

## TOWN OF NEW GLASGOW

### NOISE CONTROL BY-LAW

**BE IT RESOLVED** that this By-law, known as the Noise Control By-law for the Town of New Glasgow, be enacted effective this 25th day of November, 2021.

#### TITLE

1. This By-law shall be known as By-law Number 20 and may be cited as the "Noise Control By-law".

#### DEFINITIONS AND INTERPRETATION

2. In this By-law:

- a) "**CAO**" has the same meaning as in the *Municipal Government Act*, S.N.S. 1998 c. 18, of the Province of Nova Scotia or successor legislation as may be enacted from time to time;
- b) "**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;
- c) "**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;
- d) "**Continuous Noise**" means
  - (i) uninterrupted noise for a period of time exceeding five minutes, or
  - (ii) recurring noise having periods of interruption up to one hour in duration.
- e) "**Council**" means the Council of the Town of New Glasgow;
- f) "**Daytime**" means, unless otherwise provided in this By-law, from seven o'clock in the morning (07:00 hours) to ten o'clock in the evening (22:00 hours) any day of the week;
- g) "**Dwelling Unit**" means self-contained living quarters fit for occupancy that are accessible from a private entrance and have kitchen and bathroom facilities that are not shared with occupants of other Dwelling Unit(s);

- h) **"Emergency Response Personnel"** includes police, fire departments or brigades, registered emergency service providers, search and rescue personnel, provincial, 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;
- i) **"Highway"** and **"Roadway"** are as defined in the *Motor Vehicle Act*, R.S. c. 293 of the Province of Nova Scotia or successor legislation as may be enacted from time to time;
- j) **"Industry"** means any existing industrial body corporate that is located in an Industrial Zone as defined by the Town of New Glasgow Land Use By-law;
- k) **"Motor Vehicle"** includes a vehicle or a motor vehicle as defined in the *Motor Vehicle Act*, R.S. c. 293 of the Province of Nova Scotia or successor legislation as may be enacted from time to time;
- l) **"Nighttime"** means any time not included in the definition of Daytime;
- m) **"Peace Officer"** as defined in the *Police Act*, SNS 2004, and Criminal Code of Nova Scotia;
- n) **"Person"** includes a body corporate or politic, or party, including a citizen, owner or occupier of Property;
- o) **"Point of Reception"** means any point on the premises of a Person where sound, originating from other than those premises, is received;
- p) **"Policy Officer"** means any employee of the Town or other employee in connection with the Town charged with enforcement of the policies or By-laws of the Town, including, without limitation, a By-law enforcement Officer;
- q) **"Property"** means the subject land including, without limitation, any buildings, outbuildings or structures located thereon;
- r) **"Proscribed Industry Emissions"** are sustained and steady emissions of noise from faulty equipment that can reasonably be expected to be improved;
- s) **"Public Address System"** means any system comprising 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;
- t) **"Recreational Vehicle"** means an Off-Highway Vehicle as defined in the *Off-Highway Vehicles Act*, R.S.N.S., 1989, c.323 or any vehicle which is designed to be, or intended to be, used other than on a public Highway or on the surface of the water and includes, without limiting the generality of the foregoing, all-terrain Vehicles, trail bikes, dirt bikes, moto-cross bikes and snowmobiles but does not include a motor home or travel trailer for the purposes of this Bylaw;

- u) **“Resident”** means a Person residing in the Town of New Glasgow; and
- v) **“Town”** means the Town of New Glasgow.

#### **APPLICATION**

- 3. This By-law is enacted pursuant to Section 172 of the *Municipal Government Act*, S.N.S. 1998, c. 18.
- 4. This By-law applies to sound or noise reproduced, amplified, emitted or transmitted within the Town.
- 5. This By-law is intended to add to, and not to conflict with or subtract from, the requirements contained in valid provincial or federal legislation and regulations in force from time to time and shall be interpreted accordingly.

#### **SPECIFIC PROHIBITIONS**

- 6. No Person shall engage in any activity that unreasonably disturbs or tends to disturb the peace, comfort and tranquility of a Resident of the municipality, and without limiting the generality of the foregoing, the activities or noises listed in Schedule “A” during the prohibited times and places as set out therein are specific prohibitions contrary to this By-Law.

#### **NUISANCE**

- 7. Subject to Sections 8 through 17 herein, no Person shall reproduce, amplify, emit or transmit a sound or noise or cause a sound or noise to be reproduced, amplified, emitted or transmitted that unreasonably disturbs a neighbour or neighbours or otherwise disturbs the peace and tranquility of a neighbourhood.

#### **INDUSTRY**

- 8. No Industry, or Person associated therewith, shall reproduce, amplify, emit or transmit Proscribed Industry Emissions, or cause to be reproduced, amplified, emitted or transmitted Proscribed Industry Emissions, and excepting such Proscribed Industry Emissions, Industry shall be exempt from noise control.

