

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS
S5 NOISE BYLAW

Short Title

1. This Bylaw shall be known as the *S5 Noise Bylaw* and may be cited as the “*Noise Bylaw*.”

Legislative Authority and Intent

2. This Bylaw has been prepared in accordance to the provisions of the *Municipal Government Act*, S.N.S. 1998, c.18 and amendments thereto. Section 172 provides that Municipal Council may make bylaws respecting nuisances, activities and things that, in the opinion of the council, may be or may cause nuisances, including noise.
3. This Bylaw shall apply within the boundaries of the Municipality of the County of Annapolis.

Definitions

4. In this Bylaw words and phrases have the same meaning as in the Municipal Government Act or as provided below:
 - (a) "construction" includes erection, alteration, repair, dismantling and demolition of structures and includes structural maintenance, hammering, land clearing, moving of earth, rock or felled trees, rock breaking, grading, excavating, the laying of pipe or conduit whether above or below ground level, working with concrete, alteration or installation of any equipment, the structural installation of construction components or materials in any form whatsoever, the placing or removing of any construction related materials and includes any related work, but does not include blasting;
 - (b) “construction equipment” means any equipment or device designed and intended for use in construction or material handling including but not limited to air compressors, air tracks, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, backhoes, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders and other material handling equipment;
 - (c) “emergency response personnel” includes police, fire departments or brigades, registered emergency services providers, search and rescue personnel, provincial, regional or municipal emergency management organizations, ambulance or emergency health services providers and includes volunteer or military personnel responding to an apparent condition of emergency;
 - (d) "motor vehicle" includes an automobile, motorcycle and any other vehicle propelled or driven otherwise than by muscular, gravitational or wind power, except a motorized wheelchair, a vehicle running only upon rails, a farm tractor or a self-propelled implement of husbandry, and an off highway vehicle as defined from time to time in the *Off-highway Vehicles Act*;
 - (e) “Municipality” means the Municipality of the County of Annapolis;
 - (f) "point of reception" means any point on **premises containing a dwelling unit** where sound, originating from other premises, including other dwelling units, is received;
 - (g) "public address system" means any system comprised of one or more of the following and in any combination: loudspeaker, amplifier, microphone, turntable, reproducer, receiver or tuner, where such equipment is part of a system used to reproduce or amplify sound;
 - (h) "recreational vehicle" means an off-highway vehicle as defined in the *Off-Highway Vehicles Act*.

Prohibitions and Interpretations

5. No person shall engage in any activity which is likely to generate noise or sound that unreasonably disturbs the peace and tranquility of a neighbourhood. For the purpose of this section, evidence that one neighbour is unreasonably disturbed by a noise is prima facie evidence that the neighbourhood is unreasonably disturbed by the noise.
6. Without limiting the generality of Section 5, the activities or noises listed in Schedule “A” during the proscribed times as set out therein are deemed to be activities which are likely to generate noise or sound that unreasonably disturbs the peace and tranquility of a neighbourhood if the sound resulting from the activity is audible at a point of reception.

Fixed Exemptions

7. This Bylaw does not apply to:
 - (a) emergency response personnel engaged in the execution of their emergency response duties; or
 - (b) persons acting at the request of emergency response personnel during an actual or apparent emergency condition; or
 - (c) persons involved in the repair of essential services such as electrical power, sewer systems, water distribution and telecommunications services.and, without limiting the generality of the foregoing, noises caused by emergency response vehicles and air ambulances are specifically exempt from prosecution.
8. Notwithstanding any other provisions of this Bylaw, this Bylaw shall not apply to or proscribe:
 - (a) the emission of sound in connection with any organized traditional, festive or religious activity to recognize:
 - (1) New Year’s Eve; or
 - (2) Victoria Day; or
 - (3) Canada Day; or
 - (4) Natal Day; or
 - (5) Remembrance Day; or
 - (6) cultural / religious holidays.
 - (b) noise caused by the Municipality, the Government of Canada, the Province of Nova Scotia, the Nova Scotia Power Corporation, and telecommunication companies and their contractors and employees when acting in the reasonable execution of their duties between 6:00 a.m. and 11:00 p.m. in the day;
 - (c) noises in connection with organized athletic or recreational activities in municipal or public park areas, arenas or community centres;
 - (d) noise from the organized and scheduled activities and events of festivals, parades, street dances, rallies, or other community activities funded, sponsored or licensed by the Federal or Provincial government or the Municipality (including Upper Clements Park and Annapolis County Exhibition);
 - (e) noises emitted by audible pedestrian signals;
 - (f) noise caused by lawfully operation of power generating equipment;
 - (g) noise caused by lawful forestry, fishing or agricultural activity;
 - (h) noise caused by construction activity pursuant to a valid building permit;
 - (i) noises from the lawful operation of off-highway vehicles on designated trails in accordance with the *Off-Highway Vehicles Act* or *Off-Highway Vehicles Regulations*;

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- (j) noises resulting from the operation of any refrigeration unit which is attached to a refrigeration truck if:
 - (1) the refrigeration truck is parked in an approved area pursuant to one of the County's land-use bylaws; or
 - (2) the refrigeration truck is parked on private property, the owner of which has granted approval and does not disturb the peace and quiet of persons in any adjacent residence.

