

Town of Lunenburg

NOISE BY-LAW

Adopted by Council: June 24, 2025

A By-law to Regulate Noise within the Town of Lunenburg

WHEREAS Section 172(1)(d) of the *Municipal Government Act*, R.S.N.S. 1998, c. 18 provides that the Council of the Town of Lunenburg may make by-laws respecting nuisances, activities, and things that, in the opinion of the Council, may be or may cause nuisances;

AND WHEREAS it is the desire of the Council of the Town of Lunenburg to promote the peace, comfort, and enjoyment of its residents by regulating and prohibiting excessive and unreasonable noise within the Town;

NOW THEREFORE, the Council of the Town of Lunenburg enacts as follows:

1. TITLE

This By-Law is titled the “Noise By-Law”.

2. PURPOSE

The purpose of this By-law is to protect the residents of the Town of Lunenburg from excessive and unreasonable noise that interferes with the peace, comfort, and enjoyment of their properties, while allowing reasonable noise-generating activities essential for business operations, public events, and community life.

3. DEFINITIONS

For the purposes of this By-law, the following definitions will apply:

“Approved Event” is an event that has received permission from the Town of Lunenburg or other relevant authority to operate within the Town, including festivals, parades and community events.

“Basic Equipment Standards” means the use of tools, machinery, or mechanical systems that:

- Are properly maintained and in good working order;
- Include functional noise-reduction features, such as mufflers, insulation, or vibration controls, where applicable;
- Are operated in a manner consistent with typical manufacturer specifications and standard industry practices for minimizing noise;
- Are not used negligently or in a way that causes avoidable or excessive noise.

“By-law Enforcement Officer” is a person appointed by the Town of Lunenburg to enforce the provisions of Town By-laws.

“CAO (Chief Administrative Officer)” is the individual appointed by the Town Council as the Chief Administrative Officer or their designate.

“Combustion Engine” is an engine powered by burning fuel to produce mechanical energy.

“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 related work, but does not include blasting.

“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, ditchers, compactors and rollers, pumps, concrete mixers, graders and other material handling equipment.

“Dwelling” means a dwelling as defined in the Town’s Land Use By-law.

“Exemption” is permission granted by the CAO, their designate, or Council allowing activities otherwise prohibited under this By-law.

“Excessively loud or disruptive” and “unreasonably disturbs” refer to noise that meets one or more of the conditions further detailed in Section 4 of this By-law.

“Mechanical Equipment” means any fixed or permanently installed equipment that produces noise as a result of mechanical or electrical operation, including but not limited to heat pumps, air conditioners, ventilation or exhaust systems, refrigeration compressors, chillers, fans, or similar devices.

“Motor Vehicle” is a vehicle powered by an engine or motor, including cars, motorcycles, trucks, and off-road vehicles.

“Noise Exemption Application” is a formal application submitted to request permission for activities that may exceed permissible noise levels as outlined in this By-law.

“Permitted Hours” is the period between 7:00 a.m. and 11:00 p.m. during which activities generating noise are generally allowed.

“Pneumatic Device” is any tool, instrument, or equipment operated by compressed air or gas, including but not limited to pneumatic drills, hammers, impact wrenches, and air compressors.

“Quiet Hours” is the period between 11:00 p.m. and 7:00 a.m. during which stricter noise standards apply.

“Reasonable” is noise that does not meet the criteria for “excessively loud or disruptive” or “unreasonably disturbs”.

“Residential Property, Area or Zone” means any property, building, or part thereof used in whole or in part for residential purposes, including those located in commercial or mixed-use zones.

“Reasonable Person Standard” means the judgment of an average person with typical tolerance and expectations for noise in a similar setting. This standard is used to assess whether a noise or activity is disruptive, excessive, or disturbing to the general public, not based on individuals with unusually high or low sensitivity, including medical or personal sensitivities.

“Registered Business” is a business operating within the Town of Lunenburg that is duly registered and licensed under applicable federal, provincial, and municipal laws.

“Town” is the Town of Lunenburg.

4. GENERAL PROHIBITIONS & NOISE STANDARDS

No person will make or cause noise that is excessively loud or disruptive or unreasonably disturbs the peace, comfort, or enjoyment of another person's property.

Noise is considered “excessively loud or disruptive” or “unreasonably disturbs” if it meets one or more of the following conditions:

1. **Physical Vibrations:** The noise causes physical vibrations or rumbles that can be felt on neighbouring properties.
2. **Interference with Conversation:** The noise is loud enough to interfere with normal indoor conversation in a neighbouring dwelling, as a reasonable person would consider disruptive. This standard may also be applied to outdoor areas such as porches, patios, or backyards, where the noise clearly disrupts conversation or personal enjoyment. This applies only when the noise is sustained, avoidable, and exceeds the level a reasonable person would typically

tolerate in a residential setting.

