from people who *didn't* live or work downtown – many ignorant and aggressive in expression and tone. I have screenshots of many of these messages if any of Council would like to see these. These are dated as well.

Given the vociferous, often threatening nature of comments on social media I'm sure many residents and business owners were too intimidated to speak publicly about the impact of unwanted noise at the May 3 meeting.

As mentioned previously, the person who did make a presentation regarding the impact of unwanted noise was subjected to verbal threats and abuse online in social media forums (like Town Hoopla). For several weeks, the individual was afraid to leave their house due to threats received after they made the presentation to Council about unwanted noise effects. Those residents and business owners who submitted letters to Council opposing any exception for downtown, projected music received little to no response, as mentioned earlier in this document.

In short, it appears Council of the day decided to ignore the letter and the presentation, favouring opinions of visitors – and mostly from social media posts. It would be good to know what was behind the decision making.

Despite the presentation and letters sent to Council by residents and businesses affected by the noise, Council of the day went ahead with approving a noise bylaw on April 19, 2022 with the exception for outdoor, projected music from businesses downtown.

Municipality of Cavan-Monaghan Noise Bylaw (No. 2022-21)

The noise bylaw approved by Council in April 2022 was virtually the same as the City of Peterborough's **but with a specific exception for music from downtown Millbrook businesses**. I have been told by staff that Council of the day thought the Peterborough bylaw was straightforward and clear, and good to emulate in Cavan Monaghan's noise bylaw.

In addition to unavoidable sources of noise – such as farm equipment or sirens – or noise permitted by Council approval – Cavan Monaghan made an exception for music projected from external loudspeakers to be played between 9 am and 9 pm: “The noise caused by music in the area of King Street from the limits of Tupper Street westerly to Union Street and Hay Street between the hours of 9: 00 am to 9: 00 pm.”

The City of Peterborough's noise bylaw makes no such exception – it does not allow noise (music) to be projected from any business or residence on downtown streets.

It appears the City of Peterborough vigorously enforces their noise bylaw in downtown Peterborough. For example, all you hear even from an outdoor patio is very low volume music

projected at the sidewalk or property outside of the business, if that. Apparently, the City assigns substantial fines to anyone who projects their noise and/or projects it by virtue of volume and speakers facing the street. If a fine is too low, the parties projecting the music see no reason not to continue blasting their music at a volume that negatively affects others.

Both the Cavan-Millbrook and Peterborough noise bylaws list some logical exceptions to the noise bylaw that are either *unavoidable* or that are *controllable by Council*.

Cavan-Millbrook's noise bylaw exceptions include, as noted from the CM bylaw:

- Farm animals and machinery (unavoidable in a rural area)
- Parades (if approved by Council – and usually everyone in the area is notified)
- Outdoor concert (if approved by Council)
- Church bells/chimes
- Public utility work
- Traffic control devices
- Warning safety devices – vehicles (i.e. back-up alarm)
- Snow removal equipment
- Emergency vehicle sirens
- Municipal parks (recreational activities)
- The annual Millbrook Fair
- Filming (if approved by Council)

All these exceptions are *temporary*, occurring for only a few minutes or seconds through to a few days for the Fair or filming. These exceptions do not produce noise year-round, for most hours of the day into the evening, several days a week.

Downtown residents are aware there will be unavoidable noise by virtue of living in a commercial district. When they move into an apartment, it is evident there will be road noise, parades, or downtown business community events. In other words, they have to accept that where they live can be noisy at times, at least during business hours.

However, I'm told that many move into apartments unaware of the constant barrage of "music" noise coming from across the street or next door. In fact, absentee landlords may not be aware of the noise to advise possible renters – or not want to share the information so a potential tenant will sign a lease. Until they move in and live there for a while, tenants might not notice. But it's not long before these residents realise the noise is not temporary.

Historically, there has been a revolving door of resident tenants in most buildings and I am told by current residents that many have left because of the constant noise. For example, many who left had home-based businesses they couldn't operate because of the constant noise. Others engaged in shift work could not sleep during the day because of the music noise. These people were not able to experience peace and quiet in their homes.

At least four of the current residents downtown are seriously considering moving because the noise has a negative effect causing stress, headaches and mental health issues and interferes with

conduct of their home businesses. It's important to note these residents are invested in this community, contributing much to their neighbourhood and the village. They love living in Millbrook. According to some residents downtown, businesses that have moved have cited the noise from the one, and now two businesses as the reason for moving out.

