



Town of Torbay
Noise and Nuisance Regulations

NOISE AND NUISANCE REGULATIONS

1. APPLICATION OF THIS POLICY

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

2. DEFINITIONS

For the purpose of these Regulations, the following definitions shall apply:

- a) "Act" means the Municipalities Act, 1999.
- b) "Regulations" means the Town of Torbay Noise and Nuisance Regulations.
- c) "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.
- d) "Council" means the Town Council of the Town of Torbay.
- e) "Nuisance" means anything or any condition of things which is or may become injurious or dangerous or presents an obstruction of things that, in the opinion of Council, has an unpleasant effect on the senses or adversely affects the amenities of the surrounding property.
- f) "Town" means the Town of Torbay.
- g) "Litter" means any refuse of plastic, metal, glass, paper, stone, concrete, wood, cloth, sod, gravel, and includes construction and building materials or any material the Town may reasonably consider to be Litter.
- h) "Motor Vehicle" means vehicles registered under the Highway Traffic Act.

3. APPLICATION

These Regulations shall apply within the boundaries of the Town of Torbay.

4. GENERAL PROHIBITION

No person shall make, continue or cause to allow to be made or continued any loud, unnecessary or unusual noise or any noise whatsoever which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the limits of the Town, except in accordance with these Regulations.

5. PEACE AND TRANQUILITY

- a) No person shall use within the Town, a lawnmower, chainsaw, snow blower or other machinery equipment which may disturb the peace and quiet of a neighborhood between the hours of 11:00 P.M. of any day to 7:00 A.M of the following day, except for periods following a snow storm or as may otherwise be approved by the Town.
- b) No person shall create or allow a noise within the Town through the use of a motor vehicle that has no muffler, a modified muffler or exhaust system or a defective muffler except as may be necessary to move such motor vehicle to a location for associated repairs.
- c) No person shall create or allow a noise within the Town through the squealing of tires of a motor vehicle which is caused by unnecessary braking, turning or setting in motion of such motor vehicle.
- d) No person shall create or allow any noise caused by the construction (including excavating), repairing, altering or demolishing of any building, wall or any other structure, or by the removal, transportation or delivery of rock, gravel, sand or other materials, between the hours of 11:00 P.M. of any day to 7:00 A.M. of the following day.
- e) No person shall 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.
- f) No person shall allow noise caused by the excessive barking or howling of any animal that is in the care or control of any person.
- g) No person shall create or allow a noise within the Town through the detonation of fireworks or explosive devices in residential areas between the hours of eleven 11:00 P.M. of any day to 7:00 A.M. of the following day, with the exception of statutory holidays as declared for New Years Eve, Canada Day and Victoria Day, or on any other holiday or occasion deemed acceptable by the Town.

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- h) No person shall use within the Town, any off-road, all-terrain or motorized snow vehicle except where such use is approved and authorized in the Motorized Snow and All-Terrain Vehicles Act.
- i) No person shall deposit, throw, place or sweep any "litter" upon any street or area whatsoever within the boundaries of the Town, excluding garbage placed at the curb for pick up by garbage collector or that which is otherwise specified by Council.

6. NUISANCE

- a) No person shall fire or discharge an air gun within 300 metres of a house or 1000 metres 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) No person shall carry or operate any firearm except as allowed by the current Firearms Act.
- d) No person shall erect or allow to be erected any building, wall, fence or any other structure which may cause a nuisance or unsightly condition to neighboring properties.
- e) No person, firm or corporation shall permit or maintain a nuisance by creating loud noises or raucous sounds or by creating or participating in any raucous behavior that, in the opinion of the Town, may have an unpleasant or disagreeable effect upon the senses.

7. AIR CONDITIONERS, HEAT PUMPS, COMPRESSORS, CONDENSERS, CHILLERS, COOLING TOWERS AND SIMILAR DEVICES

No person shall use or operate or cause to be used or operated any air conditioner, heat pump, compressor, condenser, chiller, cooling tower or similar device, the noise from which has a level greater than 55 dBA when measured at the property boundary of the property from which the source of the noise is emanating or the point of reception.

