



### MUNICIPALITY OF EAST HANTS BYLAW NUMBER P-100 Community Standards Bylaw

WHEREAS Part III, Section 172(1) of the *Municipal Government Act, R.S.N.S. 1998, c. 18* enables the council of a Municipality to control nuisance in the Municipality, so as to preserve, protect and promote public health, safety, welfare and peace and quiet of citizens.

BE IT ENACTED by the Council of the Municipality of East Hants, as follows:

#### 1. SHORT TITLE

1.1. This bylaw shall be known as the “Community Standards Bylaw”.

#### 2. PURPOSE

2.1. The purpose of this Bylaw is to control public nuisance in the Municipality.

#### 3. DEFINITIONS

- (a) “**Council**” shall refer to the Council of the Municipality of East Hants.
- (b) “**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 crushing, 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.
- (c) “**Daytime**” means the period of Standard Time for the Municipality or Daylight Savings Time:
  - i. beginning at 7:00 A.M. and ending at 9:30 P.M. of the same day on Weekdays; or
  - ii. beginning at 9:00 A.M. and ending at 8:30 P.M. of the same day on a Weekend, Statutory Holiday or Remembrance Day.
- (d) “**Dwelling**” means living quarters accessible from a private entrance either outside a building or in a common area within a building that are occupied for, or if unoccupied, are reasonably fit for occupation and that contain kitchen and toilet facilities that are not





- shared with the occupants of other Dwellings.
- (e) **“Fugitive Dust”** means dust generated by sweeping and maintenance operations on Highways, Parking areas and other paved surfaces or dust generated from Construction sites and soil and gravel pits.
  - (f) **“Garbage”** means any household or commercial waste or refuse.
  - (g) **“Highway”** means a Highway vested in Her Majesty in right of the Province.
  - (h) **“Municipality”** means the Municipality of East Hants.
  - (i) **“Municipal Traffic Authority”** means the Traffic Authority designated by Council under the *Municipal Government Act, R.S.N.S. 1998, c. 18*.
  - (j) **“Nighttime”** means the period beginning at:
    - i. 9:30 P.M. on a Weekday; or
    - ii. 8:30 P.M. on a Weekend, Statutory Holiday or Remembrance Day measured in Standard Time for the Municipality and:
    - iii. ending the following day at 7:00 A.M. if the following day is a Weekday; or
    - iv. ending the following day at 9:00 A.M. if the following day is a Weekend, Statutory Holiday or Remembrance Day.
  - (k) **“Park”** means any land, owned, leased, or controlled by the Municipality of East Hants, designated or used as Parkland or as a trail, including gardens, playgrounds, sports fields and beach areas.
  - (l) **“Public Address System”** means one or more of any of the following in any combination: loudspeaker, amplifier, microphone, turntable, reducer, receiver or tuner, used in the reproduction or amplification of music, speech, or other sound.
  - (m) **“Street”** means a Municipally-controlled public Street, Highway, road, lane, sidewalk, thoroughfare, bridge, square and the curbs, gutters, culverts and retaining walls in connection therewith, except as otherwise defined in the Municipal Government Act.

#### 4. SCOPE

- 4.1. This Bylaw applies to the Municipality in its entirety.

#### 5. PUBLIC PROPERTY & PARKS

- 5.1. The Municipality may post signs respecting the hours during which a Park is opened or closed or specifying an area in a Park where specific activities are permitted, prohibited or





restricted.

- 5.1.1. No person shall enter or use a Park where the entry, activity or use is prohibited by notice.
- 5.2. The Municipality may cause to be erected any sign as it deems appropriate in any Park or on any trail including, but not excluding, interpretive, special event, and commemorative signage.
- 5.3. Every person in a Park shall observe and obey every prohibition and restriction stipulated by a sign or other device erected under the above-noted section except by persons undertaking authorized maintenance, such as that under the Municipal adopt a Park policy.

