



TOWN OF SHELBURNE

NOISE CONTROL BYLAW

A BY-LAW RESPECTING REGULATION AND PROHIBITION OF CERTAIN NOISES

Be It Enacted by the Council of the Town of Shelburne, under the authority of the Municipal Government Act, S.N.S. 1998, Chapter (18),as follows:

1. This By- Law shall be known as, and may be cited as, the “NOISE CONTROL BYLAW”.

Definitions

2. In this Bylaw, words take their ordinary dictionary meaning other than those defined below:
 - (a) “Council” means the Town Council of the Town of Shelburne;
 - (b) “Town” means the Town of Shelburne.
 - (c) “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 work in connection therewith; but does not include blasting;
 - d) “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, hydraulic breakers, excavators, dozers, pile drivers, pneumatic or hydraulic tools, tractors, 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
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- (e) "motor vehicle" includes an automobile, a motorcycle, and any other vehicle propelled or driven otherwise than by muscular power; gravitational or wind power except a motorized wheelchair; a vehicle running upon rails, a farm tractor or self-propelled implement of husbandry, and an off-highway vehicle as defined from time to time in the Off- Highway Vehicles Act
- (f) "public address system" means any system comprised of 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;
- (g) "emergency response person" 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
- (h) "point of reception" means any point on premises or premises containing a dwelling unit where sound, originating from other premises, including other dwelling units, is received
- (i) "OHV" off road vehicle (ORV), sometimes referred to as an off highway vehicle(OHV), over land vehicle, or adventure vehicle, is considered to be any type of vehicle that is capable of driving off road on non paved surfaces, such as trails and forest roads that have rough and low traction surfaces.

Prohibitions and Interruptions

3. No person shall, within the Town boundaries engage in any activity which is likely to generate noise or sound that unreasonably disturbs the peace and tranquility of a neighborhood. For the purpose of this section evidence that all immediate neighbors are unreasonably disturbed by a noise is prima facia evidence.
 4. Without limiting the generality of section 3, the activities or noises listed in Schedule A and Schedule B, during the proscribed times as set out therein, are deemed to be activities which are likely to generate noise or sound that unreasonably disturbs the peace and tranquility of a neighborhood if the sound resulting from the activity is audible at a point of reception. Owners and occupiers who create excessive noise shall be liable to a penalty.
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5. No person shall operate a OHV on a designated road trail half hour before sun rise and half hour after sun set. The use of these vehicles on private property should not cause a noise disturbance to neighboring residents between the hours of 10 p.m. to 7 a.m.

Fixed Exemptions

6. This By-Law does not apply to:
 - (a) emergency response personnel engaged in the execution of their emergency response duties: or
 - (b) persons acting at the request of emergency response personnel during an actual or apparent emergency condition
 - (c) without limiting the generality of the foregoing, noises caused by emergency response vehicles and air ambulances are specifically exempt from prosecution

Notwithstanding

7. Any other provisions of this By-law, this By-law shall not apply to or proscribe:
 - (a) employees of the Town, Municipality of the District of Shelburne, Government of Canada, Province of Nova Scotia, Shelburne Public Service Commission, the Nova Scotia Power or and telecommunications companies and their contractors and employees when acting in the reasonable execution of their duties between 7:00 a.m. and 10:00 p.m. in the day;
 - (b) noises in connection with organized athletic or recreational activities in a municipal park area, arenas or community centers between 5:00a.m. and 1:00 am;
 - (c) noises from the organized and scheduled activities and events of festivals, parades, street dances, rallies, or other community activities, funded, sponsored or licensed by the Federal or Provincial government or the Town of Shelburne until 1:00 am;
 - (d) noises emitted by Town-owned machinery or equipment when used in the normal course of performing Town services;
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- (e) noises resulting from the operation of any refrigeration unit which is attached to a refrigeration truck if refrigeration truck is parked;
- (f) noises emitted by audible pedestrian signals;
- (g) the emission of sound in connection with calls to worship, ringing of bells at places of religious worship, or services of religious worship;
- (h) the emission of sound in connection with any organized traditional, festive or religious activity celebrating:
 - (i) Canada Day,
 - (ii) New Year's Eve or
 - (iii) religious holidays
- (i) the emission of sound in connection with emergency measures that are undertaken for:
 - (i) for the immediate health, safety or welfare of an individual
 - (ii) for the preservation of property

Grant of Exemption by Council

8. Notwithstanding anything contained in this By-Law, any person may make application to Council to be granted an exemption from any of the provisions of this By-Law with respect to any emission of noise from which that person might be prosecuted for a period of no more than six (6) months. Council, by resolution, may grant an exemption or refuse the request. Refer to Appendix C for more information.