#### **GENERAL EXEMPTIONS**

- 9. This By-law does not apply to the following:
  - a) Employees or agents of the Town, the Province of Nova Scotia, the Government of Canada, Nova Scotia Power Limited or public utilities as defined by the *Public Utilities Act*, R.S.N.S. 1989, c. 380 while performing their duties;
  - b) Sound or noise emitted by machine or equipment when used under the provisions of 12(a);

- c) A Person or a corporation, or an agent or employee of such Person or corporation reasonably performing work at the request of any party described in 12(a);
- d) Sound or noise emitted by machine or equipment used in snow removal or snow clearing operations;
- e) Sound or noise emitted by Emergency Response Personnel;
- f) Sound or noise in relation to athletic, recreation, or school activities, in arenas, playing fields, courts, school grounds, which occur during the Daytime;
- g) Sound or noise in relation to religious activities which occur during the Daytime;
- h) Construction between the hours of 07:00 hours and 20:00 hours for which a building permit has been issued by the Town of New Glasgow or their agent;
- i) Federally regulated road or marine transportation services;
- j) Parades, processions, lawful demonstrations, community-sponsored festivals, jubilees, events or activities for which a permit has been issued by the Town or for which permission has been given by the Town;
- k) Any other events or services for which a grant of exemption has been issued pursuant to this By-law, or which are listed by policy per the Town of New Glasgow Sound or Noise Exemptions – Noise Control By-law Policy.

**GRANT OF EXEMPTIONS BY COUNCIL**

10. Any Person may make application to Council, by written application to the CAO, to be granted exemption from any of the provisions of this By-law with respect to the emission of sound or noise from an Industrial, institutional, commercial or community activity for which emission of such sound or noise would otherwise contravene the provisions of this By-law;

11. Council, by resolution, may refuse to grant the exemption, or may grant the exemption to full effect, or may grant an exemption of lesser effect;

12. Any exemptions so granted shall:

- a) specify a time period of not greater than five (5) years during which the exemption shall be effective:
  - i. be confirmed in writing by the CAO before becoming effective; and
  - ii. include terms and conditions as Council deems appropriate.
- b) In relation to exemption applications pursuant to Section 10 of this By-law, Council must consider:
  - i. any social or economic benefit of the proposed activity to the Town;

- ii. the volume, nature, duration and consistency of sound or noise emission from the proposed activity;
- iii. the proximity and nature of abutting or adjacent land-uses;
- iv. the hours of operation of the proposed activity; and
- v. balancing of the applicant interests against any negative effect resulting from the proposed exemption.

13. Application for an exemption for an activity of less than seven (7) days duration does not require a public hearing pursuant to this Section or notice pursuant to Section 14, but all other renewals or 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.

14. Ten (10) days' notice of the time, date and purpose of the public hearing pursuant to Section 13 shall be mailed to the applicant and to the assessed owner or owners as shown on the records of the Assessment Office of each Property which contains a building located within one hundred (100) meters of the Property which will be the subject of the hearing, excepting where the exemption is sought for an outdoor event not conducted at a fixed location, wherein notice may be given by advertisement in the local newspaper.

15. Any public hearing pursuant to this Part shall insofar as practicable be carried out in accordance with Town By-law Number 4 – Council Meetings By-law.

16. Any contravention of the terms and conditions of an exemption shall constitute a contravention of this By-law. In addition to the application of the Offence Enforcement and Penalty provisions of this By-law, the CAO may, upon a charge alleging contravention of this By-law, and without a hearing, suspend an exemption for a period of up to thirty (30) days pending an exemption review by Council.

17. An exemption shall be reviewable by Council at any time upon ten (10) days' notice to the Person or entity exempted, and Council may revoke, suspend or restrict the exemption, with or without cause.

#### **OFFENCE ENFORCEMENT AND PENALTY**

18. No Person shall contravene or fail to comply with any provision of this By-law.

19. This By-law may be enforced, at the discretion of the Town, by any Peace Officer or Policy Officer, in accordance with the procedures set out in the *Municipal Government Act* or by means of a Summary Offence Ticket under the *Municipal Government Act* or *Summary Proceedings Act*.

20. The *Summary Proceedings Act*, where applicable, shall apply to proceedings under this By-law.

21. Except as otherwise provided in this By-law, any Person who violates any of the provisions of the By-law or who suffers or permits any act or thing to be done in contravention of this By-law, or who refuses, omits, fails to comply with or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this By-law, shall be liable upon summary conviction:

- a) for the first offence to a penalty of not less than One Hundred Dollars (\$100.00) and of not more than Ten Thousand Dollars (\$10,000.00) or imprisonment for a period of not more than six (6) months or both;
- b) for the second offence to a penalty of not less than Three Hundred Dollars (\$300.00) and of not more than Ten Thousand Dollars (\$10,000.00) or imprisonment for a period of not more than six (6) months or both;
- c) for the third or subsequent offence to a penalty of not less than Five Hundred Dollars (\$500.00) and of not more than Ten Thousand Dollars (\$10,000.00) or imprisonment for a period of not more than six (6) months or both.

