

PUBLISHED BY AUTHORITY

Pursuant to the authority conferred by the *Municipalities Act*, 1999, S.N.L. 1999, c. M-24, as amended, Section 414(2)(ee), the following Regulations have been made by the Town Council of the Town of Placentia and were approved on the 18 day of June, 2013.

Notice of Motion to adopt amendments to the Regulations was given at the Town's regular Public Council meeting held on the 18 day of June, 2013. MOTION # 13-153



Mayor



Town Clerk

NOISE AND NUISANCE REGULATIONS

1. **Title**

These Regulations shall be known and cited as the *Town of Placentia Noise and Nuisance Regulations*

2. In these Regulations, unless the context otherwise requires:

- (a) **"Act"** means the *Municipalities Act*, 1999, S.N.L. 1999, c. M-24, as amended;
- (b) **"Air Gun"** means those guns commonly referred to as B.B or Pellet guns and all guns operated by pump or spring mechanisms and compressed gas cylinders regardless of muzzle velocity;
- (c) **"Council"** means the council of the Town of Placentia;
- (d) **"Municipal Enforcement Officer "** means an Officer appointed by Council pursuant to Section 179 of the Act;
- (e) **"Noise"** means any sound which in the opinion of a Municipal Enforcement Officer or Peace Officer, having regard for all circumstances, including the time of day and the nature of the activity generating the sound, is likely to unreasonably annoy or disturb persons or to injure, endanger or detract from the comfort, repose, health, peace, or safety of persons within the Town;
- (f) **"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;
- (g) **"Person"** includes any individual, corporation, partnership, association, organization, trustee, or society;

- (h) "Town" means the Town of Placentia.
- 3.
- (a) No person shall make, continue, or cause to be made or continued, or suffer or permit to be made or continued any noise which is unreasonably loud or excessive.
 - (b) For the purpose of these Regulations, a noise will be considered to be unreasonably loud or excessive if it unreasonably disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity in the vicinity.
 - (c) Factors for determining whether a sound is unreasonably loud or excessive include, but are not limited to, the following:
 - (i) the proximity of the sound to sleeping facilities, whether residential or commercial;
 - (ii) the land use, nature and zoning of the area from which the sound emanates and the area where it is received or perceived;
 - (iii) the time of day or night the sound occurs;
 - (iv) the duration of the sound;
 - (v) the volume of the sound;
 - (vi) the nature of the sound; and,
 - (vii) whether the sound is recurrent, intermittent or constant; and the nature of the event or activity from which the sound emanates.
 - (d) A Municipal Enforcement Officer or appointed Peace Officer may direct any person who has caused or made a noise, or any person who owns property from which noise has originated, to abate or eliminate the noise. Such a direction may be either verbal or written.
4. The following acts are deemed to be violations of the Regulations *per se* and are prohibited. This enumeration does not constitute an exclusive list. No person shall:
- (a) Create a noise within the Town through the usage of firearms or other noise making devices, except as may be approved by Council and subject to the approval of law enforcement or other regulatory agencies;
 - (b) Create a noise within the Town through the usage of shouting or noise making devices for the purpose of selling wares, soliciting business or attracting attention; and,
 - (c) Create a noise 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.

