



## **BYLAW NO. 7**

### **A BYLAW PROHIBITING CERTAIN NOISES**

**BE IT ENACTED** by the Council of Region of Queens Municipality, under the authority of the Municipal Government Act, S.N.S. 1998, Chapter 18, as follows:

1. This bylaw shall be known as Bylaw Number 7 and may be cited as the "Noise Bylaw".

#### **DEFINITIONS**

2. In this bylaw, all words have their normal dictionary meanings, except as follows:

"noise" means any unwanted sound that doesn't happen in a natural environment and can include sounds coming from people, machinery, equipment, residential and commercial properties, as well as industrial places.

#### **PROHIBITIONS AND INTERPRETATIONS**

3. No person or Corporation shall at any time between the hours of 11:00 p.m. and 6:00 a.m. engage in any activity which is likely to generate noise or sound that unreasonably disturbs the peace and tranquility of a neighbourhood. For the purpose of this section, evidence that one neighbour is unreasonably disturbed by a noise is prima facie evidence that the neighbourhood is unreasonably disturbed by the noise.

## **FIXED EXEMPTIONS**

4. This bylaw does not apply to:
  - a. emergency response personnel engaged in the execution of their emergency response duties, including operating comfort centers and emergency shelters with generators;
  - b. the emission of sound in connection with any organized traditional, festive or religious activity;
  - c. the emission of sound in connection with calls to worship, ringing of bells at places of religious worship, or services of religious worship;
  - d. noises in connection with organized athletic or recreational activities in municipal, school, or public park areas, arenas or community centres;
  - e. noise caused by the Municipality, Government of Canada, Province of Nova Scotia, Nova Scotia Power Corporation, and telecommunication companies and their contractors and employees when acting in the reasonable execution of their duties;
  - f. noises resulting from the operation of any refrigeration unit which is attached to a refrigeration truck if the refrigeration truck is parked on the property of its commercial assessed business or on lands designated for industrial uses; and
  - g. any noise emitted from, or associated with, any Industrial operation including any noise emitted by or from any equipment or vehicle associated with such Industrial operation on the condition that such noise is emitted from an activity which is within the reasonable scope of the Industrial operation.

**PENALTY**

- 5. Any person or Corporation who contravenes any provision of this bylaw is punishable on summary conviction by a fine of not less than \$500 and not more than \$10,000 and to imprisonment of not more than 60 days in default of payment thereof.
- 6. Any person or Corporation who contravenes Section 3 of this bylaw and who is given notice of the contravention may pay to the Municipality, at the place specified in the notice, the sum of \$350 within 14 days of the date of the notice and shall thereby avoid prosecution for that contravention.

**REPEAL**

- 7. Noise Bylaw adopted by the Council of Region of Queens Municipality on the 21st day of July 1997, is hereby repealed.

**OFFICIAL CERTIFICATION**

**THIS IS TO CERTIFY THAT** this bylaw was passed by the Council of Region of Queens Municipality at a duly constituted meeting of said Council held on the \_\_\_\_\_ day of January, 2022.

**SIGNED** by the Mayor and Deputy Clerk this \_\_\_\_\_ day of January, 2022.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Deputy Clerk

First Reading: December 14, 2021

Date of Publication - Notice of Intention to Adopt:

Second Reading:

Newspaper - Notice of Passing:

Filed with Minister of Municipal Affairs:

## **SUPPLEMENTARY NOISE BYLAW INFORMATION**

### **Water**

This bylaw does not regulate noise coming from waterways as the Municipality can only enforce its bylaws on land. Inland waterways are regulated by the provincial government and the Atlantic Ocean and associated harbours are regulated by the federal government. Noise concerns on water should be discussed with the appropriate provincial or federal government.

### **Fireworks**

Fireworks are regulated by the federal government's Explosives Safety and Security Branch of Natural Resources Canada. Fireworks fall under the federal *Explosives Act* and Regulations. Fireworks are not deemed to be a noise bylaw issue as community concerns most often relate to public safety and the use of fireworks in wooded or residential areas. Therefore, fireworks are not regulated under the noise bylaw. Persons with concerns related to the unsafe use of fireworks should contact Queens RCMP who would enforce the provisions of the federal explosives law and regulations. During times of provincial fire bans put in place by the Fire Marshal, the use of consumer fireworks are also prohibited under the Nova Scotia *Fire Safety Act*.

### **Motor Vehicles**

Motor Vehicles and their use are regulated under the provincial government's *Motor Vehicle Act*. Any noise issues related to motor vehicles are best addressed through the enforcement of the *Motor Vehicle Act* by Queens RCMP and not through a noise bylaw by the Municipality. Things such as loud exhausts, speeding, or loud music from vehicles would all be covered by the provincial *Motor Vehicle Act* or other legislation like disturbing the peace.

### **Off-highway Vehicles (OHV's)**

Off-highway vehicles are licensed and regulated by the provincial *Off-highway Vehicles Act*. The use of these vehicles, that are not required to be registered

under the *Motor Vehicle Act*, and their use are enforced under the *Off-highway Vehicle Act* by Queens RCMP and conservation officers under the *Forestry Act*. Concerns about the inappropriate use or land access by Off-highway vehicles should be directed to Queens RCMP or NS Department of Natural Resources and Renewables.

### **Prima Facie**

Prima Facie is a legal term that suggests that when the Municipality's Bylaw Enforcement Officer or Queens RCMP witness noise that they believe to be contrary to the Noise Bylaw, or receive a sworn statement from a person that they are unreasonably disturbed by such noise, that this evidence is legally sufficient to establish a fact or a case of a noise bylaw violation unless disproved in court. Such evidence must be independently verified by the Bylaw Enforcement Office or RCMP Officer through personal observation, witness statements, physical evidence, et cetera, and therefore a sworn statement does not guarantee that a legal charge or fine based only on a public complaint will suffice.

### **Dogs**

Noise from dogs such as barking is not included within the Noise Bylaw as it is covered under the existing Municipal Bylaw No. 3 Respecting Dogs. This bylaw is enforced by the Municipality's Bylaw Enforcement Officer. In cases where there is a current or imminent threat to public safety from an alleged dangerous dog, Queens RCMP should be immediately called.