



## TOWN OF TRENTON BY-LAW NO.2024-01 NOISE CONTROL

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**Title:** This by-law shall be known and cited as the Noise Control By-law for the Town of Trenton.

### **Definitions**

1. In this By-law, unless the context otherwise requires:

“**CAO**” means the Chief Administrative Officer of the Town of Trenton;

“**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;

“**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;

“**Council**” means the Council of the Town of Trenton;

“**Dwelling Unit**” means living quarters, accessible from a private entrance either outside a building or in a common area within a building, that are occupied or, if unoccupied, are reasonably fit for occupancy, and that:

- a) contain kitchen facilities within the unit; and
- b) have toilet facilities that are not shared with the occupants of other dwelling units;

“**Emergency Response Personnel**” includes police, fire departments or brigades, registered emergency services 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;

“**Enforcement Officer**” includes a By-law Officer, Compliance Officer, or any other person appointed by the CAO or empowered by legislation to enforce this By-law;

**“Motor Vehicle”** includes an automobile, motorcycle, farm tractor or a self-propelled implement of husbandry, an off-highway vehicle as defined in the Off-Highway Vehicle Act, and any other vehicle propelled or driven otherwise than by muscular, gravitational or wind power, but does not include a motorized wheelchair;

**“Occupier”** means:

- a) A person who is a tenant of a dwelling unit, or
- b) A person who has responsibility for, or control over, a dwelling unit or the activities there carried on.
- c) For greater certainty, there may be more than one occupier of a dwelling unit.

**“Owner”** has the same meaning as in the Municipal Government Act;

**“Police Officer”** means a member of the New Glasgow Regional Police, or any police service duly appointed by Council;

**“Private Property”** means real property upon which a dwelling unit is located, including driveways, lawns, yards and surrounding areas;

**“Sound System”** includes a public address system, radio, compact disc player, computer or computer accessory, loudspeaker, microphone, or any other device or apparatus, whether operated electrically, mechanically or in any other way whatsoever, whether moveable or stationary, whether located inside or outside a dwelling unit or motor vehicle, that reproduces, amplifies, emits, or transmits sounds;

**“Town”** means the Town of Trenton

### **Authority & Application**

2. This Noise Control By-law is enacted pursuant to Section 172 of the Municipal Government Act (S.N.S. 1998, c. 18).
3. This by-law applies to sound or noise reproduced, amplified, emitted, or transmitted within the Town.
4. Nothing in this By-law shall exempt any person from obtaining any license, permission, permit, authority, or approval required under any other By-law or regulation of the Town or any applicable statute or regulation of the Province of Nova Scotia or Canada. If this By-law conflicts with any other applicable statute or regulation, the more restrictive statute shall apply.

## **General and Mechanical Prohibitions**

5. The following acts, among others, are hereby declared to be noises which disturb or tend to disturb the peace and tranquility of residents located within the boundaries of the Town of Trenton or any portion of it:
  - 5.1. Making any noise or combination of noises between the hours of 11:00pm of one day and 7:00am of the following day, such that unreasonably disturbs or tends to disturb the peace and tranquility of a neighbourhood;
  - 5.2. The operation of any motor vehicle engine without an effective muffler, equivalent to the muffler components that would have been installed in the original equipment.
  - 5.3. 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 gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to attenuate excessive noise.

## **Other Prohibitions**

- 6.1. No person shall engage in any activity that unreasonably disturbs or tends to disturb the peace and tranquility of residents located within the boundaries of the Town;
- 6.2. No person 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;
- 6.3. No person in a dwelling unit shall cause any loud and unnecessary noise to be heard on another property, or in a dwelling unit other than the dwelling unit in which the noise is generated, including by fighting, screaming, shouting, or singing;
- 6.4. No occupier shall allow or permit to occur in the dwelling unit of which that person is the occupier, any activity prohibited as outlined under Section 6.3 above;
- 6.5. No occupier or owner shall engage in or permit any activity in a dwelling unit which unreasonably disturbs the peace and tranquility of the Town or any portion of it.

