

PUBLISHED BY AUTHORITY

Pursuant to the authority conferred by Section 414 (2) (ee) of the Municipalities Act, 1999, Chapter M-24 the Town of Bay Roberts has made the following Noise & Nuisance Regulations.

Amended and adopted by the Town Council of the Town of Bay Roberts on the 24 day of June, 2008.

Glenn Littlejohn  
Mayor

Shirley Hawe  
Town Clerk

**NOISE & NUISANCE REGULATIONS**

1. Title

These regulations shall be known and cited as the Town of Bay Roberts Noise & Nuisance Regulations.

2. Definitions: In these regulations unless the context otherwise requires:

- (a) “Act” means the Municipalities Act, 1999, as amended.
- (b) “Council” means the Town Council of the Town of Bay Roberts.
- (c) “Inspector” means a Municipal Enforcement Officer as appointed by Council.
- (d) “Street” includes alley, boulevard, bridge, culvert, trestle, court, causeway, footway, right of way, avenue, road, highway, lane, park, public drive, sidewalk, square, and any part of any of them, whether or not it is publicly or privately owned and whether or not it is designed or intended for public use.
- (e) “All Terrain Vehicle and/or Motorized Snow Vehicle” means self propelled vehicle designed to be driven primarily off road or on snow or ice or both.
- (f) “Public Address System” means any system of loudspeakers, amplifiers, microphones or reproducers or any combination of such equipment used in the reproduction or amplification of music, speech or other sounds when used for communication or to otherwise address or entertain groups of people whether the same is mounted upon a vehicle or upon a building or other structure or upon the ground.

- (g) “Nuisance” means anything or any condition of things which is or may become injurious or dangerous or presents an obstruction to pedestrians or vehicular traffic or anything or any condition of things that, in the opinion of Council, has an unpleasant effect on the senses or adversely affects the amenities of the surrounding property and includes, but is not limited to
  - (i) noise;
  - (ii) smoke;
  - (iii) odours; and
  - (iv) vibration
- (h) “Owner” includes agent, tenant or occupier.
- (i) “Sidewalk” means any area used or intended for the use of pedestrians.
- (j) “Town” means the Town of Bay Roberts as defined by Order-in-Council dated the 24<sup>th</sup> day of February, A.D. 1951 or any amendments thereto made or continued under the Act.
- (k) “Town Property” means any property, real or personal, owned by the Town.
- (l) “Engine or Jake Brake” means a device used in a truck or truck tractor to slow or brake the said vehicles by means of closing the exhaust valves on the engines of the said vehicles, or other similar devices.

### 3. Interpretation

The characteristics and guidelines which should be considered in determining whether there has been a violation of these regulations shall include, but is not limited, to the following:

- (a) The level and type of the noise or nuisance;
  - (b) Whether the nature of the noise or nuisance is usual or unusual;
  - (c) Whether the origin of the noise or nuisance is natural or unnatural;
  - (d) The proximity of the noise or nuisance to residential properties and sleeping facilities;
  - (e) The nature and zoning of the area from which the noise or nuisance emanates, and the area where it is received;
  - (f) The times of the day or night the noise or nuisance occurs;
  - (g) The duration of the noise or nuisance;
  - (h) Whether the noise or nuisance is recurrent, intermittent or constant; and
  - (i) Whether the noise would be unacceptable to a reasonable person of ordinary sensitivity.
4. No person shall emit or cause or permit the emission of sound resulting from an act listed herein, and which sound is clearly audible at a Point of Reception.

