

Title

1. This by-law is entitled the “Noise By-law”.

Preamble

2. The Town of Mahone Bay is dedicated to fostering a welcome, safe, and harmonious environment for both its residents and visitors. Recognizing that our community’s economic well-being is significantly supported by a vibrant tourism industry within a community with a love of the peaceful nature of our Town, it is essential to maintain a peaceful and tranquil atmosphere. This atmosphere enhances the quality of life for residents and ensures a positive experience for visitors. Therefore, the Council of the Town of Mahone Bay enacts this Noise By-law to promote and protect the serenity of the community.

Definitions

3. For the purposes of this by-law, the following definitions shall apply:
 - a. “Approved sound meter” means an instrument to measure levels of sound pressure, being administered by a police officer or Town employee authorized by the Town’s CAO;
 - b. “CAO” means the Chief Administrative Officer;
 - c. “dBA” means A-weighted decibel, which is a measurement of sound intended to reflect sound as perceived by the human ear.
 - d. “Dwelling” means the whole or any part of a building or structure that is kept or occupied as a permanent or temporary residence.
 - e. “Emergency response personnel” includes police, firefighting personnel, registered emergency service providers, search and rescue personnel, provincial, regional, or municipal Emergency Measures Organizations, ambulance or emergency health services providers and includes volunteer or military personnel responding to an apparent condition of emergency.
 - f. “Sound system” means a device that is used to emit, transmit, or amplify sound.

Prohibitions and Limitations

4. For the purpose of this by-law, evidence that one party is unreasonably disturbed by a noise is considered *prima facie* evidence that the neighbourhood is unreasonably disturbed by the noise.
5. The following activities are hereby declared to be noises which disturb or tend to disturb the peace and tranquility of the town of Mahone Bay or any portion of it:

- a. Activity or combinations of activities that make any continuous noise which, when measured by an approved sound meter at a distance of not less than 15.25m from the source sound or noise, is greater than the following schedule:

Time	Noise Level
7:00am to 10:00pm	70dBa (Normal Town Ambient Noise)
10:00pm to 7:00am	55dBa (Average Room Noise)

- b. Any acts outlined in the *Motor Vehicle Act* R.S., c. 293, s. 187, 188 relating to mufflers and excessive noise, which, without limiting the content of this provision, includes absence of a muffler, muffler modifications, and actions taken by a person in a stationary motor vehicle that produces unnecessary noise from the engine, exhaust system, braking system, or tire to road contact.
- c. 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 gasses or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler sufficient to weaken the noise and the device is operated between the hours of 7:00 am and 10:00pm with the exception of power generators during a power outage.
- d. Operating or permitting to be in operation 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.
- e. The following causing loud and unnecessary noise, which can be heard on another property or in a dwelling unit other than the property or dwelling unit in which the noise is generated:
- i. fighting;
 - ii. screaming;
 - iii. shouting; or
 - iv. partying.

Fixed Exemptions from the By-Law

6. This by-law does not apply to the following:
- a. Emergency response personnel engaged in the execution of their emergency response duties or persons acting at the request of emergency response personnel during an actual or apparent emergency condition.
 - b. Emergency response vehicles.
 - c. The emission of sounds in connection with any organized traditional, festive, or religious activity celebrating:
 - i. Canada Day;

- ii. New Year's Eve;
 - iii. religious holidays; or
 - iv. Remembrance Day.
- d. The emission of sound in connection with calls to worship, ringing of bells at places of religious worship, or services of religious worship.
 - e. Noise caused by the Town and Town Utilities, the Government of Canada, the Province of Nova Scotia, telecommunications companies, or the contractors engaged by these entities or employees of these entities while acting in the reasonable execution of their duties.
 - f. Noises in connection with organized athletic or recreational events in municipal or public park areas, arenas, or community centres, and noises associated with the maintenance or improvement of the property occupied or used by organized athletic or recreational or sporting clubs or municipal or public park areas, arenas, or community centres, including grounds work.
 - g. Noises from the organized and scheduled activities and events including festivals, parades, street dances, rallies, or other community activities with necessary exemption per Section 9 of this by-law.
 - h. Noises emitted by audible pedestrian signals.
 - i. Garbage trucks operating in the town.
 - j. Noises emitted from transport trucks, including refrigerated transport trucks, driving through or making deliveries within the town.
 - k. Noises emitted from electric tools, including landscaping equipment.

