



COMMUNITY STANDARDS BYLAW

MUNICIPALITY OF THE COUNTY OF VICTORIA 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 County of Victoria, 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 nuisances, specifically noise and graffiti in the Municipality.

3. DEFINITIONS

- (a) **"Council"** shall refer to the Council of the Municipality of The County of Victoria.
- (b) **"Construction"** includes erection, alteration, repair, dismantling and demolition of structures and includes structural maintenance, hammering, land clearing, moving of earth, rock of 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) **"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,



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- 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;
- (d) **“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.
- (e) **“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 11:00 P.M. of the same day on a Weekend, or Statutory Holidays.
- (f) **“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 that contain kitchen and toilet facilities that are not shared with the occupants of other Dwellings.
- (g) **“Garbage”** means any household or commercial waste or refuse.
- (h) **“Graffiti”** means permanently marking, painting, drawing on, etching, engraving or scratching property without the owner's permission.
- (i) **“Highway”** means a Highway vested in Her Majesty in right of the Province
- (j) **“Motor vehicle”** includes an automobile, motorcycle and any other vehicle propelled or driven otherwise than by muscular, gravitational or wind power, except a motorized wheelchair, a vehicle running only upon rails, a farm tractor or a self-propelled implement of husbandry, and an off-highway vehicle as defined from time to time in the *Off-Highway Vehicles Act*;
- (k) **“Municipality”** means the Municipality of The County of Victoria.
- (l) **“Natural feature”** includes boulders, rock walls, trees;
- (m) **“Point of reception”** means premises containing a dwelling unit where sound,



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originating from other premises, including other dwelling units, is received;

- (n) **"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;
- (o) **"Nighttime"** means the period beginning at:
 - i. 9:30 P.M. on a Weekday; or
 - ii. 11 P.M. on a Weekend and Statutory Holidays measured in StandardTime for the Municipality and:
 - iii. ending the following day at 7:00 A.M. if the following day is a Weekday
 - iv. ending the following day at 9:00 A.M. if the following day is a Weekend and Statutory Holidays
- (p) **"Point of reception"** means premises containing a dwelling unit where sound, originating from other premises, including other dwelling units, is received;
- (q) **"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;

SCOPE

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

4. GRAFFITI

4.1 No person shall create or apply graffiti on or to any

- (a) Premises,
- (b) Structure, natural feature or
- (c) Other property which is owned or occupied by another person



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Unless the Graffiti is not in public view and the person who owns or occupies the premises, structure, natural feature or other property to which the Graffiti has been created or applied has given prior written approval for the creation or application of the Graffiti.

4.2 Every owner or occupier of a Premises shall ensure that Graffiti placed on their Premises is removed, painted over, or otherwise blocked from public view.

5. NOISE

5.1 No person shall 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.

5.2 Without limiting the generality of section [3], the activities or noises listed in Appendix "A" 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 neighbourhood if the sound resulting from the activity is audible at a point of reception.

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.

and, without limiting the generality of the foregoing, noises caused by emergency response vehicles and air ambulances are specifically exempt from prosecution.

7. Notwithstanding any other provisions of this By-law, this By-law shall not apply to or proscribe:

- a) the emission of sound in connection with any organized traditional, festive or religious activity celebrating:
 - Canada Day;



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- New Year's Eve;
 - religious holidays;
- (b) the emission of sound in connection with calls to worship, ringing of bells at places of religious worship, or services of religious worship;
- (c) noise caused by the Municipality, the Government of Canada, the Province of Nova Scotia, the Nova Scotia Power Corporation, and telecommunication companies and their contractors and employees when acting in the reasonable execution of their duties between 7:00 a.m. and 9:30 p.m. in the day;
- (d) noises in connection with organized athletic or recreational activities in municipal or public park areas, arenas or community centres between 5:00 a.m. and midnight;
- (e) 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 Municipality

Grant of Exemptions by Council

8. Any person may make application to Council to be granted an exemption from any of the provisions of this By-Law with respect to the emission of noise from an industrial, institutional, commercial or community activity for which that person might otherwise be prosecuted. Council, by resolution, may refuse to grant the exemption or may grant the exemption applied for or any exemption of lesser effect. Any exemption so granted shall:
- (a) specify a time period of not greater than 15 years during which the exemption shall be effective;
 - (b) shall be confirmed in writing by the CAO before becoming effective; and
 - (c) shall include such terms and conditions as Council deems appropriate.