What one person thinks is noise another may love. It is subjective. Same goes for volume. Some like their music loud, some not, because there are physical repercussions in their bodies from unwanted noise. Measuring decibels at one moment in the day might assess the volume of noise at that moment, but it does not measure the cumulative effect of loud noise over hours and days on those who can't avoid hearing it.

Outside of downtown Millbrook, if any resident is experiencing unwanted noise, they call the police and the party projecting unwanted noise is told to turn it down or off. It is unreasonable to one person would be allowed to project unwanted noise outside of their home for hours a day, several days a week.

Downtown is, de facto and historically, a mixed zoning area – commercial and residential. People have lived in downtown apartments for decades now. The rent they pay helps landlords to maintain their buildings – heritage buildings we are now trying to protect. If tenants who cannot handle the noise move out – building owners and/or landlords have to go through the whole process again of screening potential renters to hopefully find someone who won't destroy an apartment. Good tenants are hard to find and mostly landlords want to keep the good ones, who often assist with property maintenance and snow removal.

Building owners are also greatly affected if a business moves into their commercial space, only to leave because of the noise affecting customers and employees alike. Residents in downtown Millbrook have told me on several occasions about storefront business owners leaving Millbrook because they can't handle the constant, entirely preventable noise.

For example, if you own a dining establishment and have an outdoor patio, patrons may not choose to eat there, or be so annoyed by the noise they won't come back and the negative review will be online for everyone to see. Businesses rely on repeat customers and good reviews, particularly in a small village economy. Personally, I can't sit on the patio at the Pastry Peddler because of the unwanted noise (music). It's annoying when a large panel truck drives by with crashing sounds, but that's only a few seconds.

If a landlord has a hard time keeping or generating rental income, most often owners will sell their property. This can have negative consequences for the heritage buildings, as many are not designated and therefore somewhat protected from inappropriate "renovations". The next owner of the building may not care about the heritage nature of downtown, seeing the premises as merely an investment to make money.

Keeping property owners, landlords, businesses and residents comfortable and happy is essential to economic development downtown. Having stable, long-time building owners, businesses and tenants maintains the area as a safe, welcoming place. People who are happy to live and work downtown will have a greater stake and interest in their neighbourhood. When the neighbourhood

is welcoming and appealing, more businesses (of the retail or dining variety, not services) set up shop, thereby generating more foot traffic and repeat sales.

The definition of noise and local effects

Noise is any sound that is unwanted, regardless of type, like music, loud car horns, traffic noise, etc. that has a negative effect on those hearing the noise.

To reiterate, while most of the noise in a busy downtown is unavoidably generated by traffic, deliveries, people coming in and out of businesses, etc., sources of noise that can be stopped or strictly regulated (like music projected from outside a business or from a window of a residence) can and should be stopped if the noise interferes with the reasonable enjoyment of one's residence or engagement in a livelihood or business.

It is not about the *number* of people experiencing negative effects of constant noise – what needs to be considered is the health and safety of **ALL** residents and stakeholders in any area of a municipality. When someone who lives and works downtown comes to Council to ask for their help in shutting down unwanted noise, it is Council's responsibility to act.

While Council has to balance the wants and needs of all residents, sometimes they have to consider the nature and persistence of harm to the many vs. one or two parties. Who is the most affected by projected noise vs. those who decide to project their music into the street and buildings across from it?

In modifying the noise bylaw to **prohibit** externally projected music emanating from businesses and residences on King Street between Tupper and Hay and Union Streets – everyone can live and work in a healthy environment.

There is no harm incurred on those who want to project their music by shutting externally projected noise from their businesses. They can still play what they want inside their premises. Others are being harmed.

However, I know that to make changes to a bylaw, Council and staff may need to acquire and study information about the nature of noise and to look at other municipalities' noise bylaws. It would be top priority for councillors and/or staff to go door to door to speak with residents of each apartment and business owners/operators downtown. Due diligence must be evident so Council can assure all residents they have considered all the factors in a problem – and that takes time.

For this reason, I propose a **moratorium (temporary stoppage) of externally projected, preventable noise from any business, landlord, or resident – at any time of the day or night for five months from 12: 01 am Monday, September 1, 2025 to 11: 59 pm Saturday, January 31, 2026** – or a longer time should Council deem it appropriate to have more time to determine changes to the music exception in the noise bylaw.

Description and definition of requested moratorium on externally projected noise

Representing myself and several residents and business operators of King Street between Tupper and Hay and Union Streets, we request:

A moratorium (temporary stoppage) on all externally projected noise (including music) from any residence (apartment) or business located on King Street between Tupper Street and Hay and Union Streets for five months, between 12: 01 am Monday, September 1 and 11: 59 pm, Saturday, January 31.

