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# TOWN OF ANNAPOLIS ROYAL

## ORDERLY AND PEACEFUL CONDUCT BY-LAW

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### 1. Title

This By-law shall be known as ***Orderly and Peaceful Conduct By-law*** and may be cited as the "*Orderly Conduct By-law*".

### 2. Interpretation

In this By-law ,

- a) "**A-Weighted Noise Level**" shall mean the sound pressure level in decibels (dBAs) as measured with an authorized and calibrated sound level meter using the A-weighted filter network (scale) at slow response and at a pressure of twenty (20) micropascals. The A-weighted filter de-emphasizes the very low and very high frequency components of sound in a manner similar to the response of the human ear and is a numerical method of rating human judgement of loudness. The measurement being taken in a manner which is compliant with legal requirements.
- b) "**Begging**" means soliciting or requesting a donation and includes providing a service without receiving prior consent in the expectation or hope of obtaining a donation or payment for that service; however, passive begging activities (such as busker-type activities) and fundraising activities for non-profit organizations, sports associations and community groups are exempted.
- 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, laying of pipe or conduit whether above or below ground level, working with concrete, alteration or installation of any equipment, 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, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, backhoes, scrapers, pavers, generators, off-highway haulers or trucks, tree harvesters, ditchers, compactors and rollers, pumps, concrete mixers, graders and other material handling equipment.
- e) "**Council**" means the Council of the Town of Annapolis Royal.
- f) "**Dwelling Unit**" means one or more habitable rooms designed or intended for use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and bathroom facilities are provided for the exclusive use of such individual or individuals with a private entrance from outside the building or from a common hallway or stairway inside the building.
- g) "**Motor vehicle**" includes an automobile, motorcycle or other vehicles propelled or driven otherwise than by muscular, gravitational or wind power and does not include battery-powered mobility devices.

- h) **“Neighbourhood”** means an area extending 100 metres from the source of the noise/disturbance
- i) **“Occupier”** means a person who is a tenant of a dwelling unit, or a person who has responsibility for.. or control over, a dwelling unit or the activities there carried on. For greater certainty, there may be more than one occupier of a dwelling unit.
- j) **“Owner”** means a person or entity who actually owns the dwelling unit and to who the property is deeded.
- k) **“Sound System”** includes a public address system, radio, digital audio player, 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.
- l) **“Point of reception”** means any point on the lands or within the Dwelling Unit of an Owner or Occupier where sound, originating from other lands or Dwelling Units, is received.
- m) **“Public address system”** means any system comprising of one or more of the following and in any combination: loudspeaker, amplifier, microphone, digital audio player, turntable, tape deck, CD or other digital player, reproducer, receiver or tuner, where such equipment is part of a system used to reproduce or amplify sound.
- n) **“Recreational vehicle”** means any motor vehicle which is designed to be, or intended to be, used other than on a public highway or on the surface of the water and includes, without limiting the generality of the foregoing, all-terrain vehicles, trail bikes and snowmobiles but does not include a motor home or travel trailer for the purposes of this By-law.
- o) **“unruly”** means offensive or anti-social behaviour including *inter alia*, yelling or shouting or causing loud noises in other manners, use of profane language, verbal or physical aggression or spitting.
- p) **“Town”** means the town of Annapolis Royal
- q) **“Unreasonable”** means a sustained disturbance louder than 85dBA at the Point of Reception when measured between the hours of 7am and 11pm and a disturbance louder than 55dBA at the Point of Reception when measured between the hours of 11pm and 7am (9am on Sundays and Statutory holidays)

### 3. General Prohibition

- 1) No person shall engage in any activity that unreasonably disturbs or tends to disturb the peace and tranquility of a neighbourhood.
- 2) No person shall engage in any unruly conduct that unreasonably interferes with the lawful use and enjoyment of a public place by other persons, and in addition:
  - (a) No person shall light or have a fire in a public place unless authorized by the Owner or Occupier of the property and subject to the By-Laws of the Town.
  - (b) No person shall camp or tent in a public place unless authorized by the Owner or Occupier of the property.