**REPEAL**

22. The Town of New Glasgow By-law Number 20, known as the Noise By-law dated the 19<sup>th</sup> day of August, 1968 and all amendments thereto is hereby repealed.

## **Schedule "A"**

### **Part 1**

#### **Activities that unreasonably disturb the peace, comfort and tranquility of a Resident at all times, where the sound resulting therefrom is audible at a point of reception:**

1. The operation of Construction Equipment, a Motor Vehicle or a Recreational Vehicle with a trailer resulting in banging, clanking, squealing or other like sounds due to an improperly secured load or equipment or inadequate maintenance so as to create a Continuous Noise.
2. The operation of a Motor Vehicle, Recreational Vehicle or Construction Equipment horn or other warning device except where required or authorized by law or in accordance with good safety practices.
3. The detonation of fireworks unless a grant of exemption has been approved by the Town of New Glasgow. See Section 10 – Grant of Exemptions.
4. The operation of use of a Recreation Vehicle or a group of Recreational Vehicles within 1000' of a residence in such a manner so as to create a Continuous Noise.
5. The operation of an engine or motor in, or on, any Motor Vehicle, Recreational Vehicle or Construction Equipment or item of attached auxiliary equipment for a continuous period exceeding five minutes while such vehicle is stationary in a residential area unless:
  - (a) the original equipment manufacturer specifically recommends a longer idling period for normal and efficient operation of the Motor Vehicle, Recreational Vehicle or Construction Equipment in which case such recommended period shall not be exceeded;
  - (b) operation of such engine or motor is essential to a basic function of the Motor Vehicle, Recreational Vehicle or Construction 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 Motor Vehicle, Recreational Vehicle or Construction Equipment is stationary for purposes of delivery or loading;
  - (d) prevailing low temperatures make longer idling period necessary immediately after starting the motor or engine;
  - (e) the idling is for the purpose of cleaning and flushing the radiator and associated circulation system for seasonable change of antifreeze, cleaning of the fuel system, carburetor or the like, when such work is performed other than for profit.
6. The operation of any item of Construction Equipment without effective prescribed muffling devices in good working order and in constant operation.

7. The continuous barking, howling or other persistent noisemaking by a dog or other animal.
8. The discharge of the exhaust of any steam engine, stationary internal combustion engine or motorboat except via a muffler or other device that effectively prevents noise.
9. The operation of blowers, power fans or internal combustion engines, the operation of which causes noise due to the explosion of gases or fluids, unless such noise is muffled and such engine is equipped with a muffler device that effectively prevents noise.
10. Causing or permitting while on a property any loud and unnecessary noise by fighting, screaming, shouting, swearing, singing or using insulting or obscene language, such noise which may be heard on or in any Highway, Roadway, Property or Dwelling Unit, other than the Dwelling Unit in which such noise is generated.



**Part 2**

Activities that unreasonably disturb the peace, comfort and tranquility of a Resident at the specified times, where the sound resulting therefrom is audible at a Point of Reception.

- |   |   |
|---|---|
| The operation of any refrigeration unit, which is stationary or attached to a refrigeration trailer, unless the refrigeration trailer is in motion;   | C |
| The operation of a garborator, solid waste bulk lift, refuse compacting equipment or hydraulic dumpster associated with a commercial enterprise;  | B |
| The operation in the outdoors of any power tool or pump for domestic purposes other than snow removal, or when located within a building;   | A |
| Yelling shouting, hooting, whistling or singing;  | A |
| The operation of a commercial car wash;   | C |
| All selling or advertising by shouting or outcry or amplified sound;  | B |
| The use or operation of any commercial vacuuming equipment such as rug cleaning equipment;  | A |
| The operation of any and all devices capable of emitting audio sound;   | A |
| The operation of any motorized conveyance other than on a street or other place intended for its operation;   | A |
| The use or operation of Construction Equipment, except where such equipment is used or operated on any streets;   | C |
| The operation or use of a combustion engine which (i) is, or (ii) is used in, or (iii) is 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; within 500 feet of a residence; | A |
| The operation of any circus, fair, carnival or other such outdoor entertainment activity.   | C |

**PROHIBITED TIMES:**

A - On a Monday, Tuesday, Wednesday, Thursday or Friday until seven o'clock in the forenoon (7:00 a.m.) and after nine thirty o'clock in the afternoon (9:30 p.m.). On a Saturday until eight o'clock in the forenoon (8:00 a.m.) and after seven o'clock in the afternoon (7:00 p.m.). On a Sunday, Statutory Holiday or Remembrance Day until nine o'clock in the forenoon (9:00 a.m.) and after seven o'clock in the afternoon (7:00 p.m.).