The five-month moratorium is to allow Council and staff enough time to fully research and review other jurisdictions' noise bylaws; conduct and analyze research on the effect of unwanted noise on individuals, businesses, and commercial areas; and determine a noise bylaw without an exception for outwardly projected music (noise) from businesses.

The moratorium on externally projected noise will also give those most affected a break for a few months to enjoy their residences or pursue their livelihoods without assault by noise while you research and determine the changes to be made re the downtown music exception to the noise bylaw.

The Township of Cavan Monaghan

By-law No. 2022-21

Being a by-law to Prohibit or Regulate Noises within the Township of Cavan Monaghan

“Otherwise known as the Noise By-law”

Whereas Sections 9 and 129 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that the Councils of local municipalities may pass By-laws to prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors;

Now Therefore the Council of the Township of Cavan Monaghan hereby enacts as follows:

1. In this By-law:

(a) Corporation

“Corporation” shall mean the Corporation of the Township of Cavan Monaghan.

(b) Dwelling Unit

A “dwelling unit” means a suite operated as a housekeeping unit, used or intended to be used by one or more persons and usually containing cooking eating, living, sleeping and sanitary facilities.

(c) Emergency Vehicle

An “emergency vehicle” includes a police car, ambulance, fire truck or other vehicle and/or watercraft responding to an emergency call pursuant to a call for service.

(d) Person

A “person” includes a corporation.

2. General – Likely to Disturb

(a) No person shall, within the limits of the Corporation, shout, make or permit an unusual noise, or a noise likely to disturb the inhabitants thereof.

(b) No owner shall emit, cause or permit the emission from the owner's property of noise likely to disturb the inhabitants of the Corporation.

3. Noises – Likely to Disturb

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

(a) Radio – Loud Speaker

The noises 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 unit, 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.

(b) Animal – Bird

The sound made by an animal or bird under the care of an individual and/or individuals which disturbs the peace, comfort, or repose of any person in another dwelling unit shall be deemed to be noises likely to disturb.

(c) Exhaust – Without Muffler

The noise or sound caused by the discharge into the open air of 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.

(d) 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.

(e) Motor Racing – Standing/Stationary Motor Vehicle

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

(f) Motor Vehicle Racing – Permitted by By-law

The noise caused by motor vehicle racing in an area zoned and permitted for such use shall be deemed to be noises likely to disturb when such motor vehicle racing occurs before 8:00 a.m. and/or after 11:30 p.m.

(g) Construction – Demolition, Repair, Restrictions

The noise caused by the erection, demolition, alteration or repair of a building or equipment or by construction of earth-moving equipment working upon such site situated within 500 feet of an occupied dwelling unit on any day, between the hours of 7:00 p.m. and 7:00 a.m. of the following day, shall be deemed to be noises likely to disturb.

(h) Lawnmower – Times of day

The noise made by a power lawn mower within 100 feet of an occupied dwelling on any day between the hours of 10:00 p.m. and 8:00 a.m. of the following day shall be deemed to be noises likely to disturb.

(i) 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.

4. Exceptions

None of the provisions of this By-law shall apply to prevent:

(a) Farm Machinery/Animals

The noise caused by any machines of husbandry, corn dryers or other farm machinery, being used to put in crops or remove crops, or being used for any other normal farming practices. Any noise caused by livestock permitted by the Township Zoning By-law.

(b) Parades

The noise caused by a lawful parade which has been approved by Council.

(c) Outdoor Concert

The noise caused by an outdoor concert or outdoor band which has been approved by Council.

(d) Church Bells - Chimes

The noise caused by the sound of a church bell or chime.

(e) Public Utility Work

The noise caused by works done upon a site or highway when such work is undertaken by the Corporation, the County of Peterborough, Hydro One, the Ministry of Transportation, any other public utility, or

any Contractor providing services on their behalf, within the Corporation.

(f) Traffic Control Devices

The noise created as part of traffic control devices, including those at traffic signal locations and railway crossings.

(g) Warning Safety Devices - Vehicles

The noise created as part of a vehicle's warning devices where required or authorized by law or in accordance with good safety practices, including a vehicle's back-up alarm.

(h) Snow Removal Equipment

The noise created by the operation of snow removal equipment while in the operation of snow removal.

(i) Emergency Vehicle Sirens

The noise created by the sound of a siren on an emergency vehicle.

(j) Municipal Parks

The noise caused by recreational activities at any Municipally owned property designated as a park.

