

At the July 25, 2023 Council Meeting, the following motion was tabled:

First Reading – By-law No. 9 “Noise By-law”

Being duly moved and seconded that the adoption of the new “Noise By-law” be approved in First Reading.



**NOISE BY-LAW
BY-LAW NO. 9**

Title

1. This By-Law is entitled the “Noise By-Law”.

Definitions

2. In this By-Law:
 - (1) “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;
 - (2) “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;
 - (3) “Emergency Response Personnel” includes police, fire departments or brigades, registered emergency service providers, search and rescue personnel, regional or municipal Emergency Measures Organizations, ambulance or emergency health service providers and includes volunteer or military personnel responding to an apparent condition of emergency.
 - (4) “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*;
 - (5) “Point of Reception” means any point within a dwelling or an outdoor space attached to the dwelling where sound, originating from other premises, is received;

- (6) “Public Address System” means any system comprised of one or more of the following and in any combinations: loudspeaker, amplifier, microphone, turntable, reproducer, receiver or tuner, where such equipment is part of a system used to reproduce or amplify sound;
- (7) “Recreational Vehicle or Boat” means an off-highway vehicle as defined in the *Off-Highway Vehicles Act* and any motorized water-craft except a commercial fishing boat or a boat used as a ferry or in a commercial enterprise.

Prohibitions and Interpretations

3. Subject to the exceptions in this By-Law, no person shall engage in any activity that generates noise or sound that unreasonably disturbs the peace and tranquility of a neighbourhood.
4. Without limiting the generality of Section 3, the activities or noises listed in Schedule “A” during the prohibited times as set out therein are deemed to be activities that 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.
5. When determining unreasonable disturbance of the peace and tranquility of a neighbourhood the following decibel levels may be considered:
 - during day time hours (7:00 a.m. to 10:00 p.m.) – exceeding 75 dBA
 - during night time hours (10:00 p.m. to 7:00 a.m.) – exceeding 65 dBA

Fixed Exemptions

6. This By-Law does not apply to:
 - (1) Emergency Response Personnel engaged in the execution of their emergency response duties, or
 - (2) persons acting at the request of Emergency Response Personnel during an actual or apparent emergency condition,and, without limiting the generality of the foregoing, noises caused by emergency response vehicles and air ambulances are specifically exempt from prosecution.
7. Notwithstanding any other provisions of this By-Law, this By-Law shall not apply to or prohibit:
 - (1) the emission of sound in connection with any organized traditional, festive or religious activity scheduled to be carried out for a specific period of time.
 - (2) the emission of sound in connection with calls to worship, ringing of bells at places of religious worship, or services of religious worship;

- (3) 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 7:00 a.m. and 10:00 p.m. in the day;
- (4) noises in connection with organized athletic or recreational activities in municipal or public park areas, arenas or community centres or on navigable waterways between 8:00 a.m. and midnight;
- (5) noises 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 of Barrington;
- (6) noises emitted by audible pedestrian signals;
- (7) noises resulting from the operation of any refrigeration unit which is attached to a refrigeration truck if the refrigeration truck is parked in reasonable proximity to any established commercial enterprise which is of economic benefit to residents within the Municipality of Barrington; and
- (8) noises from the operation of a Recreational Vehicle or Boat at sites designated for that purpose.

Grant Of Exemptions By Council

8. Any person may make application to Council to be granted an exemption from any of the provision of this By-Law with respect to the emission of noise from an industrial, institutional, commercial or community activity for which that person might otherwise be prosecuted. Council, by resolution, may refuse to grant the exemption or may grant the exemption applied for or any exemption of lesser effect. Any exemption so granted shall:
 - (1) specify a time period of not greater than 15 years during which the exemption shall be effective;
 - (2) shall be confirmed in writing by the CAO before becoming effective; and
 - (3) shall include such terms and conditions as Council deems appropriate.
9. In deciding whether or not to grant an exemption under Section 7 and in determining terms or conditions of the exemption, Council shall give consideration to:
 - (1) the social or economic benefit of the proposed activity to the municipality;
 - (2) the volume, nature, duration and consistency of noise emission from the proposed activity;
 - (3) the proximity and nature of abutting or adjacent land uses;