## 6. NUISANCE ON STREETS

- 6.1. No person shall create a nuisance to exist on or near a municipal Street. Nuisance includes engaging in any activity which:
  - 6.1.1. obstructs any person;
  - 6.1.2. creates a disturbance;
  - 6.1.3. causes any damage to any structure, object, sod, plant or tree;
  - 6.1.4. causes unreasonable interference with a person's use or enjoyment of the Street;
  - 6.1.5. interferes with or moves, damages, or alters in any way a municipal Street, without the permission of the Municipal Traffic Authority;
  - 6.1.6. interferes with the operation of any barrier or fence, warning sign, signal or light placed on or near a Street for purposes of closing the Street or part thereof or for purposes of ensuring control of traffic or the safety of persons using the Street without the permission of the Municipal Traffic Authority;
  - 6.1.7. involves entering, traveling, or driving, in along or across any closed Street or within the closed portion of any Street without the permission of the Municipal Traffic Authority.

## 7. NOISE

- 7.1. Except as authorized pursuant to this bylaw or other municipal bylaws, no person shall cause or allow to be made any noise that unreasonably disturbs or tends to disturb the peace and tranquility of a neighbourhood, including any shouting, movement, music or activity.
- 7.2. Except as authorized pursuant to this bylaw or other municipal bylaws, no owner or occupier of a premises shall cause or allow to be made any noise which originates from the premises





and unreasonably disturbs the peace and tranquility of a neighbourhood, including any shouting, movement, music or activity.

7.3. The following acts, among others, are hereby declared to be noises which disturb or tend to disturb the peace and tranquility of the Municipality of East Hants or any portion thereof:

7.3.1. Construction during the Nighttime unless otherwise authorized or permitted by the Municipality.

7.3.2. The operation of any Public Address System, radio or other device or apparatus for reproducing or amplifying sound, the sounds of which are capable of being heard on any Street in the Municipality or in any adjacent Dwelling unless otherwise authorized or permitted by the Municipality.

7.3.3. Loud and unnecessary noise by fighting; shouting; or swearing, the sounds of which are capable of being heard on any Street in the Municipality or in any adjacent Dwelling.

7.3.4. Operation of a rock crushing or rock breaking machine unless permitted in accordance with the Land Use By-Law or otherwise approved by the Municipality.

7.3.5. The use a motor vehicle in an improper manner including:

7.3.5.1. The discharge into the open air of the exhaust lacking a muffler or other device which will effectively prevent loud or explosive noises;

7.3.5.2. the sound of any signaling device, including vehicle horn for a period longer than would be reasonable under the circumstances;

7.3.5.3. excessive engine revving;

7.3.5.4. the starting, driving, turning or stopping of any vehicle or accelerating the vehicle engine while the vehicle is stationary, in a manner which causes any loud noise in or from the engine, the exhaust system, or the braking system, or from the contact of the tires with the roadway.

## 8. AIR QUALITY CONTROL

8.1. A Person shall not engage in any activity that is likely to allow dust or other airborne matter that may disturb any other person to escape the premises, without taking reasonable precautions to ensure that the dust or other airborne matter does not escape the premises.

8.2. All owners and operators of off Street Parking, loading and storage areas, demolition sites and Construction sites shall maintain those areas so that Fugitive Dust does not escape in such a manner as to cause injury or damage to human health, plant or animal life or property, or so





as to unreasonably interfere with the enjoyment of life or property.

### 9. LIGHT CONTROL

- 9.1. No owner or occupier of a premises shall allow light(s) to operate at an intensity that interferes with the safety of Streets or reasonable enjoyment of nearby property.
- 9.2. Where a light is permitted or required pursuant to the Land Use Bylaw, a development permit or similar approval shall take precedence over this Bylaw, and the light shall not constitute a violation of this section.

### 10. EXCLUSIONS

- 10.1. The provisions of this Bylaw do not apply to:
  - 10.1.1. Nuisance generated by agricultural practices which the Nova Scotia Farm Practices Board deems consistent with the code of practice or in the absence of a code, consistent with other directives or accepted customs or standards of similar operation;
  - 10.1.2. Emergency vehicles;
  - 10.1.3. Work on a Street or on a public utility carried out by the owner or operator of the public utility, or its contractors;
  - 10.1.4. Any activity authorized by the Government of Canada or the Province of Nova Scotia.
  - 10.1.5. Any activity that takes place on a water body such as an ocean, river, lake or stream.
  - 10.1.6. Noise generated from reasonable commercial activities on a property properly zoned for the land use in the Municipal Land Use Bylaw.
- 10.2. The provisions of Section 7. Noise of this Bylaw do not apply to:
  - 10.2.1. Construction in Residential Developments during the Daytime;
  - 10.2.2. Reasonable noise generated during recognized traditional, festive or religious activities;
  - 10.2.3. The cumulative effect of noise generated by the normal operation of vehicular traffic on roads, or aeronautical related activities of aircraft.
  - 10.2.4. The emission of noise reasonably necessary in connection with emergency measures taken for the health, safety or welfare of the inhabitants or for the preservation or restoration of property.
- 10.3. Notwithstanding anything contained in this Bylaw, any person may make application to the Municipal Clerk to be granted an exemption from the restrictions regarding Construction