(k) Music

The noise caused by music in the area of King Street East from the limits of Tupper Street Westerly to Union Street and Hay Street, between the hours of 9:00 a.m. – 9:00 p.m. An area map is attached as Appendix 1.

(l) Annual Millbrook Fair

The noise created by the annual Millbrook Fair.

(j) Filming

The noise created by a film production company that has obtained a valid permit as required within the Guidelines for Filming in the Township of Cavan Monaghan.

5. Grant of Exceptions by Council

(a) Exceptions

Notwithstanding anything contained in this By-law, any person may make application to Council to be granted an exemption from any of the provisions of this By-law with respect to any sources of sound for which he/she might be prosecuted and Council, by resolution, may refuse to grant any exemption or may grant the exception applied for or any exemption of lesser effect and any exemption granted shall

specify the time period, not in excess of 6 months, during which it is effective and may contain such terms and conditions as Council sees fit.

(b) Breach

Breach by the applicant of any of the terms or conditions of any exemption shall render the exemption null and void.

6. Penalties and Enforcement

(a) Penalties

Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O 1990, Chapter P.33 as amended.

(b) Enforcement

This By-law shall be enforceable twenty-four (24) hours a day unless otherwise specified. This By-law shall be enforced by Township of Cavan Monaghan By-law Enforcement Officer(s) and members of the Peterborough Police Service Department.

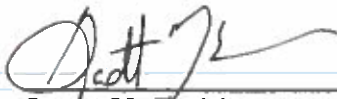
7. Effective Date and Maximum Fine

This By-law shall come into force and effect on the date of passing thereof.

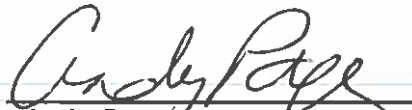
The maximum fines shall be as per Schedule "A"

By-law No. 2017-50, By-law No. 2018-08 and By-law No. 2018-11 are hereby repealed in their entirety.

Read a first, second and third time and passed this 19th day of April, 2022.



Scott McFadden
Mayor



Cindy Page
Clerk

The Township of Cavan Monaghan

By-law No. 2022-21

**Being a by-law to Prohibit or Regulate Noises within the Township of
Cavan Monaghan**

Schedule "A"

Item	Short Form Wording	Provision creating or defining offence	Set Fine
1	Shout, make or permit an unusual noise or noise likely to disturb	s. 2(a)	\$150
2	Emit, cause or permit the emission of noise likely to disturb	s. 2(b)	\$150

Note: The general penalty provision for the offences listed above is Section 6 of this By-law No. 2022-21. A certified copy of which has been filed.

The Township of Cavan Monaghan

By-law No. 2022-21

Being a by-law to Prohibit or Regulate Noises within the Township of Cavan Monaghan

Appendix 1



PROTECTION

Chapter 691 NOISE

CHAPTER INDEX

Article 1 INTERPRETATION

- 691.1.1 Construction - defined
- 691.1.2 Construction equipment - defined
- 691.1.3 Dwelling house - defined
- 691.1.4 Emergency vehicle - defined
- 691.1.5 Person - defined

Article 2 GENERAL PROVISION

- 691.2.1 Noise - unusual - likely to disturb - prohibited

Article 3 NOISES - PROHIBITED

- 691.3.1 Noises - likely to disturb - set out
- 691.3.2 Radio - loud speaker - disturbing peace - comfort
- 691.3.3 Amplifier - loud speaker - in vehicle - on highway
- 691.3.4 Animal - bird - disturbing peace - comfort
- 691.3.5 Exhaust - without muffler
- 691.3.6 Tire noise - squealing - acceleration - braking
- 691.3.7 Motor - racing - standing motor vehicle
- 691.3.8 Construction - demolition - repair - restrictions
- 691.3.9 Lawn mower - times - days

NOISE

- 691.3.10 Air conditioning equipment - disturbing peace
- 691.3.11 Watercraft noise - not incidental to shipping
- 691.3.12 Disturbance - police officer - investigation

Article 4 EXCEPTIONS

- 691.4.1 Parade
- 691.4.2 Newsboy - peddler - plying his/her calling
- 691.4.3 Stereo - motor vehicle - not audible - limitation
- 691.4.4 Outdoor hymn - carolling
- 691.4.5 Outdoor concert - approved by Council
- 691.4.6 Church bells - chimes
- 691.4.7 City works - public utility work
- 691.4.8 Emergency vehicles - sirens

Article 5 ENFORCEMENT

- 691.5.1 Fine - for contravention

Article 6 REPEAL - ENACTMENT

- 691.6.1 By-laws - previous
 - 691.6.2 Effective date
-

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.