Penalties

9. Any person who contravenes any provision of this By-Law is guilty of an offense, and is punishable on summary conviction by to a fine of not less than One Hundred Dollars (\$100.00) as follows:

First Offence: \$100.00 Subsequent

Offence: \$400.00

Subsequent offences are offences that take place after the first offence within the same calendar year.

10. This By-Law shall have effect with respect only to noises emitted within the boundaries of the Town of Shelburne.

Repeal

11. Chapter 160 of the By-Laws OR By-Law of the Town of Shelburne entitled the "Noise Control By-Law" is hereby repealed and replaced by this Bylaw. This bylaw repeals and supersedes any previous Noise Bylaw for the Town of Shelburne.

Town Clerk's Annotations:

Date of Original Bylaw: May 19th , 2010

Date of Amended Bylaw: 1st reading February 3rd2025,

Date of Advertisement: February 4th, 2025

Date of Amended Bylaw 2nd Reading: March 3rd, 2025

Advertisement of Passage: April 7th , 2025

Mailed to the Minister: April 7th , 2025

Sarah Mattatall, CAO

Stanley Jacklin, Mayor

Schedule "A"

Activities proscribed at all times:

1. The operation of any combustion engine or pneumatic device without an effective exhaust or intake muffling device, in good working order and in constant operation. Modified or aftermarket mufflers that create excessive noise are subject to penalty under this bylaw;
 2. The operation of a vehicle or a vehicle with a trailer resulting in banging, clanking, squealing or other like sounds due to an improperly secured load or equipment or inadequate maintenance;
 3. The operation of a motor vehicle horn or other warning device except where required or authorized by law or in accordance with good safety practices;
 4. The detonation of explosive devices not being used in construction or quarrying. Fireworks may be used for statutory holidays. Any other uses must be given a permit from the Town Clerk with approval from the CAO (See Appendix A);
 5. The discharge of firearms except when used as a signaling device in a sporting competition. For other uses, individuals must receive a permit from the Town Clerk with approval from the CAO under such conditions as are set forth in the Provincial Fire Arms Regulations. (See Appendix A);
 6. Persistent barking, howling or other persistent noise-making by a dog or other animal owned or possessed by the occupant of the premises;
 7. Prolonged idling of an engine. Exemptions to this clause include: longer idling period per manufacturer's instructions, weather conditions, and not- for-profit vehicle maintenance.
 8. The operation of any item of construction equipment in a residential area without effective muffling devices in good working order and in constant operation;
 9. No person shall, within the limits of the Town of Shelburne, do any blasting or cause any blasting to be done without first having obtained a written permit from the CAO / Town Planner. (See Appendix B)
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Schedule "B"

Activities proscribed between the hours of 10 pm – 7 am:

1. The operation in the outdoors of any power tool for domestic purposes other than snow removal or emergency repair situations.
2. Yelling, shouting, hooting, whistling, singing or playing musical instruments;
3. The loading or unloading of any containers, products, materials or refuse with the exception of private household effects;
4. The operation of any public address system, sound system, or audio/visual equipment in a manner such that the sound from the equipment being operated is audible beyond the bounds of the property from which the noise is emitted;
5. The operation of any motorized conveyance other than on a street or other place intended for its operation;
6. The use or operation of construction equipment, except where such equipment is used or operated on any highways;
7. The use of Off-Highway Vehicles, Snowmobiles, or Dirt Bikes on private property, unless for loading or unloading purposes. This proscription also applies to mechanical work performed on such vehicles.
8. The operation of a garburator, solid waste bulk lift, refuse compacting equipment or hydraulic dumpster associated with a commercial enterprise;
9. All selling or advertising by shouting, outcry or amplified sound;
10. The venting, release or pressure relief of air, steam or other gaseous material, product or compound from autoclave, boiler pressure vessel, pipe, valve, machine, device or system.

Appendix A

Application for a Special License to Discharge a Firearm

***This Special License is required to discharge a gun, air rifle, bow and arrow, or any other type of firearm within the Town of Shelburne. It also applies to the release of fireworks outside of a statutory holiday.**

Name: _____

Civic Address: _____

Phone Number: _____

Email: _____

Location of Event: _____

Time of Event: _____

Category (check one):

Gun Club

Bow & Arrow

Air Rifle

Fireworks

Re-enactors

Film Industry

Requirements:

Gun Club

- Anyone who wishes to start a gun club must initially meet with the CAO / Town Planner to look at the location of the proposed club in order to get a letter of permission.
- Applicant must then apply for the proper license through the Department of Justice Provincial Firearms Office (Canadian Firearms Program).
- Applicant must present approved provincial license to the Town and agree to any conditions set by the CAO in regards to Noise and hours of operation prior to consideration for a permit.

