

# **TOWN OF CLARENVILLE NOISE REGULATIONS**

PURSUANT to the powers vested in it under Section 414 (2)(ee) of the *Municipalities Act*, the Clarendville Town Council, at a regular meeting held on the 19<sup>th</sup> day of March, 2013, hereby passes and enacts the following regulations:

1. These regulations may be cited as *The Town of Clarendville Noise Regulations*.

## **Definitions**

2. In these Regulations:

- (a) "Town" means the Town of Clarendville.
- (b) "Council" means Clarendville Town Council.
- (c) "Motor vehicle" means an automobile, motorcycle, ATV, snowmobile and any other vehicle propelled or driven otherwise than by muscular power.
- (d) "Noise" includes any loud outcry, barking, clamour, shouting or movement which has an unpleasant effect on the senses of a person or persons, or any sound that is loud, harsh or undesirable and which has an unpleasant effect on the senses of a reasonable person or persons.
- (e) "Person" Includes any company, corporation, owner, partnership, firm, association, society or party.
- (f) "Property" means real property and includes land, other than a highway, together with all improvements which have been so affixed to the land as to make them in fact and in law a part thereof.
- (g) "Engine Compression Exhaust Style Brake" or "Jake Brake" means a system by which vehicle braking is achieved by using the engine compression stroke to slow the vehicle drive wheels and is accomplished by opening the exhaust valve at or near the end of the compression stroke thereby turning the power producing engine into a power absorbing air-compressor.
- (h) "Highway" means any road, street, avenue or other right of way owned by the Town.

## **General Regulations**

- 3 (a) No person shall make or cause, or permit to be made or caused, any noise in or on a public or private place which unreasonably disturbs the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons on the same property or in the neighborhood or vicinity.
- (b) No person being the owner, tenant or occupier of property shall allow or permit such property to be used so that noise or sound which occurs thereon or emanates there from, unreasonably disturbs the quiet peace, rest, enjoyment, comfort or convenience of any person or persons on the same property or in the neighborhood or vicinity.
- (c) No person shall play or operate any radio, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound either in or on private premises or in any public place in any manner which unreasonably disturbs the quiet, peace, rest, enjoyment comfort or convenience of any person or persons on the same property or in the neighborhood or vicinity.

(d) Notwithstanding these Regulations, Council may, at its discretion, and by way of granting a special permit for a specified period of time, waive these Regulations for special events, including but not limited to festivals, concerts, races and parades.

(e) No person shall own, keep or harbour any animal which, by its cries, unreasonably disturbs the quiet, peace, rest enjoyment, comfort or convenience of any person or persons on the same property or in the neighborhood or vicinity.

(f) No hawker, huckster, peddler, news vendor, or other person shall use any noise-making device which can be heard in the streets or on land within the Town to sell wares, solicit business or attract attention, without first having obtained a permit from Council.

(g) Between the hours of 10 p.m. and 7 a.m., no person shall use a lawnmower, saw, chainsaw, or any other machinery or equipment which is likely to disturb the quiet, peace, rest enjoyment comfort or convenience of any person or persons on the same property or in the neighborhood or vicinity.

(h) Notwithstanding Regulation 3(g), nothing in these Regulations shall prohibit a person from using a snow blower to clear a driveway of snow in the event of an emergency.

(i) No person shall load, unload, deliver, collect, pack, unpack or otherwise handle any containers, products, materials, or refuse whatsoever before 7:00 a.m. or after 10:00 p.m. in any residential area in any manner which unreasonably disturbs the quiet peace, rest, enjoyment comfort or convenience of any person or persons on the same property or in the neighborhood or vicinity.

### **Motor Vehicle Noises**

4 (a) No person shall operate a motor vehicle that emits a grating, grinding or rattling noise or any other noise caused by a condition of disrepair or maladjustment of the motor vehicle or part or accessory thereof which unreasonably disturbs the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons on the same property or in the neighborhood or vicinity.

(b) No person shall cause the squealing of tires or brakes of a motor vehicle by the unnecessary, excessive or rapid braking, turning or setting in motion of a motor vehicle.

(c) No person shall operate a motor vehicle that contains an engine, exhaust system, or other apparatus or accessory, which produces noise or sounds that are unreasonably loud or explosive.

(d) No person shall at any time apply an Engine Compression Exhaust Style Brake (Jake Brake) on any highway within the Town.

### **Construction Hours**

5 (a) No person in the Town shall on any day before the hour of 7:00 a.m. or after the hour of 10:00 p.m., construct, erect, reconstruct, alter, repair or demolish any building, structure or thing or excavate, fill land, blast or otherwise use explosives in any manner which unreasonably

disturbs the quiet, peace, rest enjoyment, comfort or convenience of any person or persons on the same property or in the neighborhood or vicinity.

