R.B.C.M.  
c. B-3

BY-LAW CONCERNING NOISE

SECTION I  
GENERAL PROVISIONS

1. In this by-law, the following words mean:

"background noise": a noise of a level equivalent to that reached or exceeded by the environmental noise during 95% of the observation period;
"disruptive noise": a noise that can be detected as separate from the environmental noise and considered as a source for analysis purposes, and includes a noise defined as such in this article;
"disturbed place": an inhabited place whose environment is subjected to a disruptive noise;
"environmental noise": a combination of usual noises from various sources, including noises that are exterior in origin, more or less regular in character, that can be detected within a given period, excluding any disruptive noise;
"holder": the driver, lessee, possessor or last registered owner of a registered motor vehicle;
"information-bearing noise": a disruptive noise involving verbal or musical elements separate from its other sound elements;
"inhabited place": a building or an unbuilt area in which or on which people reside, work or stay, and includes a dwelling, office building, hospital, camping ground or other similar place or part of such place constituting separate premises under the terms of an ordinance;
"intermittent noise": a recurring and disruptive noise;
"motor vehicle" or "vehicle": any vehicle driven other than by muscular force and adapted for transportation on public roads, but not on rails;
"noise with audible pure sounds": a disruptive noise whose sound energy is concentrated around certain frequencies;
"occupant": a person who stays, works or resides in a disturbed place;
"pulsating noise": a disruptive noise involving discrete impulses such as hammering or riveting;
"standardized noise": a disruptive noise to which has been applied, as a result of a measuring test in accordance with an ordinance, the prescribed correction index for the characteristics of such noise, the duration of its emission and background noise; the number of decibels thus reached is the noise intensity level to be retained for comparison with maximum tolerance.
scales determined by that ordinance;
"steady noise": a disruptive noise whose level indicates no major variations within certain limit values that are dependent on the location and on the time of day, as determined by ordinance;
"undulating noise": a disruptive noise whose level indicates variations greater than those determined for the evaluation of a steady noise;
"user": a person who uses an object, a device or an instrument through which a disruptive noise is emitted, and includes the owner, lessee or possessor of that object, device or instrument, or any person responsible thereof.

2. Noise whose sound pressure level is greater than the maximum set by ordinance, or noise specifically prohibited under this by-law, constitutes a nuisance and is prohibited as being contrary to peace and order.

SECTION II
NOISE PRODUCED BY A MOTOR VEHICLE

3. The provisions of this section apply at all times to any motor vehicle in the city, regardless of traffic conditions.

4. Any holder of a motor vehicle that produces a noise whose sound pressure level is greater than the maximum set by ordinance contravenes this by-law.

5. Despite article 4, where the noise produced by a motor vehicle results from a sudden maneuver intended to avoid an accident while the vehicle is running in accordance with traffic regulations, no offence is considered to have been committed.

6. Apart from the noise referred to in article 4, the following noises are specifically prohibited:
   (1) noise produced by the banging of an object transported on a vehicle, or the banging of part of a vehicle;
   (2) noise produced by the use of the motor of a vehicle at high revolutions, particularly on starting or stopping, or resulting from repeated accelerations;
   (3) noise resulting from the needless or excessive use of a whistle, siren or similar device in a motor vehicle;
   (4) excessive or unusual noise produced by a radio or any device designed to reproduce sounds in a motor vehicle.

7. Any holder of a motor vehicle in which or by the use of which is produced a noise specifically prohibited under article 6 contravenes this by-law.

SECTION III
NOISE IN INHABITED PLACES
8. No disruptive noise whose sound pressure level is greater than the maximum standardized noise level determined by ordinance, with respect to the inhabited place subjected to that emission, may be emitted.

9. In addition to the noise referred to in article 8, the following noises, where they can be heard from the outside, are specifically prohibited:

   (1) noise produced by sound equipment, whether it is inside a building or installed or used outside;
   (2) noise produced by a siren or other alarm device, except in accordance with a permit issued for that purpose or except in case of need;
   (3) noise produced by a strolling musician with musical instruments or objects used as such, at all times where percussion or electrically powered instruments are used, and at night in other cases;
   (4) noise resulting from cries, clamors, singing, altercations or cursing and any other form of uproar.