3. **Disruptive Vocalization:** No person shall engage in yelling, shouting, amplified speech, or other loud vocalizations that are plainly audible from a neighbouring dwelling or business and that a reasonable person would consider to unreasonably interfere with the enjoyment of that space.
4. **Prolonged or Excessive Noise:** Noise may be considered excessively loud or disruptive or based on its duration alone, even if it would not otherwise meet the thresholds outlined elsewhere in this section. This provision addresses avoidable or non-essential noise, such as but not limited to amplified music, loud recreational activity, shouting, or other discretionary sounds, that persistently disrupt the peace and enjoyment of nearby properties.

Specifically, noise that occurs for more than three cumulative hours within any six-hour period during permitted hours (7:00 a.m. to 11:00 p.m.) may constitute a violation, even if it starts and stops during that time. Brief or superficial pauses, such as briefly lowering the volume or turning the source off, do not reset this threshold if the overall pattern results in sustained disruption.

This provision does not apply to temporary noise from construction, maintenance, or normal business operations during permitted hours, unless that noise also meets the criteria for excessive disruption. It is not intended to restrict brief or occasional noise, including separate daytime and evening gatherings, unless the noise from those events is sustained and disruptive as defined by this By-law.

5. **Unattended Sound-Producing Devices:** Leaving radios, televisions, speakers, or similar sound-producing devices running in the absence of any person actively present or supervising the activity may be considered a violation if the noise meets the criteria for “excessively loud or disruptive” as defined in this By-law. This does not apply to devices operating as part of registered business, marine, or industrial activities where unattended operation is necessary and does not otherwise violate this By-law.
6. **Audibility Beyond Property Line During Quiet Hours:** During Quiet Hours (11:00 p.m. to 7:00 a.m.), noise that is clearly audible at a distance of 100 feet from the property line, or that can be heard within a neighbouring residence with ordinary use and occupancy, is presumed to be excessively loud or disruptive.
7. **Mechanical Equipment Noise:** No person shall install or operate any mechanical equipment, including but not limited to heat pumps, air conditioners, exhaust fans, or refrigeration compressors, in such a way that the noise emitted exceeds 50 dBA, as measured at the

property line of any adjacent lot using a calibrated sound level meter.

Noise from mechanical equipment may also be considered excessively loud or disruptive, based on the reasonable person standard, if it:

- Is clearly audible and causes a sustained disturbance inside a neighbouring dwelling or regularly used outdoor area (such as the dwelling's patio, balcony), as assessed under the reasonable person standard;
- Produces noticeable low-frequency hums, vibrations, or rumbles that a reasonable person would find disruptive;
- Interferes with sleep, rest, or normal conversation, and persists for more than three cumulative hours within a six-hour period, without reasonable breaks.

When investigating or enforcing any complaint under this By-law, the Town will apply the reasonable person standard to determine whether noise is excessively loud, disruptive, or unreasonably disturbing. This standard considers the typical expectations and tolerance of an average person in a similar setting, rather than the individual sensitivities or preferences of any specific complainant.

Unless otherwise stated in this By-law, the above prohibition applies to all noise-generating activities, including those by registered businesses or approved events. A full list of prohibited activities is found in Schedule A.

5. FIXED EXEMPTIONS

This By-law does not apply to the following activities during permitted hours (7:00 a.m. to 11:00 p.m.). Activities occurring during Quiet Hours (11:00 p.m. to 7:00 a.m.) require an exemption under Section 7, unless otherwise noted.

1. Emergency Services (*Fully Exempt at All Times*):

- Noise created by emergency response personnel performing their duties.
- Noise made by individuals acting at the request of emergency response personnel during an actual or apparent emergency.
- Noise from emergency response vehicles and air ambulances.

2. Traditional, Festive, and Religious Activities:

- Sound associated with recognized national, cultural, or religious events, including but not limited to:
 - Canada Day
 - New Year's Eve
 - Religious holidays

- Remembrance Day ceremonies
- Sound from calls to worship, ringing of bells at places of worship, or religious services.

3. Government and Utility Operations:

- Noise generated by government or utility agencies is permitted during permitted hours and is also exempt during Quiet Hours when required for public safety, essential service restoration or urgent infrastructure work.

4. Community Events:

- Noise from parades, festivals, or other events approved by the Town under a special event permit or exemption. Events operating beyond 11:00 p.m. require an exemption.