Grant of Exemptions by Council

7. Any person may make application to Council to be granted an exemption from any of the provisions of this by-law by completing Schedule A: *Application for Exemption Pertaining to the Noise By-Law*.
8. Applications for exemptions must be received at least thirty (30) days prior to the commencement of an anticipated activity and sixty (60) days prior to the commencement of an anticipated activity in August
9. Council, by motion, may grant the exemption, refuse to grant the exemption, or grant the exemption subject to terms or conditions as approved by Council. Any exemption granted shall:
 - a. Specify the time period during which, the exemption shall be effective, which shall not be greater than a six (6) month period.
 - b. Be confirmed in writing by the CAO, Deputy CAO, or Town Clerk before becoming effective.
 - c. Include such terms and conditions as Council deems appropriate.
10. In deciding whether to grant an exemption, or determining the terms and conditions of an exemption, Council shall give consideration to the following with respect to the proposed activity:
 - a. The social and economic benefit or detriment of the proposed activity on the community.

- b. The volume, nature, duration, and consistency of noise emission from the proposed activity.
 - c. The proximity and nature of abutting or adjacent land uses;
 - d. The hours of operation of the proposed activity.
 - e. Any other factor relevant to balancing the interests of the applicant against the interests of those persons who might be disturbed by the proposed activity.
11. Applications for an exemption for an activity spanning less than fourteen (14) days duration do not require a public hearing, but all other exemptions, renewals of exemptions, or amendments expanding or reducing 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.
 12. Ten days' notice of the time, date, and purpose of a public hearing shall be posted on the Town of Mahone Bay website and social media as deemed necessary by the Town Clerk.
 13. Any exemption pursuant to Sections 9 and 10 shall be reviewable by Council at any time upon 10 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 10, without giving public notice.

Penalty

14. Any person engaging in activity generating noise that unreasonably disturbs or tends to disturb the peace and tranquility of the neighbourhood according to the terms of this By-law is guilty of an offence and subject to a fine of not less than \$250 and not more than \$1,000 for each day that the activity continues.

Repeal

15. On the effective date of this By-law, the "Peace and Good Order By-Law" dated September 12, 1986 is hereby repealed.

David Devenne, Mayor

Kelly Munroe, Town Clerk

This is to certify that the foregoing is a true copy of the by-law passed at a duly convened meeting of the Council of the Town of Mahone Bay, held the 17th day of July 2024.

Given under the hand of the Mayor and the Town Clerk and the seal of the Town of Mahone Bay this 18th day of July 2024.

CLERK'S NOTATION

FIRST READING:	June 27, 2024
"NOTICE OF INTENT" PUBLICATION:	July 3, 2024
SECOND READING:	July 17, 2024
MINISTERIAL APPROVAL:	N/A
DATE OF PUBLISHING:	July 18, 2024
FORWARDED TO THE MINISTER:	July 19, 2024
FORWARDED TO TOWN WEBSITE:	July 18, 2024



Schedule A: *Application for Exemption Pertaining to the Noise By-Law.*

Please complete the form below and submit to the Town Clerk at one of the following:

- PO Box 53, 493 Main St. Mahone Bay NS, B0J 2E0
- In person at Town Hall.
- Email: clerk@townofmahonebay.ca

Please provide the following information. If more space is required, please attach a sheet:

Name of Applicant	
Organization	
Mailing Address	
Telephone	
Email	
Name of Event	
Nature of Event	
Date(s) of Event	
Location of Event	
Timeframe of Event	
Other Information	

Once Council has considered your application, you will be notified in writing of the outcome of your application.