- (c) No person shall sleep in a public place after dark unless authorized by the Owner or Occupier of the property.
  - (d) No person shall engage in begging in a public place.
  - (e) No person shall litter or deposit or leave waste in a public place except in a designated waste receptacle.
  - (f) No person shall deface, damage or destroy Town property in a public place, and in addition, to any penalty levied after prosecution for contravention of this provision, the Town may recover the expense incurred in repairing the damage, together with costs and pre-judgement interest, by action in any court of competent jurisdiction.
- 3) For the purposes of this by-law, the following locations are designated as public places:
- (a) property owned or operated by the Town.
  - (b) property owned or operated by a community or not-for-profit organization.
  - (c) property owned or operated by a municipal, provincial, or federal agency or department and associated organizations.
- 4) Without limiting the generality of section 3.1, the activities listed in **Schedule "A"** during the prohibited times as set out herein, are deemed to be activities that unreasonably disturb the peace and tranquility of a neighbourhood.
- 5) The following acts are hereby declared as noises which unreasonably disturb the peace and tranquility of the Town of Annapolis Royal or any part thereof;
- (a) Making any noise or combination of noises as follows;

Time	Noise Level
7:00am to 11:00 pm	The responding officer shall make the determination as to whether a noise is reasonable given the totality of relevant factors.
11:00pm to 7:00 am <b>Note:</b> Sunday/Statutory Holidays: Before 9:00 a.m.	55dBA when measured at a Point of Reception
<b>NOTE:</b> Any time specified in this Section shall mean Standard Time for the Town or Daylight Savings Time during the period of time for which the same is declared to be in force in the Town.	

**4. Prescribed Exemptions**

- 1) Notwithstanding any other provisions of this By-law, it shall be lawful to emit or cause or permit the emission of sound in connection with emergency measures undertaken:
- (a) for the immediate health, safety and/or welfare of the inhabitants of the Town.
  - (b) for the preservation or restoration of property unless such sound is clearly of a longer duration or more disturbing than is reasonably necessary for the accomplishment of such emergency purposes.
  - (c) Activities of the employees of the Town, the Province of Nova Scotia, the Government of Canada, Nova Scotia Power Incorporated, and any public utility or telecommunications company, when employees are acting within the ordinary scope of employment.

2) Notwithstanding any other provisions of this By-law, this by-law shall not apply to:

- (a) The emission of sound in connection with any of the traditional, festive, religious or other activities normally associated with the celebration of Canada Day, Natal Day, New Year's Eve, or recognized religious holidays, including parades permitted by law.
- (b) The emission of sound in connection with any of the following activities:
  - (i) Ringing of bells at places of worship, schools, and education centers,
  - (ii) Chimes on the clock at Town Hall,
  - (iii) Sounds related to Emergency Services,
  - (iv) Noise from well-maintained HVAC Systems,
  - (v) Noise from well-maintained generators during periods when power has been lost,
  - (vi) Activities for which a permit has been issued by the Department of Environment which expressly regulates sound levels and provided that the activity does not exceed the regulated levels specified in the permit,
- (c) A person or a corporation, or an employee of such person or corporation, reasonably performing work at the request of any party enumerated in clause 4.1 (c).
- (d) Noises in connection with athletic or recreational activities in the Town's park areas or community centres until 11:00 pm.
- (e) Noises in relation to authorized parades, street dances, or other community activities until 11:00pm.
- (f) Noises caused by motor vehicles being used for emergency purposes.
- (g) Noises emitted by Town owned machinery or equipment when used in the normal course of providing municipal services.
- (h) Noises caused by motor vehicles or workmen engaged in the delivery of any type of fuel.
- (i) Noises caused by air ambulances.

## **5. Local Exemptions**

- 1) The operation of any refrigeration unit which is attached to a refrigeration truck is exempt from the prohibitions in this By-law if the refrigeration truck is actively unloading.
- 2) The operation of any refrigeration unit which is attached to a refrigeration truck is also exempt from the prohibitions in this By-law if the refrigeration truck is parked on private property, the Owner of which has granted approval and does not disturb the peace and quiet of persons in any adjacent residence.

## **6. Grant Of Exemptions By Council**

- 1) Notwithstanding anything contained in this by-law, any person may make application to Council to be granted an exemption from the time provisions of this By-law with respect to any emission of noise for which that person might be prosecuted; and Council, by resolution, 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 Council deems appropriate.

- 2) In deciding whether or not to grant an exemption, Council shall give consideration to the social or commercial benefit of the proposed activity to the Town, the views of any residents of the Town which may be expressed to Council, the proposed hours of operation of the proposed noise-emitting activity and the proposed duration of the subject activity.
- 3) Before deciding whether or not to grant an exemption, Council shall give the applicant, and any person opposed to the application, an opportunity to be heard during a designated Council meeting and may consider such other matters as it deems appropriate.
- 4) Notice of the time, date, and purpose of the Council meeting at which the hearing is proposed to take place shall be delivered to the assessed Owner or Owners as shown in the records of the Regional Assessment Office, of property located within 100 metres of the property which will be the subject of the hearing.
- 5) Any person(s), company or organization applying for an exemption under this Section, must pay an application fee of fifty dollars (\$50.00) which can be waived by Council.
- 6) Any alleged breach by the applicant of any of the terms or conditions of any exemption granted by Council, shall be investigated by the relevant authority, who shall determine if a breach has taken place. If a breach is determined to have taken place, that authority may issue a Summary Offense Ticket under the terms of the By-Law.

