

## **NOISE AND NUISANCE BY-LAW**

### **PUBLISHED BY AUTHORITY**

Pursuant to the authority conferred by the Towns and Local Service Districts Act, chapter T-6.2, Section 8 (f), the Town of Conception Bay South has made the following By-law.

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**DARRIN BENT**  
**MAYOR**

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### **BY-LAW**

#### **1. TITLE**

This By-law shall be known and cited as “Town of Conception Bay South Noise and Nuisance By-Law”.

#### **2. INTERPRETATION**

In this By-law:

- (a) **"By-law"** means the Town of Conception Bay South Noise and Nuisance By-Law.
- (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) **"Chief"** means the Fire Chief of the Conception Bay South Fire Department or other person designated by the Chief in and for the fire protection of the town.
- (d) **"Council"** means the Council of the Town of Conception Bay South or designate.
- (e) **"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.

- (f) **"Public Address System"** means any system of loudspeakers, amplifiers, microphones or reproducers or any combination of such equipment used in the reproduction or amplication 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) **"Town"** means the Town of Conception Bay South.

### 3. **APPLICATION**

This By-law shall apply within the boundaries of the Town.

### 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 this By-law.

### 5. **NOISE**

- (a) No person shall create a noise within the Town through the use of fire-arms or other similar noise-making devices, except as may be approved by Council and subject to the approval of law enforcement or other regulatory agencies.
- (b) No person shall create a noise within the Town through the use of shouting or noise-making devices for the purpose of selling wares, soliciting business or attracting attention.
- (c) 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.

## **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) A police officer/By-law enforcement officer/peace officer may seize any air gun where there are reasonable and probable grounds to believe that an offence has been committed pursuant to this By-law.
- (d) Where a charge is not laid pursuant to section 6 (a) and (b) within a period of thirty (30) days from the date of the offence, an air gun seized pursuant to 6 (c) shall be returned.

## **7. PEACE AND TRANQUILITY**

- (a) No person shall use within the Town, a lawnmower, chainsaw, snowmobile or other machinery or 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 as may otherwise be approved by Council.
- (b) No person shall create a noise within the Town through the use of a motor vehicle that has no muffler 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 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, cause or permit an intrusion of light of an unusual intensity or type onto adjacent property so as to be or to cause a nuisance. All exterior illuminated light fixtures shall be directed in a manner to minimize glare and the undue intrusion of light onto adjacent property.

## **8. FIREWORKS AND EXPLOSIVE DEVICES**

- (a) No person shall detonate fireworks or explosive devices, not used in construction, within the Town unless authorized by the Chief and subject to the approval of law enforcement or other regulatory agencies, with the exception of statutory holidays as declared for New Year's Eve and Canada Day.
- (b) Authorization by the Chief may be granted by a member of the Fire Department from the Kelligrews Fire Department, Monday to Friday between 8:00 AM and 6:00 PM, subject to terms and conditions as may be determined by the Council.
- (c) No fireworks may be discharged within 30 metres of a dwelling, structure, wood, brush or other flammable material.
- (d) All fireworks must be handled and discharged in accordance with directions specified on the fireworks label.
- (e) Authorization by the Chief shall not relieve a person from the responsibilities or liabilities in connection to the purchase, storage and/or use of fireworks.

## **9. PUBLIC ADDRESS SYSTEMS**

No person shall within the Town operate or cause or permit to be operated any public address system, gramophone, radio or other device or apparatus for reproducing or amplifying sound where the sounds of which are capable of being heard on any street in the Town without having first received a permit therefore from the Council as hereinafter provided.

- (a) Such permit may be granted by the Council for the operation of such apparatus or device between the hours of 8:00 a.m. and 10:00 p.m. and may be refused if, in the opinion of the Council, the operation of such apparatus or device will disturb or tend to disturb the peace and tranquility of the Town or any portion thereof;
- (b) Such permit may be granted subject to terms and conditions as may be determined by the Council including the volume of sound to be reproduced by such apparatus or device, and shall be for such period as stated in such permit;
- (c) Any permit so granted may be cancelled by the Council at any time if, in its opinion, the operation of such apparatus or device for which

such permit was issued violates any of the terms and conditions attached to such permit or disturbs or tends to disturb the peace and tranquility of the Town or any portion thereof.