- (4) the hours of operation of the proposed activity;
 - (5) any other factor relevant to balancing the interests of the applicant in the proposed activity against the interests of those persons who might be disturbed by the proposed activity.
10. Applications for an exemption for an activity of less than 5 days duration do not require a public hearing pursuant to this section or notice pursuant to Section 10, but all other exemptions, renewals of exemptions, or amendments expanding the scope of an exemption shall only be granted after a public hearing at which Council shall give the applicant and any person interested in the application an opportunity to be heard.
 11. Fourteen (14) days notice of the time, date and purpose of a public hearing pursuant to Section 9, shall be mailed by the applicant to the assessed owner of each property which contains a building located within 150 meters of the property which will be the subject of the hearing, except that where the exemption is sought for an outdoor event not conducted at a fixed location, notice may be given by advertisement, in a local newspaper.
 12. Any contravention of the terms or conditions of an exemption pursuant to Section 7 shall constitute a contravention of this By-Law. In addition to any other available remedies for such contravention, the CAO may on reasonable and probable grounds, without a hearing, suspend an exemption for a period of up to 30 days pending Council review of the exemption.
 13. Any exemption pursuant to Section 7 shall be reviewable by Council at any time upon 2 days notice to the person exempted, and Council is free to revoke, suspend or restrict the exemption with or without cause having regard to the criteria set forth in Section 8, without giving notice to adjacent owners in accordance with Section 10.

Penalty

14. Any person who contravenes any provision of this By-Law is punishable on summary conviction by a fine of not less than Two Hundred Dollars (\$200.00) and not more than One Thousand Dollars (\$1,000.00) and to imprisonment of not more than 7 days in default of payment thereof.

Repeal

15. Former By-law No. 9 of the Municipality of Barrington entitled "Noise By-law" is hereby repealed.

Schedule "A"

Part 1: Activities prohibited at all times:

1. The operation of any combustion engine or pneumatic device without an effective exhaust or intake muffling device in good working order and in constant operation;
2. The operation of a vehicle or a vehicle with a trailer resulting in banging, clanking, squealing or other like sounds due to an improperly secured load or equipment or inadequate maintenance;
3. The operation of a Motor Vehicle horn or other warning device except where required or authorized by law or in accordance with good safety practices or for a reasonable social purpose not limited to but including a wedding convoy or a campground ride, between the hours of 9:00 a.m. and 9:00 p.m. wherein the sound shall not exceed a Thirty (30) minute time duration;
4. The detonation of explosive devices not used in Construction or quarrying;
5. The discharge of firearms except when legally authorized during a hunting season, at a rifle range, when used for the purposes of a distress signal or when used as a signaling device in a sporting competition;
6. The operation of any items of Construction Equipment in a residential area without effective muffling devices in good working order and in constant operation;

Part 2: Activities prohibited on a Monday, Tuesday, Wednesday, Thursday, or Friday before 7:00 a.m. or after 10:00 p.m.; on a Saturday before 8:00 a.m. and after 10:00 p.m.; and on a Sunday, Statutory Holiday or Remembrance Day before 9:00 a.m. and after 10:00 p.m.:

1. The operation in the outdoors of any power tool for purposes other than snow removal, gardening or yard maintenance;
2. Yelling, shouting, hooting, whistling, singing or playing musical instruments.
3. The use or operation of any commercial vacuuming equipment such as rug cleaning equipment;
4. 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;
5. The use or operation of Construction Equipment, except where such equipment is used or operated on any highways;
6. Construction and the operation of any equipment in connection with Construction;

7. The venting, release or pressure relief of air, steam or other gaseous material, product or compound from any autoclave, boiler pressure vessel, pipe, valve, machine, device or system;

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