

TOWN OF PORT HAWKESBURY
NOISE CONTROL BY-LAW
BY-LAW N-1

1. This By-law shall be known as the Noise Control By-law.
2. In this By-law;
 1. "A-weighted Continuous Noise Level" and "dBA" both have the meaning used in the Ontario Municipal Model Noise Code (1978) and are more specifically defined in Appendix "A".
 2. A. "Dwelling Unit" means living quarters that;
 - ~are accessible from a private entrance, either outside the building or in a common area within the building;
 - ~are occupied or, if unoccupied, are reasonably fit for occupancy;
 - ~contain kitchen facilities that are not shared with the occupants of other dwelling units.
 - B. "Dwelling Unit" also includes the real property upon which the dwelling unit is located as well as the lawns, yards and surrounding area.
 3. "Occupant(s)" shall mean anyone who resides at a dwelling unit.
 4. "Sound System" shall include a public address system, phonograph, gramophone, radio, cassette tape player, compact disc player, computer or computer accessory, loud speaker, microphone, or any other device or apparatus, whether operated electrically, mechanically or in any other way whatsoever, whether movable or stationary, whether located inside or outside a dwelling unit or motor vehicle, that reproduces, amplifies, emits, or transmits sounds.
 5. "Town" means the Town of Port Hawkesbury.
 6. "Police Officer" means a member of the Royal Canadian Mounted Police or any By-law Enforcement Officer or Constable employed by the Town.
3. The following acts, among others, are hereby declared to be noises which disturb or tend to disturb the peace and tranquillity of the residents of the Town or any portion of the Town.

Making any noise or combination of noises which, when measured on any property on which the noise is heard or the noises are heard, exceeds the applicable A-weighted continuous noise level as follows:

Time

7:00 a.m. - 10:00 p.m.	65 dBA
10:00 a.m. - 7:00 a.m.	55 dBA

4.
 1. No person in the Town shall make, cause or allow any noise which disturbs or tends to disturb the peace and tranquillity of any resident of the Town.
 2. No person who owns, or has under their supervision or control, a dog, shall permit the dog to make any noise which disturbs or tends to disturb the peace and tranquillity of any resident of the Town.
 3. No person in the Town shall operate or cause or permit to be operated any sound system at such a level that the resulting sound is heard in a dwelling unit, other than the dwelling unit in which the sound system in question is located.
 4. No person shall by:
 - ~fighting
 - ~screaming
 - ~shouting, or
 - ~singing;cause any loud and unnecessary noise.
 5. No occupant shall allow or permit to occur in the dwelling unit of which that person is the occupant, any activity prohibited by this By-law.
 6. This By-law does not apply to the following:
 1. Employees of the Town, the Province of Nova Scotia, the Government of Canada, Cape Breton and Central Nova Scotia Railway, Nova Scotia Power Incorporated, Maritime Tel & Tel Co. Ltd. and Strait of Canso Cable T.V. when these 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 or equipment used in snow removal and snow clearing operations.
 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 religious activities between the hours of 7 a.m. and 11 p.m.

7. Noises in relation to parades, street dances or any 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.

8. The regulation of any loud and unnecessary noise in or from the engine, exhaust system, braking system, or from the contact of the tires with the roadway, by a motor vehicle from starting, driving, turning, stopping or accelerating all of which is within the jurisdiction of the Motor Vehicle Act.

7. Notwithstanding services undertaken for the immediate health, safety and welfare of any person.

1. Emergency services undertaken for the immediate health, safety and welfare of any person.

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;

4. Agricultural activities carried on by a farm operation.

8. An exemption from the application of this By-law may be considered or may not be considered by the Town Council as it deems appropriate upon receiving an application for said exemption at least thirty (30) days prior to the contemplated activity commencing. In those cases where an exemption is to be considered the following terms shall apply:

1. An application for exemption under this By-law must be presented on Form "A" attached to this By-law

2. 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 applied for or may grant the exemption applied for or any exemption of lesser effect. Any exemption granted shall specify the time period, not in excess of 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.

3. 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, the proposed duration of the subject activity and the level of noise anticipated to be generated by the activity.

4. In those cases where an exemption is granted, the Town Council may revoke the exemption if it believes that a breach of the terms and conditions has occurred.

5. Any alleged breach by the applicant of any of the terms or conditions of any exemptions 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 and where it determines that a breach has taken place then as many as five (5) days may be allowed for ceasing the activity.

1. Any police officer of the Town may enter upon or into private property for the purpose of inspection, maintenance and enforcement of this By-law.
2. Every person who contravenes or fails to comply with any of the provisions fo the By-law shall be liable to a penalty of \$250.00 per occurrence.
3. Any police officer of the Town may choose to issue a Summary Offence Ticket to enforce this By-law.
4. Any person, upon conviction or upon a guilty plea, who does not pay his or her penalty within the time specified by the Court, shall be liable to imprisonment for a period to be determined by the Court.
5. The Town of Port Hawkesbury By-law entitled "Noise Control By-law" is hereby repealed and replaced by this By-law.

This is to certify that the foregoing By-law was duly passed at a duly called meeting of Council of the Town of Port Hawkesbury, held the _____ Day of _____ A.D., 2002.

TOWN CLERK & TREASURER