Grant of Exemptions by Municipal Council

- 9. Municipal Council may, at their discretion, grant an exemption from any of the provisions of this Bylaw with respect to the emission of noise from an industrial, institutional, commercial, or community activity which might otherwise be prosecuted. Any exemption so granted shall:
 - (a) specify a time period of not greater than six (6) months during which the exemption shall be effective; and
 - (b) be confirmed to the applicant in writing by the Manager of Protective Services or Bylaw Enforcement Officer before becoming effective; and
 - (c) include such terms and conditions as Municipal Council deems appropriate.
- 10. In deciding whether or not to grant an exemption, Municipal Council shall give consideration to the social or commercial benefit of the proposed activity, the views of adjacent residents or property owners concerning the request, the proposed hours of operation of the proposed noise making activity, the proposed duration of the subject activity and the type of noise anticipated to be generated by the activity.
- 11. Applications for exemptions must be submitted to the Manager of Protective Services at least sixty (60) days prior to the commencement of the activity.
- 12. Applications for an exemption must be accompanied by a letter of support from the owner of each property which contains a building located within 150 meters of the property upon which the activity or event being considered for exemption will occur.**
- 13. Any contravention of the terms or conditions of an exemption shall constitute a contravention of this bylaw. In addition to any other available remedies for such contravention, the Manager of Protective Services OR Bylaw Enforcement Officer may on reasonable and probable grounds, suspend an exemption for a period of up to (thirty) 30 days pending Municipal Council review of the exemption.
- 14. Any exemption shall be reviewable by Municipal Council at any time upon advance notice to the applicant granted the exemption; and Municipal Council is free to revoke, suspend or restrict the exemption with or without cause.

Penalty

- 15. Any person who contravenes any provision of this Bylaw is punishable on summary conviction by a fine of not less than \$200.00 and not more than \$1,000 and to imprisonment of not more than three months in default of payment thereof.

Repeals

- 16. The *S5 Orderly and Peaceful Conduct Bylaw* and amendments thereto are repealed upon coming into force of this bylaw.

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<u>Clerk 's Annotation For Official Bylaw Book</u>	
Date of First Reading	June 19, 2018
Date of Advertisement of Notice of Intent to Consider	June 28, 2018
Date of Final Reading	August 21, 2018
Date of advertisement of Adoption of Bylaw	August 30, 2018*
I certify that this Bylaw was adopted by Municipal Council and published as indicated above.	
<i>Carolyn Young</i>	August 30, 2018
Municipal Clerk	Date
<i>*Effective date of the Bylaw unless otherwise specified.</i>	

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Schedule “A”

Prohibited on week days and Saturdays before 7:00 a.m. or after 11:00 p.m.; on a Sunday or Holiday before 9:00 a.m. and after 11:00 p.m.:

1. The operation of an engine or motor in, or on, any motor vehicle or item of attached auxiliary equipment for a continuous period exceeding one (1) hour unless:
 - (a) being used as the source of electricity for a home or business;
 - (b) operation of such engine or motor is essential to a basic function of the vehicle or equipment, including but not limited to, operation of ready mixed concrete trucks, lift platforms and refuse compactors;
 - (c) weather conditions justify the use of heating or refrigerating systems powered by the motor or engine for the safety and welfare of the operator, passengers or animals, or the preservation of perishable cargo, and where the vehicle is stationary for purposes of delivery or loading;
 - (d) prevailing low temperatures make longer idling periods necessary immediately after starting the motor or engine.
2. The operation of a recreational vehicle within 150 meters of a dwelling unit without the consent of an adult occupant of the dwelling unit;
3. The detonation of fireworks;
4. The operation of a combustion engine which is used in or intended for use in a toy or a model or replica of any device, which model or replica has no function other than amusement or which is not a conveyance;
5. The operation in the outdoors of any power tool for domestic purposes other than snow removal or gardening;
6. The loading or unloading of any containers, products, materials or refuse with the exception of private household effects;
7. The use or operation of any commercial vacuuming equipment such as rug cleaning equipment;
8. The operation of any public address system, television set, disc player, tape deck, phonograph, or radio in a manner such that the sound from the equipment being operated is audible beyond the bounds of the property from which the noise is emitted;
9. The operation of any motorized conveyance other than on a street or other place intended for its operation;
10. The use or operation of construction equipment, except where such equipment is used or operated on any highways;
11. The operation of a power assisted hang glider, parafoil or hot-air balloon;
12. Construction and the operation of any equipment in connection with construction;
13. All selling or advertising by shouting or outcry or amplified sound.