5. Audible Pedestrian Signals (*Fully Exempt at All Times*)

- Noise from pedestrian crossing signals installed for accessibility and public safety.

6. Garbage Collection:

- Noise from waste collection services between 6:00 a.m. and 10:00 p.m.

7. Waterfront Operations:

- Noise from transport trucks, including refrigerated trucks, servicing fishing firms on or near the waterfront is permitted, provided it is not excessively loud or disruptive as defined in this by-law. Operators are encouraged to minimize impacts during Quiet Hours where feasible. Sustained or significantly disruptive activity may require an exemption.

8. Emergency Use of Generators:

The use of portable or fixed generators by residents, businesses, or institutions during a declared emergency, natural disaster, or unplanned utility service interruption is permitted at all times, provided:

- The generator is being used for the purpose of maintaining essential functions such as heating, refrigeration, medical equipment, lighting, or communications;
- The equipment complies with Basic Equipment Standards and is operated in a manner intended to minimize noise impacts on neighbouring properties;

- The generator is not used negligently or for non-essential recreational purposes (such as but not limited to outdoor entertainment).

This exemption applies only during the duration of the emergency or service interruption and for a reasonable recovery period not exceeding 48 hours after utility services are restored.

6. REGISTERED BUSINESS OPERATIONS

Reasonable noise generated by Registered Businesses within the Town of Lunenburg between 7:00 a.m. and 11:00 p.m. is permitted, provided it does not meet the criteria for “excessively loud or disruptive” noise as defined in this By-law.

Activities considered “reasonable” include but are not limited to:

(a) General Business and Construction Operations: Activities such as customer service, maintenance, equipment use, and construction work carried out by registered businesses or contractors, provided they follow basic equipment standards and do not meet the criteria for excessively loud or disruptive noise.

(b) Playing Recorded Music: Background music outside of businesses at volumes that do not meet the criteria for excessively loud or disruptive noise.

(c) Live Musical Performances or Entertainment: Live music or entertainment between 7:00 a.m. and 11:00 p.m., which may be audible from neighbouring properties but must not meet the criteria for excessively loud or disruptive noise.

(d) Industrial, Marine, and Construction Operations: Noise from registered industrial or marine activities within appropriately zoned areas is permitted between 7:00 a.m. and 11:00 p.m. These activities are not subject to time-based noise limits as outlined in Section 4.4 but may still be assessed if the noise meets the criteria for excessive disruption per this by-law.

Operators are encouraged to reduce impacts where feasible through equipment maintenance, timing adjustments, or the use of quieter alternatives, especially when operating near residential properties.

Construction equipment used by registered businesses must comply with Schedule A, including the requirement for effective mufflers in residential areas.

7. REQUESTING AN EXEMPTION

Exemptions to this By-law may be requested if their activities exceed permissible noise levels or occur outside permitted hours. Exemptions are granted on a case-by-case basis, with approval authority divided as follows:

7.1 Approval Authority

(a) Approval by CAO or Designate (14 Days or Less):

- The CAO or their designate may approve exemptions for activities lasting 14 days or less.

(b) Approval by Council (More Than 14 Days):

- Council approval is required for activities lasting more than 14 days.
- A public hearing will be held at a regular Council meeting to allow for public input, as outlined in Section 8.4.

(c) Referral for Council Review:

- Any application that, in the opinion of the CAO, presents unique or significant community-wide impacts may be referred to Council for approval, regardless of duration.

7.2 Exemption Application Process

Applicants must submit a completed “Noise Exemption Application” at least seven days before the proposed activity. Where this notice period is not feasible due to unforeseen or time-sensitive circumstances, the Town may accept applications at its discretion, provided sufficient information is submitted to support a timely review.

For Council-approved exemptions, the application will be included in a public agenda package.

7.3 Criteria for Approval

When reviewing an application, the approving authority (CAO, designate, or Council) will consider:

- The social or commercial benefit of the activity to the Town.
- The volume, nature, duration, and consistency of the noise.
- The hours of operation and overall duration of the activity.
- The proximity and nature of nearby properties.
- Measures proposed by the applicant to minimize noise disturbance.
- Any previous complaints related to the applicant or activity.

7.4 Public Notice and Input Requirements

(a) Short-term Activities (CAO Approval):

- Notice of approved short-term activities will be posted on the Town’s social media channels, official website, and other appropriate public communication channels as determined by the Town.

