

NOISE CONTROL BY-LAW

BE IT ENACTED by the Municipality of the County of Inverness under the authority of Section 99C(1)(k), 99K(2)(f) and 99K(3) of the Municipal Act, R.S.N.S., 1989, Chapter 295 as follows:

Title:

1. This By-Law shall be known as the Noise Control By-Law.

Definitions:

2.
 - (a) "Municipality" means Municipality of the County of Inverness.
 - (b) Council means the Council of the Municipality.
 - (c) Clerk means the Clerk of the Municipality.
 - (d) Public Address System means any system of loudspeakers, amplifiers, microphones or reproducers, or any combination of such equipment, used in the reproduction or amplification of music, speech or other sounds, when used for communication to, or otherwise addressing or entertaining groups of people, whether the same is mounted upon a vehicle or upon a building or other structure or upon the ground;
 - (e) Street includes alley, boulevard, bridge, courtyard, footway, highway, lane, park, public drive, sidewalk, square and any part of any of them open to the public use.
3.
 - (1) No person shall, in the Municipality, operate or cause, or permit to be operated, any public address system, gramophone, radio, audio-tape player, audio-disc player or other device or apparatus for reproducing or amplifying sound whether operated electrically, mechanically, or in any other way whatsoever, whether moveable or stationary, the sounds of which are capable of being heard on any street or in any building used, wholly or in part, as a dwelling other than the dwelling in which it may be located, in the Municipality, without having first received a license therefore from the Clerk, or from the Council, as hereinafter provided.
 - (2) Such license may be granted by the Clerk for the operation of such apparatus or device between the hours of nine o'clock in the forenoon and one o'clock in the morning of the next day during the term of the license and may be refused if the Clerk shall be of the opinion that the operation of such apparatus or device disturbs or tends to disturb the peace and tranquillity of the Municipality or any portion thereof.

- (3) Such license may be granted upon such other terms and conditions as may be determined by the Clerk, including the time period of the day that the license is effective for, the volume of sound to be reproduced by such apparatus or device, and the time period during which the license shall be effective.
 - (4) Any license so granted may be cancelled by the Council at any time if it shall be of the opinion that the operation of such apparatus or device for which such license was issued violates any of the terms and conditions attached to such license or disturbs or tends to disturb the peace and tranquillity of the Municipality or any portion thereof.
 - (5) Any person who has been refused a license or is dissatisfied with the terms and conditions of such license set by the Clerk may appeal to the Council from such refusal concerning such terms and conditions and the Council may grant such license or may confirm such refusal or vary the terms thereof within the provisions of this By-Law.
4. The fee to be paid for any license issued under the authority of this By-Law shall be Five (\$5.00) Dollars.
5. No person shall start, drive, turn or stop any motor vehicle, or accelerate the vehicle engine while the vehicle is stationary, in such a manner that it causes unnecessary noise in or from the engine, exhaust system, braking system or from the contact of the tires with the roadway that disturbs the peace and quiet of the neighbourhood in which it occurs or that can be heard inside any building used wholly or in part as a dwelling or any building used wholly or in part for business purposes.
6. The provisions of this By-Law shall not apply to:
 - (a) Any member of the RCMP, Police Force or Fire Department of the Municipality, or any other employee of the Municipality while such member or employee is employed in the execution of his duties as a member of the RCMP, such Force or Department, or other employee of the Municipality.
 - (b) A person or an employee of any firm or corporation, performing any work for the Municipality, while such person or employee is employed in the execution of his duties in connection with the performance of any such work for the Municipality.

- (c) To any bell, horn, whistle, siren, or other device used:
 - (i) by a church;
 - (ii) by a business to mark the beginning or end of a work shift;
 - (iii) for public interest or safety;

 - (d) In respect of Clauses 1 to 3 inclusive any community or community group sponsored festival or event or to any establishment or event licensed by the Nova Scotia Liquor License Board.
7. Section 2(1) and (2) of By-Law 8, the Mischief and Nuisances By-Law is hereby repealed.

 8. Every person who contravenes or fails to comply with any of the provisions of this By-Law shall be liable to a penalty of not less than One Hundred (\$100.00) Dollars and not exceeding Five Thousand (\$5,000.00) Dollars and in default of payment to imprisonment for a period not exceeding Ninety (90) days.

This is to certify that the following by law is a true copy of a by law duly passed at a duly called meeting of the Municipal Council of the Municipality of the County of Inverness duly held on the 10th day of March A.D. 1997.

Kate Beaton
Deputy Clerk

Section 99 Requirements:

Notice of Motion to Introduce	<u>October 15, 1996</u>
First Reading	<u>November 12, 1996</u>
Publication 7 days before Second Reading	<u>November 19, 1996</u>
Second Reading	<u>December 9, 1996</u>
Third Reading	<u>February 10, 1997</u>
Publication after Enactment	<u></u>

DEPARTMENT OF HOUSING & MUNICIPAL AFFAIRS
Excepting Section 5
 Recommended for approval of the Minister
Lashleen O'Grady
 Department Solicitor
Excepting section 5
 APPROVED this 2nd day
 of May 1997
James Smith
 Minister of Housing & Municipal Affairs