## **Exemptions**

7. This By-law does not apply to:

- 7.1. Employees or agents of the Town, the Province of Nova Scotia, the Government of Canada, Nova Scotia Power Incorporated, and public utilities as defined by the *Public Utilities Act*, R.S.N.S. 1989, c.380 while performing their duties;
- 7.2. Noises emitted by machinery or equipment when used under the provisions of 7.1 above;
- 7.3. A person or a corporation, or an employee of such person or organization, reasonably performing work at the request of any party described in 7.1 above;
- 7.4. Noise emitted by machinery or equipment used in snow removal and snow clearing operations;
- 7.5. Noises in connection with athletic, recreational or school activities in arenas, playing fields, courts, school grounds or Town parkland areas;
- 7.6. Noises in relation to organized religious activities;
- 7.7. Noises in relation to the Trenton FunFest and any event organized by the Town;
- 7.8. Notwithstanding any other provisions of this By-law, it is lawful to emit or cause or permit the emission of noise in conjunction with:
  - a) Emergency Response Personnel services undertaken for the immediate health, safety and welfare of any person;
  - b) Emergency Response Personnel services undertaken for the preservation of property; and
  - c) Emergency Response Personnel services undertaken for the purpose of training exercises;
- 7.9. Construction and construction equipment activities between the hours of 7:00am and 9:00pm for which all necessary permits have been obtained;
- 7.10. Noises generated as part of normal industrial and commercial operations within the Trenton Industrial Park; and
- 7.11. Noises caused by the discharge of fireworks within the Town when in compliance with the Town's Fireworks By-law No.2022-01.

## **Grant of Exemptions**

An exemption from the application of this By-Law may be granted by the CAO following receipt of a completed temporary noise exemption permit application in such form as is approved by the CAO from time to time, which form must be received at least ten (10) business days before the start of the proposed activity. The following process and criteria shall apply to any request for exemption:

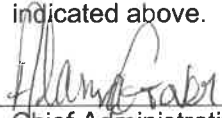
- 8.1. Upon receiving a completed temporary noise exemption permit application, the CAO shall cause to be sent, by ordinary mail, to all property owners within 100 meters of the location of the exempt activity, notification of the application and shall provide the property owners with contact details to which they may provide written comments on the application. No application shall be approved by the CAO until at least five (5) business days after the notifications have been sent.
- 8.2. In deciding whether or not to grant an exemption, the CAO shall consider the social or commercial benefit of the proposed activity to the Town, the views of any residents of the Town which may be known to the CAO, the proposed hours of operation of the proposed noise making activity, the impact on residents, and the proposed duration of the subject activity, the applicant's history of compliance with previous Town direction, and any other factors the CAO considers relevant;
- 8.3. In order to be eligible for a permit, parades, street dances, and other community activities must take place between the hours of 7:00am and 11:00pm;
- 8.4. Upon reviewing the completed exemption permit application, the CAO may issue an exemption in the form requested or in a modified form or may refuse to grant any exemption.
- 8.5. 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 CAO deems appropriate;
- 8.6. An applicant who is granted an exemption to this By-Law by the CAO or Council shall sign and abide by any written terms and conditions, in such form as is approved by the CAO from time to time.
- 8.7. If the CAO determines that a breach of an exemption has taken place the CAO may revoke the exemption by providing written notice to the contact provided by the applicant.

**Penalty & Enforcement**

- 9.1. Any Enforcement Officer or Police Officer may enter upon private property for the purpose of investigation and enforcement of this By-law;
- 9.2. In a prosecution for a violation of this By-law, evidence that one person, including a Police Officer or Enforcement Officer, is unreasonably disturbed by a prohibited activity is *prima facie* evidence that the peace and tranquility of the Town or any portion of it is unreasonably disturbed;
- 9.3. Any Police Officer or Enforcement Officer who believes on reasonable and probable grounds that there has been a violation of this by-law may issue a Summary Offence Ticket;
- 9.4. Notwithstanding any other By-law of the Town, any person who contravenes any provision of this By-law is punishable on summary conviction by a fine of not less than \$200.00 and not more than \$5,000.00, and in default of payment to imprisonment of not more than thirty (30) days for each offence.

**Repeal**

- 10. Any previous Noise Control By-laws and amendments thereto are hereby repealed upon the effective date of this By-law.

Date of First Reading:	<u>March 12, 2024</u>
Date of Advertisement of Notice of Intent to Consider:	<u>March 13, 2024</u>
Date of Second Reading:	<u>April 09, 2024</u>
Date of Advertisement of By-law Passage and Approval:	<u>April 17, 2024</u>
Date of Mailing Certified Copy to Dept. of Municipal Affairs:	<u>April 10, 2024</u>
I certify that this Fire Prevention By-law 2024-01 was adopted by Council and published as indicated above.	
 _____ Chief Administrative Officer	<u>April 10, 2024</u> Date