

# NOISE NUISANCE

## MUNICIPAL NOISE REGULATIONS AND HOW THEY ARE ENFORCED

### Questions (LAK) and Answers (Sûreté du Québec)

#### NOISE IN GENERAL

Pursuant to Nuisance By-law 2017-003<sup>1</sup>, a noise is considered a nuisance when it disturbs the peace and well-being of the neighbourhood and is “perceptible at the limit of the property” where it originates.

Q: Whom should a resident disturbed by noise contact, the “municipal officer or employee appointed by the Council”<sup>2</sup> or the Sûreté du Québec?

A: Any resident disturbed by noise should call the Sûreté du Québec **directly** at 310-4141 (emergency number throughout Quebec).

Q: Does the noise level have to be measured in decibels to have a noise disturbance deemed valid?

A: No, there is no need to have the noise level measured in decibels to have a noise disturbance deemed valid. Furthermore, the Sûreté du Québec does not have such a device at their disposal.

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<sup>1</sup>By-law 2017-003, Art. 3 — « NOISE / GENERAL » It is a nuisance and is prohibited to make, provoke or incite to do in any way, noise likely to disturb the peace and well-being of the neighbourhood, or perceptible at the border of the property.

<sup>2</sup> By-law 2017-003, Art. 17—« APPLICATION » The person responsible for the application of this by-law is any officer or municipal employee appointed by the council. The council also authorizes all peace officers of the Sûreté du Québec to institute criminal proceedings against any offender and to issue statements of offense for any contravention of any of the provisions of this by-law.

Q: How does the police officer then determine that there is a valid disturbance?

*A: The police officer determines there is a valid disturbance by simply standing at the limit of the property where the noise originates. If he can hear the noise there, the complaint is deemed valid.*

Q: What can the officer do to resolve the issue?

*A. On his first visit, the police officer speaks with the neighbour and/or issues a warning. (If the noise has ceased by the time the police officer arrives on the scene, the officer will speak with the neighbour—this usually has a deterrent effect.) On following visits, he issues tickets in accordance with Art. 18 of the 2017-003 Nuisance By-law, which provides for fines up to \$2,000.*

## NOISE RELATED TO MUSIC EVENTS

We understand that, since January 2020, a municipal authorization is required to hold a music event, which is now considered an “activity of commercial recreation” (Art. 5 of By-law 2020-030 on Garage Sales, Outdoor Sale of Horticulture Products, Circuses and Fairs)<sup>3</sup>.

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<sup>3</sup> By-law 2020-030, Art. 5—Fairs and circuses

Circuses, fairs and other similar activities of commercial recreation (are authorized), where a written consent of the municipality has been given by the municipal council.

Q: Unlike Nuisance By-law 2017-003, By-law 2020-030's title does not specify that it is enforced by the Sûreté du Québec. Who enforces that by-law?

A: *The Municipality<sup>4</sup>, with the support of the Sûreté du Québec if necessary.*

### Scenario no. 1: The music event IS AUTHORIZED by the Municipality

Q: Currently, a municipal authorization for a music event is conditional on meeting fire safety, as well as environmental and public health requirements. Paragraph 1 of Art. 5 of the municipal Nuisance By-law<sup>5</sup> protects residents from “the production of a show and the dissemination of music likely to disturb...”. However, we understand that its Paragraph 2 exempts<sup>6</sup> the organizers/hosts of such a music event from complying with Paragraph 1 when that event has been authorized by the Municipality. Our interpretation was first confirmed by a police officer from the Maniwaki Headquarters in 2019. Could you confirm again today that such is the case, i.e. that the Sûreté du Québec no longer has the authority to respond to noise complaints once that event has been authorized by the Municipality because then the noise is no longer considered a nuisance?

A: *I can confirm—Filing a noise complaint is no longer possible once the musical event has been authorized by the Municipality.*

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<sup>4</sup> At their February 7, 2023 meeting, the Kazabazua Municipal Council appointed the current building and environmental inspector, Mrs. Sylvie Roy, as the municipal officer in charge of enforcing all municipal by-laws.

<sup>5</sup> By-law 2017-003, **Para. 1** of Art. 5 — SHOW / MUSIC “It is a nuisance and it is prohibited to issue or allow the production of a show or the dissemination of music, likely to disturb the peace and well-being of the neighbourhood, or perceptible to the limit of the property.”

<sup>6</sup> By-law 2017-003, **Para. 2** of Art. 5—“This provision does not apply where a written consent of the municipality has been given by a designated municipal officer.”

Q: Since such a municipal authorization prevents residents from filing a noise complaint with the Sûreté du Québec, what other recourse might they have?

A: *This is a political issue. The Sûreté du Québec merely enforces existing regulations.*

#### Scenario no. 2: The music event IS NOT AUTHORIZED by the Municipality

Q: In the case of a musical event held—or about to be held—*without* the mandatory municipal authorization prescribed by Art. 5 of By-law 2020-030<sup>3</sup>, who can do what?

A: *In such a case, both the Municipality and the residents can contact the Sûreté du Québec.*

*The Municipality<sup>4</sup> can report a violation to Art. 5 of its By-law 2020-030<sup>3</sup>. The Sûreté du Québec will then send police officers to the site to determine if there is an offence or not, and if there is, they will apply the penalties provided for by Art. 6 (Penalties) of By-law 2020-030.*

*Since the event has not been authorized, any resident disturbed by the noise can contact the Sûreté du Québec (310-4141) to report a violation of Paragraph 1, Art. 5 of the Nuisance By-law 2017-003<sup>5</sup>. The Sûreté du Québec will then send police officers to the site to determine if there is an offence or not, and, if there is, they will apply the penalties provided for by Art. 18 (Penalties) of the Nuisance By-law 2017-003.*