10. Noise having a sound pressure level higher than the one determined by ordinance is specifically prohibited in offices or commercial premises fitted with a sound system and in premises ordinarily used for dancing and music.

11. No noise specifically prohibited under articles 9 or 10 may be produced, whether or not it affects an inhabited place.

12. The director of the department responsible for the enforcement of this section may, at the request of the occupant of an inhabited place, make an analysis to determine the type, level and origin of any disruptive noise in the environment of that place.

13. The analysis referred to in article 12 must be made with the devices and in accordance with the measuring methods prescribed by ordinance, and those procedures must be noted in the analysis report.

Subject to the first paragraph, the analysis may, in the cases provided for by ordinance, consist in simply identifying the type, origin and level of noise, without using the devices and methods specified in the first paragraph, and in such cases, it must be so noted in the analysis report.

Despite the first paragraph, an analysis by simple identification is sufficient in the case of noises specifically prohibited under article 9.

14. Where the analysis report drawn up in accordance with article 13 established that a disruptive noise exceeds the maximum level set by ordinance or is a noise specifically prohibited under this by-law, a complaint may be filed against the user of the object, device or instrument through which that noise is produced, as well as against any person who may be responsible for its production.

15. A peace officer who believes on reasonable grounds that a person in a residential building is disturbed by a noise that he finds excessive in view of the time, location and other
circumstances, may order any person causing that disturbance to stop immediately.

Any person who does not immediately comply with an order given by a peace officer in accordance with the first paragraph contravenes this by-law.

16. No permit may be issued for an establishment or an occupancy where the activities carried on in that establishment or for the purposes of that occupancy are inconsistent with the requirements of this by-law.

All activities producing, in the premises covered by a permit application, a noise that exceeds, in adjoining premises, the prescribed sound pressure level, are inconsistent under the terms of the first paragraph.

For the purposes of the first paragraph, the director of the department responsible for the enforcement of this by-law may have a technical assessment made of the noise produced by similar activities.

17. A permit issued after the verifications provided for in article 16 does not exempt any person from the application of this by-law.

18. No permit may be issued for an establishment or an occupancy listed below, whose premises are next to a building or part of a building occupied for residential purposes and located in a zone where housing is authorized:
   (1) dance hall, dance floor;
   (2) demolition material site;
   (3) discothèque;
   (4) dump;
   (5) entertainment hall;
   (6) establishment comprising commercial premises fitted with a sound system;
   (7) music studio, music rehearsal studio;
   (8) open-air site for junk or second-hand goods;
   (9) reception hall;
   (10) scrap site.

For the purposes of the first paragraph, the word "premises" includes the open-air site of a site or dump referred to in paragraphs 2, 4, 8 and 10.

19. Articles 16 to 18 prevail over the provisions of any other by-law.

SECTION IV
ORDINANCES

20. For the purposes of this by-law, the executive committee may, by ordinance:
   (1) designate the department director responsible for the enforcement of this by-law or one of its sections;
   (2) determine the sound pressure level of noise which, in the circumstances described and
in the cases referred to in this by-law, may not be exceeded;
(3) determine a proper method of measuring noise intensity;
(4) designate or describe any device or instrument to be used for measurement, analysis or other operations;
(5) determine certain areas where noise standards may need to be specified;
(6) single out certain periods of the day;
(7) set the terms and form of any notice.

For the purposes of section II, the executive committee may, by ordinance, determine different categories of vehicles.

For the purposes of section III, the executive committee may, by ordinance:
(1) prescribe methods for normalizing the noises measured;
(2) classify inhabited places into separate premises on the basis of the type of occupancy;
(3) determine the terms of exception to articles 9, 10 or 11 under circumstances or on the occasion of events, celebrations or demonstrations it specifies or authorizes.

SECTION V
PENAL PROVISIONS

21. Any person who contravenes this by-law is guilty of an offence and is liable:
(1) for a first offence, to a fine of $100 to $300;
(2) for a second offence, to a fine of $300 to $500;
(3) for a subsequent offence, to a fine of $500 to $1000.