



**Town of Hantsport  
By-law #101-2**

## **Noise By-law**

### **PREAMBLE:**

The residents of this normally quiet and peaceful town continue to experience the challenge of finding the appropriate level of control over the action of people in Town to encourage respect for others' privacy and their enjoyment of life.

Through a "living in community" initiative by Town Council, examining what contributes to and what detracts from comfort levels for residents of Hantsport, excessive noise has been identified as a significant factor.

With the authority vested in the Town by the Municipal Government Act to control noise, this bylaw is intended to establish acceptable standards for noise to encourage respect for the comfort, privacy and enjoyment of life for Town residents without the sanctions, which accompany the control of excessive noise generating behavior through the Canadian Criminal Code.

Be it therefore enacted by the Council of the Town of Hantsport, as follows:

1. This by-law shall be known as By-law No. 101-2 and may be cited as the Noise By-law.
2. In this by-law:
  - (1) "A-weighted Continuous Noise Level" and "dBA" both have the meaning used in Ontario Municipal Model Noise Code (1978);
  - (2) "Dwelling Unit" means living quarters, accessible from a private entrance either outside a building or in a common area within a building, that are occupied or, if unoccupied, are reasonably fit for occupancy, and that: contain kitchen facilities within the unit and have toilet facilities that are not shared with the occupants of other dwelling units;
  - (3) "Occupier" means a person who is in possession of a dwelling unit, or a person who has responsibility for and control over the condition of a dwelling unit or the activities there carried on.

Notwithstanding that there is more than one occupier of the same dwelling unit;

- (4) "Sound system" includes a public address system, phonograph, gramophone, radio, cassette tape player, compact disc player, computer or computer accessory, loudspeaker, microphone, or any other device or apparatus, whether moveable or stationary, whether located inside or outside a dwelling unit or motor vehicle, that apparatus amplifies, emits or transmits sounds;
- (5) "Town" means the Town of Hantsport.



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3. The following acts, among others, are hereby declared to be noises, which disturb or tend to disturb the peace and tranquility of the Town or any portion of it:

(1) Making any noise or combination of noises which, when measured on the property or at a boundary line of the property on which the noise is heard or the noises are heard, exceeds the applicable A-weighted continuous noise level as follows:

<b>Time</b>	<b>Residential Property</b>	<b>Commercial and Institutional Property</b>
7 a.m. – 10 p.m.	55dBA	65 dBA
10 p.m. – 7 a.m.	45 dBA	55dBA

(2) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor boat, except through a muffler or other device which will effectively prevent loud or explosive noises from it;

(3) The operation of any noise-creating blower power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operation gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to attenuate such noise and the device is operated between the hours of 8 a.m. and 8 p.m.;

4.

(1) No person, in the Town, shall make any noise which disturbs or tends to disturb the peace and tranquility of the Town or any portion of it.

(2) No person who owns, or has under his or her supervision, a dog, shall permit the dog to make any noise, which disturbs or tends to disturb the peace and tranquility of the Town or any portion of it.

(3) No person, in the Town, shall operate, or cause or permit to be operated any sounds system at such a level that the resulting sound is heard, in a dwelling unit or other building, other than the dwelling unit or other building in which the sound system in question is located.

(4) No person shall be:

- fighting
- screaming
- shouting, or
- singing

No person shall cause any loud and unnecessary noise, the sounds of which are heard on another property or at a boundary line of the other property, or in a dwelling unit other than the dwelling unit in which the noise is generated.



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- 5.
- (1) No occupier shall allow or permit to occur in the dwelling unit of which that person is the occupier, any activity prohibited by Section 4 above.
  - (2) It is a defence to a charge under this section that there was another occupier who had a greater right of possession or greater responsibility and control over the dwelling unit in question at the time of the prohibited activity.
6. This by-law does not apply to the following:
- (1) Employees of the Town, the Government of Canada, the Province of Nova Scotia Inc., Minas Basin Pulp & Power Company Ltd., Fundy Gypsum Company, Windsor and Hantsport Railway Company Limited, Nova Scotia Power or Maritime Tel and Tel when those employees are acting in the reasonable execution of their duties;
  - (2) Noises emitted by machinery or equipment when used under the provisions of (1) above;
  - (3) A person or a corporation, or an employee of such person or corporation, reasonably performing work at the request of any party described in (1) above;
  - (4) Noise emitted by machinery and equipment, or either of them, used in snow removal and snow clearing operations on public or private property, not later than 48 (forty-eight) hours after the end of the storm which left the snow;
  - (5) Noises in connection with athletic, recreational or school activities in arenas, playing fields, courts, school grounds or in Town park areas between the hours of 7 a.m. and 11 p.m.;
  - (6) Noises in relation to parades, street dances, or other community activities between the hours of 7 a.m. and 11 p.m. subject to permission having been granted under Section 8 of this By-law;
  - (7) Noises in relation to religious activities between the hours of 7 a.m. and 11 p.m.;
  - (8) (a) The regulation of any loud and unnecessary noise in or from the engine, exhaust system, braking system, or from the contact of the tyres with the roadway, by a motor vehicle from starting, driving, turning, stopping, or accelerating;  
  
(b) The regulation, registration, licensing or identification of vehicles, or the use of the highway by such vehicles, both categories of which are within the jurisdiction of the Motor Vehicle Act.



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7. Notwithstanding any other provision of this By-law, it is lawful to emit or cause or permit the emission of noise in connection with:
  - (1) Emergency measures undertaken for the immediate health, safety and welfare, or any of them, of the inhabitants of the Town;
  - (2) Emergency measures undertaken for the preservation of property;
  - (3) Construction activities between the hours of 8 a.m. and 8 p.m. for which a Building Permit has been issued by the Town;
  - (4) Agriculture activities carried on by a farm operation.
  
8. An exemption from the application of the By-law may be granted by the Council under the following terms:
  - (1) Notwithstanding anything contained in this By-law, any person may make application to the Council to be granted an exemption from any of the provisions of this By-law with respect to any emission of noise for which that person might be prosecuted. The Council may refuse to grant any exemption or may grant the exemption applied for or any exemption of lesser affect. Any exemption granted shall specify the time period, not in excess of 6 (six) months, during which the exemption shall be effective and the exemption shall be in written form and shall include such terms and conditions as the Council deems appropriate;
  - (2) In deciding whether or not to grant an exemption, the Council shall give consideration to the social or commercial benefit of the proposed activity to the Town, the views of any residents of the Town which may be expressed to the Council, the proposed hours of operation of the proposed noise making activity, and the proposed duration of the subject activity;
  - (3) In deciding whether or not to grant an exemption, the Council shall give the applicant and any person or person, who may be affected by the proposed activity, an opportunity to be heard and may consider such other matters as the Council deems appropriate;
  - (4) Any alleged breach by the applicant of any of the terms or conditions of any exemption granted by the Council shall be investigated by Town staff and reported to the Council in writing. The Council shall determine whether or not a breach has taken place. If the Council determines that a breach has taken place the Council may revoke the exemption.
  
9. Every person who contravenes or fails to comply with any of the provisions of the By-law



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shall be liable to a penalty of not less than \$50 (fifty dollars) and not more than \$200 (two hundred dollars), and default of payment, to imprisonment for a period not exceeding 60 (sixty) days.

Passed by the Town Council of the Town of Hantsport on the 24<sup>th</sup> day of October, 2001.

Approved by the Minister of Municipal Affairs on (no ministerial signature).