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9. In deciding whether or not to grant an exemption under section **[8]** 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 municipality;
 - (b) the volume, nature, duration and consistency of noise emission from 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.
10. Applications for an exemption for an activity of less than **[14 days]** duration do not require a public hearing pursuant to this section or notice pursuant to section **[11]**, 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.
11. Advance notice of the time, date and purpose of a public hearing pursuant to section **[10]**, shall be mailed by the applicant to the assessed owner or owners, as shown in the records of the Assessment Office, of each property which contains a building located within **150 meters** 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, notice may be given by advertisement, of not less than **25 square cm.** in size, in a local newspaper of mass circulation.
12. Any contravention of the terms or conditions of an exemption pursuant to section **[8]** shall constitute a contravention of this By-Law. In addition to any other available remedies for such contravention, the CAO may on reasonable and probable grounds, without a hearing, suspend an exemption for a period of up to **30 days** pending Council review of



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the exemption.

13. Any exemption pursuant to section [8] shall be reviewable by Council at any time upon **advance 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 section [9], without giving notice to adjacent owners in accordance with section [10].

6. ENFORCEMENT

6.1 Each day during which any violation, contravention or breach of the Bylaw continues shall be deemed a separate offence.

- a. 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.

- b. Any person who commits an offence under this Bylaw, and who is given notice of the contravention may pay to the Municipality of The County of Victoria, 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.

- 6.2 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.

REPEAL & REPLACE

- 7.1 All previously enacted Bylaws of the Municipality relating to Community Standards are hereby repealed and replaced by this version.



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Appendix "A" Part 1

Activities that unreasonably disturb the peace, comfort and tranquility of a resident, and at all times, where the sound resulting there from is audible at a point of reception.

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;
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; so as to create a continuous noise.
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 fireworks or explosive devices not used in construction or Quarrying;
5. The operation or use of a recreational vehicle or a group of recreational vehicles within 1000' of a residence in such a manner so as to create a continuous noise.
6. The operation of an engine or motor in, or on, any motor vehicle or item of attached auxiliary equipment for a continuous period exceeding five minutes, while such vehicle is stationary in a residential area unless: (a) the original equipment manufacturer specifically recommends a longer idling period for normal and efficient operation of the motor vehicle in which case such recommended period shall not be exceeded; (b) operation of such engine or motor is essential to a basic function of the vehicle or equipment, including but not limited to, operation of ready-mixed concrete trucks, lift platforms and refuse compactors; (c) weather conditions justify the use of heating or refrigerating systems powered by the motor or engine for the safety and welfare of the operator, passengers or animals, or the preservation of perishable cargo, and where the vehicle is stationary for purposes of delivery or loading; (d) prevailing low temperatures make longer idling periods necessary immediately after starting the motor or engine; (e) the idling is for the purpose of cleaning and flushing the radiator and associated circulation system for seasonal change of antifreeze, cleaning of the fuel system, carburetor or the like, when such work is



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performed other than for profit.

7. The operation of any item of construction equipment without effective prescribed muffling devices in good working order and in constant operation;

Part 2: Activities that unreasonably disturb the peace, comfort and tranquility of a resident at the specified times defined as “Nighttime”, where the sound resulting therefrom is audible at a point of reception.

12. The operation of any refrigeration unit, which is stationary or attached to refrigeration, trailer unless the refrigeration trailer is in motion;

13. The operation of a garburator, solid waste bulk lift, refuse compacting equipment or hydraulic dumpster associated with a commercial enterprise;

14. The operation in the outdoors of any power tool or pump for domestic purposes other than snow removal, or when located within a building.

15. Yelling, shouting, hooting, whistling or singing;

16. The operation of a commercial car wash;

17. All selling or advertising by shouting or outcry or amplified sound;

18. The use or operation of any commercial vacuuming equipment such as rug cleaning equipment;

19. The operation of any public address system, television set, disc player, tape deck, phonograph, or radio 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;

20. The operation of any motorized conveyance other than on a street or other place intended for its operation;

21. The use or operation of construction equipment, except where such equipment is used or operated on any highways;

22. The operation of a power assisted hang glider or parafoil;

23. The operation or use of a combustion engine which (i) is, or (ii) is used in, or (iii) is intended for use in, a toy or a model or replica of any device, which model or replica has no function other than amusement or which is not a conveyance; within 500 feet of a



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residence.

25. The operation of any circus, fair, carnival or other such outdoor entertainment activity

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I, Leanne MacEachen, CAO of the Municipality of the County of Victoria, hereby certify that the abovenoted Bylaw was passed at a meeting of the County of Victoria Municipal Council on

X

Leanne MacEachen
CAO

Bylaw Adoption	
First Reading:	
Formal Notice of Publication:	
Second Reading:	
Final Publication/Effective Date:	
Notice to Province:	



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