Bow & Arrow

- Any bow and arrow range application must be presented to the CAO / Town Planner. Drawings of the layout and measurements between buildings required.
- Proof of proper backdrop or netting
- Proof of insurance for recreation groups

Air Rifle

- For pellet guns or air rifles that fire at less than 500 feet per second.
- Permit for target practice and/or pellet gun events
- Must present proposed location and safety measures to CAO / Town Planner

Fireworks

- For a special display of fireworks, residents must first be granted permission by their adjacent neighbors and have, on their property, a wide and clear site that is away from all obstacles. Proof of neighbor permission is required.
- Fireworks must not be set off after 11 pm.
- Residents must discuss their fireworks display plan with the Town Clerk or CAO in regards to containment and safety. Fireworks must have a base halfway in a container of earth or sand, unless the label indicates otherwise, and should be pointed away from people and structures.

Re-enactors / Museums

- Must present proof of Provincial licensing for weapons (Canadian Firearms Program)
- Must present proof of insurance

Film Industry

- Replica firearms are prohibited devices in Canada and the proper protocols should be adhered to if using them in a Film. Refer to the Canadian Firearms Program for information about possessing, acquiring, borrowing, storing, and transporting replica firearms.
- If replica firearms or gun powder will be used in filming, a permit is required from the CAO prior to filming. Owners of properties in close proximity will be notified of potential noise. Any explosive noise after 10 pm should be noted in application.

Appendix B

Blasting Permit

***This Special License is required to conduct any blasting within the Town of Shelburne.**

Name: _____

Civic Address: _____

Phone Number: _____

Email: _____

Location of Event: _____

Time of Event: _____

Requirements:

- **Liability Insurance in the minimum amount of Three Hundred Thousand Dollars (\$300,000).**
- **“Blasting Certificate” proof of qualifications**
- **Blasting Plan which includes a suitable mat to prevent debris from escaping the blasting area**

All blasting done in the Town of Shelburne will be performed in accordance with such standards as may from time to time be imposed by statute or regulation within the Province of Nova Scotia.

Approved by:

Sarah Mattatall, CAO

Date of Approval

This license will expire within 3 months of application. Any changes to the project Timeline **MUST** be expressed to the CAO. cao@town.shelburne.ns.ca

Application for a Grant of Exemption by Council

***Town Council may grant an exemption to the Noise bylaw with respect to any emission of noise from which that person might be prosecuted for a period of no more than six (6) months.**

Name: _____

Civic Address: _____

Phone Number: _____

Email: _____

Reason for Request: _____

Location of Event: _____

Time of Event: _____

Requirements:

- **Abide by any Terms and Conditions set forth by Town Council**
- **Background material for Council review**

Rights of Council:

In deciding whether or not to grant an exemption under section 11 or in determining terms or conditions of the exemption, Council shall give consideration to:

- (a) the social or economic benefit of the proposed activity to the Town, the views of any residents of the Town;
- (b) volume, nature and consistency of noise emission associated with 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 in the proposed activity against the interests of those persons who might be disturbed by the proposed activity.

Any contravention of the terms or conditions of an exemption shall constitute a contravention of this By-Law. In addition to any other available remedies for such contravention, the By-law Enforcement may on reasonable and probable grounds, without a hearing, suspend an exemption for a period of up to 30 days pending Council review of the exemption or issue a summary of offence ticket.

Any exemption pursuant 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 this application form.

Public Input:

Applications for an exemption for an activity of less than 14 days duration do not require a public hearing pursuant to this application or notice by the Town, but all other exemptions, renewals of 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. It is advisable that applicants speak to adjacent property owners prior to application.

For applications that are longer than 14 days, ten (10) days notice of time, date and purpose of a public hearing shall be mailed by the applicant to the assessed owner or owners, as shown in the records of the Town Office, of each property which contains a building located within 150 meters (492 feet) of the property which will be the subject of the hearing, except that where the exemption is sought for an outdoor event not conducted at a fixed location.

Date of Council Meeting for Application Review: _____

Date of Public Hearing (if applicable): _____

Approved

Denied

Conditions:

Sarah Mattatall, CAO

Stanley Jacklin, Mayor