B - On a Monday, Tuesday, Wednesday, Thursday or Friday until seven o'clock in the forenoon (7:00 a.m.) and after nine thirty o'clock in the afternoon (9:30 p.m.). On a Saturday until eight o'clock in the forenoon (8:00 a.m.) and after seven o'clock in the afternoon (7:00 p.m.). On a Sunday, Statutory Holiday or Remembrance Day at all times during any such day.

C - Twelve o'clock in the forenoon (12:00 a.m.) to six o'clock (6:00 a.m.) in the forenoon of the same day.

D - All Day Sunday, Statutory and Civic Holidays and Remembrance Day.

**Note: Any time specified in this Section shall mean standard Time for the municipality or Daylight Savings Time during the period of time for which the same is declared to be in force in the municipality.**

**CAO ANNOTATION**

Date of First Reading: October 18, 2021

Date of advertisement of Notice of Intent to Consider: October 28, 2021

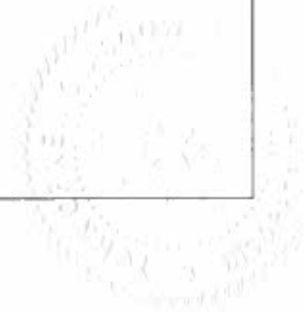
Date of Second Reading: November 15, 2021

Date of advertisement of Passage of By-law: November 25, 2021

Date of mailing to Minister a certified copy of By-law: November 17, 2021

I certify that the above NOISE CONTROL BY-LAW was duly adopted by New Glasgow Town Council at duly called meetings and was published as indicated above.

  
\_\_\_\_\_  
Chief Administrative Officer



N.S. Regulations 195/2022  
**FILED**  
Date August 10, 2022  
RACHELL L. JONES  
REGISTRAR OF REGULATIONS

**Order**

**Made under Section 8 of Chapter 450  
of the Revised Statutes of Nova Scotia, 1989,  
the *Summary Proceedings Act***

I, Brad Johns, Attorney General and Minister of Justice for the Province of Nova Scotia, pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, effective on and after the date of this order, hereby

- (a) amend the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, made by order of the Attorney General and Minister of Justice dated October 4, 2011, to designate certain offences under the Town of New Glasgow Noise Control By-Law as summary offence ticket offences in the manner set forth in the attached Schedule "A"; and
- (b) order and direct that the penalty to be entered on a summons in respect of an offence set out in amendments to the schedules to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, as set forth in the attached Schedule "A", is the out-of-court settlement amount listed in the out-of-court settlement column set out opposite the description for the offence, and includes the charge provided for in, and in accordance with, Sections 8 and 9 of the Act.

Dated and made August 10, 2022, at Halifax Regional Municipality, Province of Nova Scotia.

Brad Johns.  
Honourable Brad Johns  
Attorney General and Minister of Justice

**Schedule "A"**

**Amendment to the *Summary Offence Tickets Regulations*  
made by the Attorney General and Minister of Justice under Section 8  
of Chapter 450 of the Revised Statutes of Nova Scotia, 1989,  
the *Summary Proceedings Act***

The *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, made by order of the Attorney General and Minister of Justice dated October 4, 2011, are amended by adding the following Schedule immediately after Schedule M-37:

Schedule M-38  
Town of New Glasgow By-laws

<b>Offence</b>	<b>Section</b>	<b>Out of Court Settlement</b>
<b>Noise Control By-Law:</b>		
1 Engaging in activity unreasonably disturbing or tending to disturb (specify) peace, comfort and tranquility of resident	6	
first offence		\$237.50
second offence		\$467.50
third or subsequent offence		\$697.50
2 Reproducing, amplifying, emitting or transmitting (specify) noise unreasonably disturbing neighbour or disturbing peace and tranquility of neighbourhood (specify)	7	
first offence		\$237.50
second offence		\$467.50
third or subsequent offence		\$697.50

3	Causing reproduction, amplification, emission or transmission (specify) of noise unreasonably disturbing neighbour or disturbing peace and tranquility of neighbourhood (specify)	7	
	first offence		\$237.50
	second offence		\$467.50
	third or subsequent offence		\$697.50
4	Reproducing, amplifying, emitting or transmitting (specify) Proscribed Industry Emissions	8	
	first offence		\$237.50
	second offence		\$467.50
	third or subsequent offence		\$697.50
5	Causing reproduction, amplification, emission or transmission (specify) of Proscribed Industry Emissions	8	
	first offence		\$237.50
	second offence		\$467.50
	third or subsequent offence		\$697.50