5. Where a use of land or activity otherwise lawfully permitted at a location within the Town necessarily involves the creation of noise, as defined by these Regulations, the person owning, operating, or controlling the activity; or, the person owning or controlling the property upon or within which the activity is allowed to take place shall take all reasonable steps to ensure that the noise created by the said activity is minimized as much as practicable, in all circumstances.
6.
 - (a) No Person shall fire or discharge an air gun within 300 meters of a house or 1000 meters of a school, playground, or athletic field within the Town.
 - (b) No Person shall fire or discharge an air gun in a manner creating a nuisance.
 - (c) A Municipal Enforcement Officer or Peace Officer may seize any air gun where there are reasonable and probable grounds to believe that an offense has been committed pursuant to these Regulations.
 - (d) Where a charge is not laid pursuant to Regulation 7(a) and/or (b) within a period of thirty (30) days from the date of the offense, an air gun seized pursuant to Regulation 7(c) shall be returned.
7. No Person shall, between 11:00 pm of any day and 7:00 am the following day, use or operate a lawnmower, chainsaw, snowmobile, radio or other device for the purpose of playing music, musical instruments, machinery, trucks or any other equipment in such a manner that is likely to disturb the peace and quiet of a neighborhood.
8. No Person shall create a noise within the town through the use of a motor vehicle that has no muffler or a defective muffler/modified muffler, except as may be necessary to move such vehicle to a location for associated repairs.
9. No Person shall create a noise within the Town through the squealing of tires of a motor vehicle which is caused by unnecessary braking, turning or settling in motion of such motor vehicle.
10. No Person shall permit a dog owned by that person, or under the care and control of a person, to bark when it is likely to disturb the peace of a neighborhood.
11. Nothing in these Regulations shall be deemed to prohibit:
 - (a) The sounding of any bell, horn, siren or other warning device of any vehicle the law requires, or when responding to an emergency;
 - (b) The ringing of church bells or church chimes;
 - (c) The sounding of whistles;
 - (d) The sounding of motor vehicle horns in a wedding, procession, or in parades permitted by Council; or,
 - (e) The removal of snow by heavy equipment immediately following a snow storm.
12. The provisions of these regulations shall not apply to any Municipal Enforcement Officer, Peace Officer, member of an Ambulance service, member of a Fire Department or to

work carried on by the Town or its agents, contractors, servants or employees, while any such person, member or employee is employed in the execution of his or her duties as a member of such force or is otherwise acting within the scope of their agency, contract, or employment, as the case may be.

13. These regulations may be enforced by a Municipal Enforcement Officer, Royal Newfoundland Constabulary, Royal Canadian Mounted Police, a Peace Officer or any other Person appointed by Council.
14. It shall be the duty of the person enforcing these Regulations:
 - (a) To report the name and address of any person observed or reliably reported to have violated any of the provisions;
 - (b) To report the time and nature of the violation of the Regulations and any circumstances being relevant to the violation;
 - (c) To serve upon the person violating any provision of these Regulations a serially numbered notice ("Violation Notice") that the person concerned has violated a provision of the Regulations and instructing such person to carry out any order in regard to such violation within a stated period of time; and,
 - (d) To furnish the Town Clerk a duplicate of each serially numbered notice of violation.
15. Every person who acts in contravention of or fails to comply with any provision of these Regulations, or neglects or refuses to do so:
 - (a) shall be liable to penalties as stipulated under the schedule of fines and penalties in these Regulations in accordance with section 414(2)(q) of the Act;
 - (b) where a violation notice has been issued pursuant to Section 421.1 of the Act, be liable to penalties as stipulated under the schedule of fines and penalties in these Regulations in accordance with Sections 421.2, 421.3 and 421.4 of said Act; or,
 - (c) shall be liable on summary conviction to a fine in accordance with Section 420 of the Act, which such fine shall not exceed \$500.00, and in default of payment of such penalty to imprisonment for a period not exceeding ninety days.
16. A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any provision of these Regulations shall not affect the validity of the remaining parts of these Regulations.
17. Schedule "A" attached hereto shall form part of these Regulations.
18. These Regulations shall come into effect on the day of 2013.
19. These regulations were published in The Telegram on the day of 2013 and were gazetted on the day of 2013.
20. A copy of these regulations was sent to the Minister of Municipal Affairs on the day of 2013.

21. All previous Town of Placentia Noise and Nuisance Regulations and amendments are repealed.

Schedule of Fines and Penalties

Snow Clearing Regulations

Penalty
A fine of not more than the dollar amounts specified below shall be levied per breach of Section(s) of the herein regulations:
1 st Violation Notice: \$50
2 nd Violation Notice: \$75
3 rd Violation Notice: \$100