#### **7. Severability:**

If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the By-law and it is hereby declared that the remainder of the Bylaw shall be valid and shall remain in force. Each day is a separate and new offence.

#### **8. Offence and Penalty**

Any person who contravenes any provision of this By-law is punishable on summary conviction by a fine of not less than two hundred dollars (\$200) and not more than one thousand dollars (\$1,000) or imprisonment for a period of not more than thirty (30) days, including the imposition of a minimum fine. Each event that constitutes a violation of this By-law is a separate offence; and if a violation is a continuing one, each day during which it continues constitutes a separate offence.

#### **9. Amendments to Schedule "A"**

The Town may amend Schedule A from time to time by resolution of Council.

#### **10. Repeal**

A by-law, known as the Orderly and Peaceful Conduct By-law, adopted by Council on the 4<sup>th</sup> day of December 2009, is hereby repealed.

**11. Effective Date**

This by-law shall be effective on the date of publishing.

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Amery Boyer, Mayor

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Sandi Millett-Campbell, CAO

This is to certify that the foregoing is a true copy of a by-law passed at a duly convened meeting of the Council of the Town of Annapolis Royal, held the \_\_\_\_ day of \_\_\_\_ 2023.

Given under the hand of the Mayor and Chief Administrative Officer and the seal of the Town of Annapolis Royal this \_\_\_\_ day of \_\_\_\_\_ 2023.

FIRST READING:	March 15, 2023
“NOTICE OF INTENT” PUBLICATION:	
SECOND READING:	May 17, 2023
MINISTERIAL APPROVAL:	N/A
DATE OF PUBLISHING:	
FORWARDED TO THE MINISTER:	
FORWARDED TO WEBSITE:	

## SCHEDULE A

### ORDERLY & PEACEFUL CONDUCT BY-LAW

**The following are activities that are deemed to unreasonably disturb the peace and tranquility of the neighbourhood at any time, where the sound resulting therefrom 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.
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 unauthorized detonation of explosive devices not used in construction or quarrying.
5. The discharge of firearms (except for signaling purposes in a sporting competition) within 100 metres of a neighbouring residence.
6. Unruly behavior.

**SCHEDULE B TO ORDERLY & PEACEFUL CONDUCT BY-LAW**

**Temporary Orderly & Peaceful Conduct Exemption Permit Application**

The Town of Annapolis Royal's Orderly & Peaceful Conduct By-law allows a person to apply for a permit to engage in any activity that creates a noise that is otherwise prohibited by this by-law. The application must be received in writing at least 10 calendar days prior to the next Town Council meeting.

Submit form(s) and application fee of \$50.00\* to the CAO, Town of Annapolis Royal, 285 St. George St., PO Box 310, Annapolis Royal NS B0S 1A0. \* cash or cheque made payable to Town of Annapolis Royal

Location of noise activity: \_\_\_\_\_

Type of noise (music, construction, etc.): \_\_\_\_\_

Reason for request (exceeds noise levels and/or hours allowed, etc.) \_\_\_\_\_

Applicant name (print): \_\_\_\_\_

Applicant email: \_\_\_\_\_ Applicant phone: \_\_\_\_\_

Applicant mailing address: \_\_\_\_\_

Date(s) of event(s)/activity(ies): \_\_\_\_\_

Time of event(s)/activity(ies): \_\_\_\_\_

Location of event(s)/activity(ies): \_\_\_\_\_

Location Owner, manager, authorized agent name: \_\_\_\_\_

**APPLICATION CHECKLIST**

- Completed application form
- Any additional supporting information for Council's consideration (Optional)
- Letter of authorization for use of location/venue (If required)
- Application fee

Applicant signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print name: \_\_\_\_\_

For internal use	
<input type="checkbox"/>	Application package received (date) _____
<input type="checkbox"/>	Notification to surrounding residents/businesses (date) _____
<input type="checkbox"/>	Presented to Council (date) _____
<input type="checkbox"/>	Exemption granted (date) _____
<input type="checkbox"/>	Exemption not granted (date/rationale) _____
<input type="checkbox"/>	CAO signature _____