8. HOURS OF OPERATION

- a) Between the hours of eleven o'clock in the evening (11:00 PM) on any day and seven o'clock in the morning (7:00 AM) of the following day, no person, firm or company or owner of any land or building or premise shall, in the Town, operate, conduct or carry on any industry, business, trade, or vocation whatsoever, which makes or allows to be made in connection with such operation, conduct or carrying on of such industry, business, trade, or vocation, any noise or music which disturbs the peace and tranquility of the Town or any portion thereof, or which disturbs or tends to disturb the peace and tranquility of any person residing in the vicinity of such street, building or place, or which can reasonably be deemed an annoyance to any person residing or carrying on business or being in the vicinity of such street, building or place.
- b) Council may grant a Permit to operate, conduct or carry on any industry, business, trade or vocation which makes or allows to be made in connection with such operation, conduct or carrying on of such industry, business, trade or vocation any noise which disturbs the peace and tranquility of the Town or any portion thereof between the hours of 11:00 P.M. on any day and 7:00 A.M. if such industry, business, trade or vocation is necessary and acceptable in the opinion of Council.
- c) Such Permit may be granted upon such terms and conditions as may be determined by the Town.

9. TIME

Any time in these Regulations shall mean Standard Time for the Town or Daylight Savings Time, so called, when and during the period for which the same is in force.

10. EXCEPTIONS

The provisions of these Regulations shall not apply to:

- a) any member of the Royal Newfoundland Constabulary, the Royal Canadian Mounted Police, the Torbay Volunteer Fire Department or the St. John's Regional Fire Department or any emergency personnel or emergency vehicles, or any employees of the Town of Torbay while such member is employed in the execution of his or her duties as a member of such Constabulary, Police, Fire Department, or employees of the Town;

- b) a person or an employee of any firm or corporation performing any work for the Town while such person or employee is employed in the execution of his duties in connection with the performance of any such work for the Town;
- c) musicians or performers providing outdoor entertainment involving sounds reproduction devices during events staged by or on behalf of the Town;
- d) municipal snow clearing or removal activities;
- e) snow clearing and removal operations during a snowfall event and for a period of twenty-four (24) hours after the end of a snow fall event; or
- f) the use of bells or chimes for the announcing of public worship services

11. COMPLIANCE WITH OTHER ACTS AND REGULATIONS

- a) All previous Town of Torbay Nuisance and Noise By-Laws, Regulations and amendments are repealed.
- b) Nothing in the Regulations serves to exempt any persons from obtaining any license, permission, permit, authority or approval required by any other regulation of the Town or any statute or regulation of the Province of Newfoundland and Labrador or any other authority, and in such cases where more than one regulation or statute applies the more restrictive regulation or statute shall apply.

12. ENFORCEMENT

The Policy shall be enforced by the Royal Newfoundland Constabulary, Royal Canadian Mounted Police, Peace Officer or any person designated by the Town Council.

13. PENALTIES

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 refuse to do so:

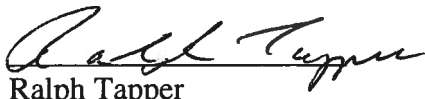
- a) Shall be liable to penalties as stipulated in accordance with section 420 of the *Municipalities Act, 1999*; or

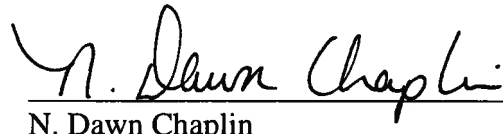
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- b) Shall be subject to an order under section 404 (1) (j) of the *Municipalities Act, 1999*;
or
- c) Shall be subject to a violation notice issued under section 421.1 (1) of the
Municipalities Act, 1999; or
- d) Shall be issued a ticket under the Provincial Offences Act in accordance with section
421.2 of the *Municipalities Act, 1999*.

The Noise and Nuisance Regulations is adopted by Resolution of Council, this 11th day of APRIL, 2016.

Resolution No. # 121-16.


Ralph Tapper
Mayor


N. Dawn Chaplin
Chief Administrative Officer / Town Clerk

Under sections 414(2) (ee) of the Municipalities Act, 1999, the Town Council of Torbay adopts the Town of Torbay Noise and Nuisance Regulations as approved (or as amended).

SIGNED AND SEALED this 13th day of April, 2016

Mayor:  (Council Seal)

Clerk:

