

# Town of Pilley's Island



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## Town of Pilley's Island Noise Regulations

### 1. TITLE

The Regulations shall be known and cited as The Town of Pilley's Island Noise Regulations, 2022.

### 2. INTERPRETATION

In these Regulations:

- (a) "Act" means the Municipalities Act, 1999, Statutes of Newfoundland and Labrador, 1999, Chapter M-24 as amended.
- (b) "Council" means the Town Council of Pilley's Island.
- (c) "Enforcement Authority" means the Town Council of Pilley's Island.
- (d) "Noise Exemption Permit" means a permit issued by the Town of Pilley's Island which allows a temporary variance from the requirements of the Noise Regulations.
- (e) "Officer" means anyone authorized by the Town to enforce these Regulations.
- (f) "Owner" means a person(s) owning or having legal right to a property.
- (g) "Occupant" means any person who is an agent, tenant, or occupier of a property.
- (h) "Point of Reception" means any point on the property where sound originating from another property is received.
- (i) "Quiet Hours" means the period of time between 11:00 p.m. of any given day and 7:00 a.m. of the following day.
- (j) "Residential Zone" means any zone in the Town of Pilley's Island Development Regulations in which a residential use is a permitted use.
- (k) "Town" means the Town of Pilley's Island.

### 3. APPLICATION

Any time specified in these Regulations shall mean Standard Time in the Province of Newfoundland and Labrador, or Daylight Saving Time, when and during the period for which the same is in force.

### 4. NOISE RESTRICTIONS

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, except as exempted in these Regulations:

- i. The operation, conduct, use or carrying on or causing or permitting the operation, conduct, use or carrying on of any industry, business, trade or vocation whatever which makes or allows to be made in connection with such operation, business, trade or vocation any noise or music which in the opinion of the Enforcement Authority disturbs or may disturb the peace and tranquility of any person residing in the vicinity of a Point of Reception.
- ii. The detonation of fireworks or explosive devices not used in construction, unless authorized by the Enforcement Authority and subject to the approval of law enforcement or other regulatory agencies, with the exception of holidays declared for New Year's Eve, Canada Day, and an annual Civic Holiday.
- iii. The excessive barking or howling of any animal that is in the care or control of any person.
- iv. The operation of any equipment in connection with construction during Quiet Hours in, or within 100 meters of a Residential Zone.
- v. The operation or use of any powered tool for domestic purposes other than snow removal during Quiet Hours.
- vi. The use or operation of a lawnmower, chainsaw, snowmobile or other machinery or equipment which may, in the opinion of Council, disturb the peace and quiet of a neighbourhood during the Quiet Hours of the Town.
- vii. The construction, excavating, repairing, fabricating, altering or demolishing of any building, structure, property, or part thereof during Quiet Hours in, or within 100 meters of a Residential Zone.
- viii. The use of a motor vehicle that has no muffler or that has a defective muffler, except as may be necessary, in the opinion of Council, to move such motor vehicle to a location for associated repairs, subject to the approval of law enforcement officials under the Highway Traffic Act.

- ix. The squealing of tires of a motor vehicle which, in the opinion of Council, is caused by unnecessary action, except in the case of an emergency.

## 5. EXCEPTIONS

(a) Nothing in these Regulations shall be deemed to prohibit:

- i. the sounding of any bell, horn, siren or other warning device of any vehicle or bicycle, where the law requires or when responding to an emergency;
- ii. the ringing of church bells;
- iii. the sounding of motor vehicle horns or sirens in a wedding procession or parade;
- iv. outdoor church services;
- v. musicians or recorded music using sound reproduction or amplification devices during events staged by or on behalf of the Town;
- vi. fundraising events by charitable or municipal organizations; or
- vii. municipal snow clearing or ice control activities.

(b) Government work and noise due to safety measures are exempt from the Noise Regulations. Government work includes construction or maintenance work conducted by the Town, Province of Newfoundland and Labrador, Government of Canada, and any of its officers, agents, employees or contractors, including the operation of motor vehicles and equipment engaged in the work. Safety measures include bells or sirens operated by police, fire, and ambulance services.

## 6. NOISE EXEMPTION PERMITS

(a) The Enforcement Authority may, upon receiving an application, issue a Noise Exemption Permit for any act prohibited herein.

(b) The application referred to in Section 6 (a) shall be made in writing and shall contain:

- i. the name and address of the applicant;
- ii. a description of the source of sound in respect of which exemption from these Regulations is sought;
- iii. a statement of the particular provision(s) of these Regulations for which exemption is sought;

- iv. the period of time for which the exemption is sought; and
  - v. the reasons why the exemption should be granted.
- (c) A Noise Exemption Permit may be refused if the Enforcement Authority is of the opinion that the act disturbs or may disturb the peace and tranquility of the Town or any portion thereof.
- (d) A Noise Exemption Permit may be granted upon such other terms and conditions as may be determined by the Enforcement Authority, including the volume of sound to be reproduced by any apparatus or device, and shall be for such a period as stated on the Permit.
- (e) A Noise Exemption Permit granted under Section 6 (a) of these Regulations may be cancelled or revoked at any time by the Enforcement Authority for any reason, including but not limited to, if the Enforcement Authority is of the opinion that the operation of such apparatus or device for which such Permit was issued violates any of the terms or conditions attached to it, or disturbs or may disturb the peace and tranquility of the Town or any portion thereof.
- (f) Breach of any of the terms or conditions of a Noise Exemption Permit shall render it null and void and constitute a violation of these Regulations.

## **7. ENFORCEMENT**

- (a) Enforcement and prosecution under these Regulations may be undertaken by any Police Officer or by any other person so authorized by the Enforcement Authority.
- (b) It shall be the duty of a Police Officer or the Enforcement Authority to enforce these Regulations and to:
- i. report the name and address of any person observed or reliably reported to have violated any of the provisions of these Regulations, and
  - ii. report the time and nature of the violation of the Regulations, and any circumstances being relevant to the violation.
- (c) Every person requested by a Police Officer or a designate of the Enforcement Authority shall upon request, forthwith give his/her proper name and address.
- (d) Pursuant to Section 401 (1) of the Act, the Enforcement Authority may serve upon the Owner or Occupant or any person in violation of a provision of these Regulations, a notice stating the nature of the violation and required action to conform to the standards as set out in these Regulations.
- (e) The Owner or any person(s) served a notice shall carry out the directions of the Enforcement Authority referred to in Section 7 (d) at their own cost and within the time specified. A failure to do so shall constitute an offence under these Regulations.

- (f) Pursuant to Section 404 (5) of the Act, in the event a person on whom an order is issued under Section 7 (d) does not comply with said order within the time specified, the Council may take the action that it considers necessary to carry out the terms of the order and shall recover any cost of doing so as a civil debt owed to the Town from the persons(s) against whom the order was made.

## **8. RIGHT OF ENTRY**

Pursuant to Section 158 of the Act, Council or its duly authorized officers, agents, employees or contractors have the authority to enter a property for the purposes of inspection or to carry out work as required under these Regulations.

## **9. PENALTIES**

- (a) Pursuant to Section 419 (2) of the Act, each day upon which the same offence is committed or continued is a separate offence.
- (b) Every person who is guilty of an offence under these Regulations or who acts in contravention of or fails to comply with any provision thereof, or neglects or refuses to do so:
  - i. shall be liable to penalties as stipulated in accordance with Section 420 of the Municipalities Act, 1999;
  - ii. shall be subject to an order under Section 404 (1) (j) of the Municipalities Act, 1999;
  - iii. shall be subject to a violation notice issued under Section 421.1 (1) of the Municipalities Act, 1999; or
  - iv. shall be issued a ticket under the Provincial Offences Act in accordance with Section 421.2 of the Municipalities Act, 1999.

## **10. COMING INTO EFFECT**

These Regulations were adopted at a public meeting of Council by Resolution #137-22 and come into effect on the 19<sup>th</sup> day of July, 2022.

## **11. PUBLICATION**

A notice of these Regulations was distributed electronically via the Town website and email contacts, as well as public bulletin boards, on July 18<sup>th</sup>, 2022.

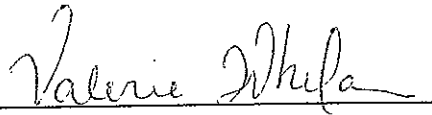
**12. COPY TO MINISTER**

A copy of these Regulations was sent to the Minister of Municipal and Provincial Affairs on the 18<sup>th</sup> day of July, 2022.

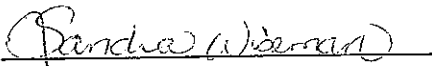
**13. REPEAL OF PREVIOUS REGULATIONS**

All previous Noise Regulations of the Town of Pilley's Island are hereby repealed.

Signed:



Valerie Whelan  
Mayor



Sandra Wiseman  
Town Clerk