- (1) The operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers, and intended for the production, reproduction or amplification of sound.
  - (2) The operation of an engine or motor in, or on, any motor vehicle or item of attached auxiliary equipment for such continuous period exceeding twenty (20) minutes, while such vehicle is stationary in a Residential Zone unless;
    - (i) operation of such motor or engine is essential to a basic function of the vehicle or equipment, but not limited to, operation of ready-mixed concrete trucks; or
    - (ii) 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 the vehicle is stationary for the purposes of delivery or loading.
5. No person shall create a nuisance within the Town, through the use of motor vehicle horns, except as may be reasonably necessary in the opinion of Council, for the safety and warning of traffic and pedestrians.
6. No person shall create a nuisance within the Town, through the use of shouting or noise-making devices for the purpose of selling, soliciting business, attracting attention, or private or public entertaining, except as may be approved by Council.
7. No person shall, between the hours of 11:00 p.m. and 7:00 a.m., use or operate a lawnmower, chain saw, all terrain vehicle, machinery, vehicle or any other equipment, implement or device, radio, tape or CD/DVD player, or musical instrument of any nature which disturbs the peace and quiet of a neighbourhood including the noise associated with lounge or tavern activities.
  - (1) Sub-section (6) shall not apply to participants of parades, festivals and other public functions which have been authorized by Council on streets, parks, playgrounds and beaches within the Town or which are not directly adjacent to residential areas.
  - (2) Permits referred to in Sub-section (1) shall be in a form permitted by Council.
8. No person shall create a nuisance within the Town, through the use of a motor vehicle that has no muffler or a defective muffler, except as may be necessary, in the opinion of Council, to move such motor vehicle to a location for associated repair; subject to the approval of law enforcement officials under the Highway Traffic Act.

9. No person shall create a nuisance within the Town, through the squealing of tires of a motor vehicle, caused by the indiscriminate use of a vehicle such as, unnecessary braking, turning or setting in motion of the vehicle.
10. No person, firm or corporation, shall permit or maintain a nuisance by creating loud noises and / or raucous sounds or by creating or participating in any raucous or unseemly behaviour that, in the opinion of Council, may have an unpleasant or disagreeable effect upon the senses.
11.
  - (1) No person shall keep or maintain, or permit to be kept or maintained upon any premises owned, occupied, or controlled by any person, any animal, or animals which by frequent or long-continued noise disturbs the peace and quiet of any person.
  - (2) The noise from any such animal or animals that disturbs two or more persons residing in separate residences adjacent to any property on which such animals are kept or maintained, or three or more persons residing in separate residences in close proximity to the property on which such animals are kept or maintained is prima facie evidence of a violation of Subsection (1).
12. No person, firm or corporation, shall create a nuisance within the Town by allowing the escape of dust, fumes, mist, smoke, other particulate matter, vapour, gas odorous substances or a combination of them which impairs the quality of the natural environment, or any use that can be made of it, which causes harm or discomfort to a person, or which interferes with the normal and lawful enjoyment of public or private property, except as may be approved by Council or the Fire Chief.
13. No person shall, except in the case of an emergency, use an Engine Brake of any kind to slow or stop a motor vehicle.
14. Nothing in these regulations shall be deemed to prohibit:
  - (1) The sounding of any bell, horn, siren or other warning devise of any vehicle where the law requires, or when responding to an emergency.
  - (2) The ringing of church bells or chimes.
  - (3) The sounding of motor vehicle horns in a wedding procession or in parades permitted by Council.
  - (4) The operation of heavy equipment, public works equipment in the maintenance or repair of streets, water and sewage systems or in snow clearing.
  - (5) Private or public concerts and dances within the proximity of residential areas which have been authorized by special permit from Council.

15. The provisions of these regulations shall not apply to any member of the Royal Canadian Mounted Police, Municipal Enforcement Officer or Bay Roberts Fire Department.
16.
  - (1) Pursuant of Section 404 (1) (j) of the Act, Council may order a nuisance that is contrary to the regulations, cease.
  - (2) Pursuant to Section 419 (1) (j) of the Act, any person who contravenes or fails to comply with any provision of these regulations, is guilty of an offence and is liable on summary conviction as per Section 420 of the Act.
    - (i) For a first offence to a fine not less than \$100.00 and not more than \$500.00 or to a term of imprisonment of not more than one month or both the fine and imprisonment.
    - (ii) For a subsequent offence to a fine of not less than \$500.00 and not more than \$1,000.00 or to a term of imprisonment of not more than 3 months or to both the fine and imprisonment.
17. All previous Anti-Noise Regulations for the Town of Bay Roberts are hereby repealed.
18. These regulations shall come into effect on the 25 day of June, 2008.