## **10. HOURS OF OPERATION**

- (a) Between the hours of 11:00 p.m. on any day and 7:00 a.m. of the following day, no person, firm or company or owner of any land or building or premises shall in the Town operate, conduct or carry on or use or cause or permit to be operated, conducted or carried on any industry, business, trade or vocation whatever 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 or tends to disturb 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 to be an annoyance to any person residing or carrying on business or being in the vicinity of such street, building or place;
- (b) 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 behaviour that, in the opinion of Council, may have an unpleasant or disagreeable effect upon the senses.
- (c) Notwithstanding the provisions of Section 7 (a), 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, vocation any noise which disturbs or tends to disturb 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, in its opinion, such operation, conduct or carrying on of such industry, business, trade or vocation is necessary in the interests of public health and safety.
- (d) Such permit may be granted upon such terms and conditions as may be determined by the Council and shall be for a predetermined period as set out in the permit by Council.

## **11. EXCEPTIONS**

- (a) Nothing in this By-law shall be deemed to prohibit:
  - (i) The sounding of any bell, horn, siren or other warning device of any vehicle the law requires, or when responding to an emergency;
  - (ii) The ringing of church bells or chimes;
  - (iii) The sounding of industrial whistles;
  - (iv) The sounding of motor vehicle horns in a wedding procession or in parades permitted by Council; or
  - (v) The removal of snow by heavy equipment, immediately following a snow storm.
- (b) The provisions of this By-law shall not apply to:
  - (i) Any member of the Royal Canadian Mounted Police, Royal Newfoundland Constabulary, By-law Enforcement Officer or the Conception Bay South Fire Department.
  - (ii) A person or an employee of the Town, while any such member or employee is employed in the execution of his duties as a member of the Town.

## **12. ENFORCEMENT**

This By-law may be enforced by the Royal Newfoundland Constabulary, Royal Canadian Mounted Police, Town of Conception Bay South By-law Enforcement Officer, Peace Officer or any other person appointed by Council.

## **13. PENALTIES**

Every person who is guilty of an offence under this By-law or who acts in contravention of or fails to comply with any provision thereof, or neglects or refuses to do so:

- (a) Shall be liable to penalties as stipulated in accordance with section 290 of the Towns and Local Service Districts Act; or

- (b) Shall be subject to an order under section 285 (1) of the Towns and Local Service Districts Act; or
- (c) Shall be subject to a violation notice issued under section 287.(1) of the Towns and Local Service Districts Act; or
- (d) Shall be issued a ticket under the Provincial Offences Act in accordance with section 288 of the Towns and Local Service Districts Act.

#### **14. REPEAL OF PREVIOUS REGULATIONS AND AMENDMENTS**

All previous Town of Conception Bay South Noise and Nuisance Regulations and amendments are repealed.

#### **15. COMPLAINT WITH OTHER ACTS AND REGULATIONS**

Nothing in this By-law serves to exempt any person from obtaining any license, permission, permit, authority or approval required by any other By-law of the Town or any statute or regulation of the Province of Newfoundland and Labrador, and in such cases where more than one By-law or statute applies the more restrictive regulation or statute shall apply.

#### **16. EFFECTIVE DATE**

This By-law shall come into force on the 22<sup>nd</sup> day of January, 2025.

In witness whereof the Seal of the Town of Conception Bay South has been affixed hereto and this By-law have been signed by the Mayor and the Chief Administrative Officer on behalf of Council on this 22<sup>nd</sup> day of January, 2025.

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Darrin Bent  
Mayor

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Brian Crawley  
Chief Administrative Officer