during the Nighttime in Section 7.3.1, or exempt provisions of Section 7 for of this Bylaw for the purposes of enabling public and private events. Exemptions to Section 7.3.1 may permit Construction noise no earlier than 5am to no later than 12am (midnight).

10.3.1. The Municipal Clerk may refuse to grant any exemption or may grant the exemption applied for or any exemption of lesser effect; and 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 Municipal Clerk deems appropriate.

10.3.2. In deciding whether or not to grant an exemption, the Municipal Clerk shall give consideration to the social or commercial benefit of the proposed activity to the Municipality, the proposed hours of operation of the proposed activity, the potential for the proposed activity to disturb the peace and tranquility of the surrounding neighbourhood and the proposed duration.

10.3.3. If the terms of an exemption are breached, the Municipal Clerk may revoke the exemption.

## 11. ENFORCEMENT

- 11.1. Each day during which any violation, contravention or breach of the Bylaw continues shall be deemed a separate offence.
- 11.2. A person who commits an offence shall, on summary conviction, be liable to a fine not less than \$150 and not more than \$10,000.00 or imprisonment for a period of not more than one year or both, including the imposition of a minimum fine.
- 11.3. Any person who commits an offence under this Bylaw, except section 7.3.4, and who is given notice of the contravention may pay to the Municipality of East Hants, at the place specified in the notice, the sum of \$150 (or \$300 if the person violates the same provision of this Bylaw twice within a six month period or \$600 if the person violates the same provision of this Bylaw three times within a six month period), within 14 days of the date of the notice and shall thereby avoid prosecution for that contravention.
- 11.4. Any person who commits an offence under section 7.3.4 of this Bylaw and who is given notice of the contravention may pay to the Municipality of East Hants, at the place specified in the notice, the sum of \$5,000 within 14 days of the date of the notice and shall thereby avoid prosecution for that contravention.
- 11.5. Pursuant to the Police Act. 2004, c. 31, s. 1., peace officers, special constables and by-law





enforcement officers are designated to enforce this Bylaw.

- 11.6. Any person designated to enforce this bylaw may enter upon or into private property for the purpose of inspection, maintenance and enforcement of this Bylaw.

## 12. REPEAL

12.1. The following bylaws are hereby repealed:

By-Law No. 1	A By-Law Relating to the Prevention of Excessive Noise in the Municipality of East Hants
By-Law No. 91-94	Preservation of Roads, Sidewalks, Etc.
By-Law No. 127-134	Transient Merchants, Traders, Pedlars, Hawkers, Auctioneers, Etc.
By-Law No. 152	The Air Gun By-Law





I, Connie Nolan, CAO & Municipal Clerk of the Municipality of East Hants, hereby certify that the above noted Bylaw was passed at a meeting of the East Hants Municipal Council on September 24th, 2014.

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Connie Nolan  
CAO & Municipal Clerk

Bylaw Adoption	
First Reading:	June 25 <sup>th</sup> , 2014
Notice of Public Hearing Publication:	September 10 <sup>th</sup> , 2014 and September 17 <sup>th</sup> , 2014
Second Reading:	September 24 <sup>th</sup> , 2014
Final Publication/Effective Date:	October 1 <sup>st</sup> , 2014
Notice to Province:	October 1 <sup>st</sup> , 2014

Version Number	Amendment Description	Council Approval Date
P-100	Enactment of Bylaw P-100 and Repeal of Bylaws 1, 91-94, 128-134 and 152	September 24 <sup>th</sup> , 2014