(b) Where it is impossible or impractical to comply with Section 5(a), Council may give written approval to carry on the work that is found to be necessary at designated hours. Responsibility for obtaining written approval shall lie with the person carrying on the work.

(c) Notwithstanding Regulation 5(a) nothing in these Regulations shall prohibit Town employees from carrying out regular or emergency operations at any hour.

### **Non-Residential Uses in Proximity to Residential Dwellings**

6. (a) No person shall operate or cause to be operated any place of entertainment where any side of the building, in which the place of entertainment is located, directly faces a residential dwelling, unless all windows and doors of the building, in which the place of entertainment is located and faces the residential dwelling, are kept closed between the hours of 10:00 p.m. and 7:00 a.m.

(b) Notwithstanding Section 6(a), nothing in these regulations shall prohibit the use or opening of any window or door in the case of an emergency.

(c) No person shall place or cause to be placed on any side of a building which is used as a place of entertainment and which directly faces a residential dwelling, any loud speaker or any other noise making device except those devices installed for the purpose of alerting persons to fires, burglaries or other emergencies.

(d) No part of any place of entertainment shall be permitted outside the building in which the place of entertainment is located where such part would directly face a residential dwelling.

(e) Unless otherwise approved by Council, no new place of entertainment shall be constructed, opened or re-opened such that the building in which the place of entertainment is located would have windows or doors directly facing a residential dwelling, with the exception of any emergency exits which are required by law.

(f) When considering an application to construct, open or re-open a place of entertainment in which windows or doors would directly face a residential dwelling, Council shall take into consideration any noise reduction and sound proofing measures proposed and may, if satisfied with the extent of the noise reduction and sound proofing measures proposed, conditionally approve the application.

### **Application**

7. Nothing in these Regulations shall prohibit the following:

(a) The sounding of any bell, horn, siren, or other signal device on any motor vehicle when the sounding of such signal device is permitted by law.

(b) The sounding of the siren or horn on any vehicle of the Police or Fire Department or any ambulance or any public service or emergency vehicle while answering an emergency call.

(c) The ringing of any church bells, the sounding of industrial whistles.

(e) The removal or clearing of snow by equipment.

### **Enforcement and Penalty**

8. (1) where any person contravenes any provision of this Regulation and where any person neglects to do or refrains from doing anything required to be done by any of the provisions of these Regulations:

(b) Such person may be issued a violation notice pursuant to section 421.1 of the *Municipalities Act*

(a) Such person is guilty of an offence and liable on summary conviction to a fine as set out in these Regulations.

(c) Council may designate who shall issue a violation notice pursuant to section 421.4 of the *Municipalities Act* for any contravention or failure to comply with these Regulations.

Fines:

Any person found in violation of these Regulations shall be subject to a fine of \$50.00 for each offence.

### **9. Severability**

If a court of competent jurisdiction should declare any section or part of a section of these Regulations to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the Regulations and it is hereby declared that the remainder of the Regulations shall be valid and shall remain in force.

### **10. Enactment and Repeal**

These regulations shall come into force as of the date enacted by Council and the Town of Clarenville Noise Regulations and all amendments thereto are hereby repealed upon the coming into force of these Regulations.

IN WITNESS WHEREOF these Regulations are sealed with the Common Seal of the Town of Clarenville and subscribed by and on behalf of the Council by the Mayor and Town Clerk, at Clarenville, in the Province of Newfoundland and Labrador, this 1st day of April, 2013.

**NOISE REGULATIONS**

Noise Regulations circulated for Council's review.

**MOTION: 13-035 D.M. Russell/Cr. Bailey**

BE IT RESOLVED that the Noise Regulations as presented and attached to the minutes be adopted as presented.

**IN FAVOUR 5 - CARRIED**

**FINANCE,  
COMMUNICATION  
& PLANNING**

**MOTION: 13-036 Cr. Pickett/Cr. Rodway**

BE IT RESOLVED that the report given on the meeting held on March 14, 2013 and the recommendations therein be accepted with the exception of the ads for Discovery Guide and Terra Nova Park Guide, this to be given to the Economic Development Committee for review.

**IN FAVOR 5 - CARRIED**

**CELL PHONE  
POLICY**

Policy restricting the use of Cell Phones for Town employees presented for Council's adoption.

**MOTION: 13-037 Cr. Pickett/Cr. Rodway**

BE IT RESOLVED that the Cell Phone Policy as presented and attached to the minutes be adopted as presented.

**IN FAVOUR 5 - CARRIED**

**MMSB INFO SESSION**

Scheduled for tomorrow evening at 7 pm at the fire hall regarding illegal dumping. All Councillors urged to attend.

**ADJOURNMENT**

**MOTION: 13-038 Cr. Pickett/Cr. Bailey**

BE IT RESOLVED that the meeting be adjourned at 8:35 pm.

**IN FAVOUR 5 - CARRIED**

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Mayor

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Town Clerk