(b) Long-term Activities (Council Approval):

- A public hearing will be held at a regular Council meeting to allow for public input.
- Notice of the application and public hearing must be:
 - Posted on the Town’s social media channels, official website, and other appropriate public communication channels as determined by the Town;
 - Sent by regular mail to property owners within 330 feet (roughly 100 meters) of the proposed activity;
 - Published at least seven days before the public hearing.
- Approved long-term exemptions will be posted on the Town’s social media channels, official website, and any additional communication channels identified by the Town for public notices.

7.5 Exemption Request Appeals

If an exemption is denied or if a party disagrees with the conditions, an appeal may be made to Council within seven business days of the decision. Council will hear the appeal at the next regular meeting or a special meeting called for that purpose.

8. ENFORCEMENT OF BY-LAW

This By-law is primarily enforced on a complaint basis. However, By-law Enforcement Officers may also take action if they observe a violation during routine patrols or while performing other official duties. In any prosecution under this By-law, it is sufficient for a By-law Enforcement Officer to provide evidence that the noise met one or more of the conditions defined as “excessively loud or disruptive” or “unreasonably disturbing,” whether observed during patrol or as part of an investigation.

Where a By-law Enforcement Officer determines that a violation has occurred, they may issue:

- A verbal or written warning.
- A written compliance order requiring the noise to cease or be reduced to acceptable levels.

9. USE OF PROVINCIAL GUIDELINES

When a noise complaint involves a stationary source, and the criteria set out elsewhere in this Bylaw do not adequately capture the nature or severity of the disturbance, the Town may assess, at its discretion, the noise using the *Nova Scotia Guidelines for Environmental Noise Measurement and Assessment*, as amended from time to time.

The Town may consider the noise to be excessive if it exceeds the recommended thresholds in the current version of the provincial guidelines, based on measurements that:

- Use an A-weighted equivalent sound level (Leq) over a suitable time period;
- Are taken with a calibrated sound level meter, Type 2 or better;
- Are taken at the nearest point of reception, such as a neighbouring property line or exterior window.

This approach is intended to be used in cases where other measurable criteria in the bylaw (such as time of day, duration, type of activity) do not provide a clear or sufficient standard for enforcement.

10. PENALTIES

Failure to comply with a warning or compliance order issued by a By-law Enforcement Officer may result in the issuance of a Summary Offence Ticket. Fines for violations of this By-law are as follows:

- First Offence: \$237.20
- Subsequent Offences: \$500.00 for each subsequent violation.

11. APPEAL OF COMPLIANCE ORDERS AND TICKETS

Any person who receives a compliance order or ticket may submit an appeal to the Chief Administrative Officer (CAO) or their designate within seven days of the decision.

Appeals must be submitted in writing and should include:

- Identification of the decision being appealed.
- A brief explanation of the grounds for the appeal.
- Any supporting information the appellant wishes to provide.

The CAO or their designate will review the appeal and may uphold, modify, or overturn the decision. The decision of the CAO or their designate will be final.

12. RELATIONSHIP TO OTHER MUNICIPAL DOCUMENTS

This By-law is intended to complement other municipal documents, including the Land Use By-law and Municipal Planning Strategy. Where applicable, provisions of those documents may also address noise-related impacts, particularly those associated with land use

compatibility, nuisance, or environmental disturbance.

Nothing in this By-law limits the Town's ability to consider or apply other municipal policies, regulations, or standards when reviewing or responding to noise concerns.

13. ANNUAL REVIEW

This By-law shall be reviewed by Council or its designate at least once per calendar year to assess its effectiveness, consider emerging issues, and determine whether amendments are required.

14. REPEAL

The Town of Lunenburg's By-law #58, known as the "Noise By-law", and any changes made to it, are repealed when this By-law comes into effect.

SCHEDULE A

PROHIBITED ACTIVITIES

The following activities are strictly prohibited at all times within the Town of Lunenburg:

- The operation of any combustion engine or pneumatic device without a muffler or noise-reduction system in good working order.
- The operation of vehicles that create banging, clanking, squealing, or other disruptive sounds due to inadequate maintenance or unsecured loads.
- The use of motor vehicle horns or other warning devices except when required by law or for immediate safety.
- The discharge of firearms, except as a signaling device using blank ammunition during sanctioned sporting events.
- The operation of construction equipment in residential zones that produces excessive or avoidable noise due to missing, damaged, or ineffective muffling systems, lack of routine maintenance, or negligent operation.
- The use or release of private fireworks or similar aerial pyrotechnics.
- Shouting, amplified announcements, or outcry for commercial purposes (e.g., selling or advertising goods) in a manner that is amplified or intended to attract attention in a disruptive way.