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Item No. 10.2
Halifax Regional Council
June 10, 2025

TO: Mayor Filmore and Members of Halifax Regional Council

SUBMITTED BY: Cathie O'Toole, Chief Administrative Officer

DATE: April 30, 2025

SUBJECT: By-law V-300, The Vehicle Noise By-law Supplementary Report

SUPPLEMENTARY
INFORMATION REPORT

ORIGIN

On May 9, 2023, Regional Council passed the following motion:
THAT item 15.1.12 be deferred to a future meeting of Regional Council, pending receipt of a supplemental staff report including the staffing and financial implications of Alternative one and the use of inspections.

On November 17, 2017, Regional Council passed the following motion:
THAT Halifax Regional Council request the Mayor write the Province seeking an amendment to the Standards for Vehicle Equipment regulations and that the Province also consider amending the Motor Vehicle Act to address the issue of noisy mufflers as per the staff report dated July 27 2017

EXECUTIVE SUMMARY

Senior leadership from RCMP HRD and HRP do not support implementing a new by-law or using decibel measurement devices due to operational and financial concerns. Existing provisions under the Motor Vehicle Act are considered sufficient, though recent administrative changes have shifted re-inspection enforcement responsibilities solely to police. Challenges also remain in verifying aftermarket muffler compliance, as officers currently lack the necessary roadside training.

BACKGROUND

On May 9, 2023, Regional Council was presented with a Recommendation Report recommending that the current enforcement mechanisms for excessive vehicle noise be maintained. In the discussion, Regional Council passed a motion that this matter to be deferred to a future meeting of Regional Council pending receipt of a supplemental staff report including the staffing and financial implications of Alternative one and the use of inspections.

Alternative 1.

1. Regional Council could:

- (a) Give First Reading to adopt by-law V-300, the Vehicle Noise By-law.
- (b) Adopt By-law V-300, the Vehicle Noise By-law, as set out in Attachment A of this report.

DISCUSSION

In consultation with senior staff of both the Royal Canadian Mounted Police Halifax Regional District (RCMP HRD) and the Halifax Regional Police (HRP), both agencies are not supportive of the use of a new by-law or the use of decibel measurement devices.

The preliminary financial estimates provided by HRP for the purchase of 4 decibel readers, calibration device and start-up costs is \$25,000. There was some concern that there would need to be an operating program created and maintained, similar to the roadside screening devices. This would include regular maintenance, calibration, training and ongoing certification processes. For this to be a viable operation, many more than 4 devices would be required, and multiple officers would be required to be trained. It was felt that the present Motor Vehicle Act provisions were sufficient.

In relation to the use of inspection notices, the inspection orders are still a viable legislative option, however the administrative support model has changed, requiring police agencies to conduct the follow-up. Previously, if a re-inspection order was not completed, the registered owner would not be able to register their vehicle. This process has ceased and the follow-up on whether a re-inspection order is fulfilled rests with the police agency issuing the order.

There is a mechanism to direct a driver to get their vehicle reinspected:

Motor Vehicle Act

Section 201 (6) The Registrar, a motor vehicle inspector or a peace officer may order the owner or driver of a vehicle to take the vehicle forthwith to an official testing station and to have the equipment of the vehicle or such part of the equipment as is prescribed by the Registrar, inspector or officer tested at the station and to have repaired any equipment that upon testing is found not to comply with any requirements of this Act or the regulations.

The issue is the change in administrative support. There is presently no method to track whether the driver has had their vehicle re-inspected other than the searching for and locating the person and viewing the inspection sticker on the vehicle, as there is no duty for the driver to report back to the officer. This involves additional time to locate and review the vehicle and the driver over and above the initial traffic stop.

If a vehicle is found to have a valid inspection sticker and it appears that the vehicle is equipped with an aftermarket muffler then police would be required to involve Transportation and Infrastructure Renewal (TIR) with the province to deal with the Official Motor vehicle Inspection Location that provided the valid inspection.

HRP staff were in touch with TIR and they explained that a muffler/exhaust can only be replaced with one that meets original equipment manufacturer (OEM) standards. HRP staff do not presently have the training to determine this at roadside. TIR staff have advised HRP they are looking into potential training opportunities.

FINANCIAL IMPLICATIONS

No financial implications at this time.

COMMUNITY ENGAGEMENT

No community engagement was required.

LEGISLATIVE AUTHORITY

Section 188 of the Halifax Regional Charter states:

188 (1) The Council may make by-laws, for municipal purposes, respecting

(d) nuisances, activities and things that, in the opinion of the Council, may be or may cause nuisances, including noise, weeds, burning, odours, fumes and vibrations and, without limiting the generality of the foregoing, by-laws

- (i) prescribing a distance beyond which noise must not be audible,
- (ii) distinguishing between one type of noise and another,
- (iii) providing that any noise or sound greater than a specific decibel level or other measurement of noise or sound is prohibited,
- (iv) prescribing the hours during which certain noises, or all noise above a certain level, specified in the bylaw is prohibited,
- (v) authorizing the granting of exemptions in such cases as the by-law provides,
- (vi) providing that it is an offence to engage in any activity that unreasonably disturbs or tends to disturb the peace and tranquility of a neighbourhood;

Section 3 and Schedule A of the Noise By-law state:

- 3. (1) No person shall engage in any activity that unreasonably disturbs or tends to disturb the peace and tranquility of a neighbourhood.
(2) Without limiting the generality of subsection (1), the activities listed in Schedule "A" during the prohibited times and places as set out therein are deemed to be activities that unreasonably disturb the peace and tranquility of a neighbourhood.
(3) For the purpose of a prosecution pursuant to subsections (1) or (2), evidence that one neighbour is unreasonably disturbed by a noise is prima facie evidence that the neighbourhood is unreasonably disturbed by the noise.

Schedule A – Part 1

Activities that unreasonably disturb the peace and tranquillity of a neighbourhood throughout the whole Municipality, and at all times, 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;

Section 187 and 188 of the Motor Vehicle Act state:

- 187 (1) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cutout, by-pass or similar device upon a vehicle on a highway.
(2) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke
- 188 No person shall start, drive, turn or stop any motor vehicle, or accelerate the vehicle engine while the vehicle is stationary, in a manner which causes any loud and unnecessary noise in or from the engine, exhaust system, braking system or from the contact of the tires with the roadway.

Section 305A of the Motor Vehicle Act states:

305A The council of a city, town or municipality may make regulations or by-laws respecting noise produced in connection with a vehicle, including
(a) defining what constitutes an objectionable noise;
(b) establishing a method of determining or measuring noise; and
(c) prohibiting the use or operation of a vehicle if the noise produced in connection with that vehicle is objectionable noise. 2021, c. 32, s. 3

ATTACHMENTS

Nil

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

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