

Town of Portugal Cove-St. Philip's

NOISE REGULATIONS

Pursuant to the authority conferred by Section 414. (2)(ee) of the Municipalities Act, 1999, SNL 1999, c. M-24, the Town Council of Portugal Cove-St. Philip's has adopted the following regulations on the 18 day of April, 2023, motion #2023-090.

1. TITLE

These Regulations shall be known as the "PCSP Noise Regulations".

2. INTERPRETATION

In these Regulations, unless the context otherwise requires:

- 2.1. "**Act**" shall mean the Municipalities Act, 1999, SNL 1999, c. M-24, as amended.
- 2.2. "**dB (A)**" means the sound level in decibels obtained when using a sound level meter with the "A" weighting.
- 2.3. "**Fireworks**" means family fireworks, aerial fireworks, and pyrotechnics as further described in the Town of Portugal Cove-St. Philip's Fireworks Regulations, 2022.
- 2.4. "**Justice**" shall mean a judge of the Provincial Court of Newfoundland and Labrador or a presiding justice of the peace.
- 2.5. "**Licensed Premises**" means licensed premises within the meaning of The Liquor Control Act, 1990, RSNL1990 c. L-18.
- 2.6. "**Point of Reception**" means a point where noise is measured at the property boundary of the property from which the source of the noise is emanating.
- 2.7. "**Public Address System**" means any system of loudspeakers, amplifiers, microphones or reproducers or any combination of such equipment used in the reproduction or amplification 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.
- 2.8. "**Sound**" means the oscillation in pressure, stress, particle displacement or particle velocity, in a medium with internal forces (i.e., elastic, viscous) or the super position of such propagated oscillations, which oscillations are capable of causing an auditory sensation.
- 2.9. "**Sound level meter**" means a device used to measure sound pressure, which meets the applicable American National Standards Institute, S1.4-1983(R2006), the International Electro-Technical Council Standard No. 123, or the British Standard No. 3539 Part 1, or the U.S.A. Standard S1.4-1961.
- 2.10. "**Statutory Holiday**" shall mean a holiday identified in the Shops Closing Act, RSNL 1990, S-15, as amended.
- 2.11. "**Town**" shall mean the Town of Portugal Cove-St. Philip's as incorporated under the Act.
- 2.12. "**Weekday**" shall mean Monday through Friday, exclusive of any Statutory Holiday.

3. GENERAL PROHIBITION

- 3.1. No person shall make, cause to be made or permit to be made any sound measuring 80 dB (A) or greater as measured from the Point of Reception except in accordance with these Regulations.
- 3.2. In the absence of other evidence, or by way of corroboration of other evidence, a justice may infer from the evidence of a peace officer relating to the conduct of a person or persons that a sound is unreasonably loud or excessive.

4. SOUNDS PROHIBITED

Notwithstanding Section 5 of these Regulations, the following acts, among others, are prohibited:

- 4.1. Lawn Mowers, Snow Blowers and Similar Devices: In residential zones, the operation of power equipment or machinery used in lawn and garden care or property maintenance including any lawn mower, chain saw, leaf blower, hedge trimmer, power fan, edge trimmer, line trimmer, roto-tiller, snow blower, compressor, internal combustion engine or similar equipment, between the hours of 11:00 p.m. and 7:00 a.m.
- 4.2. Amplified Sound: In all areas of the Town, the operation of a Public Address System which generates a sound measuring 55 dB (A) or greater from the Point of Reception is prohibited between the hours of 11:00 p.m. and 7:00 a.m. on a Weekday, and 11:00 p.m. and 9:00 a.m. on a Saturday, Sunday or Statutory Holiday except at an outdoor public event as identified in Section 5 of these Regulations.
- 4.3. Idling Vehicles: In residential zones, the idling of any vehicle for more than twenty (20) minutes.
- 4.4. Air Horns: The use of an air horn on any motor vehicle within the Town except during normal operation of the vehicle to give warning.
- 4.5. Construction, Demolition, Alteration or Repair of Buildings or Structures: In all areas of the Town, the construction, demolition, alteration or repair of any building or structure is prohibited between the hours of 11:00 p.m. and 7:00 a.m. on a Weekday, and 11:00 p.m. and 9:00 a.m. on a Saturday, Sunday, or Statutory Holiday.
- 4.6. Excavation, Earth Moving, or Blasting: In all areas of the Town, the use of heavy equipment or machinery to place, remove, or alter the topography of the land is prohibited between the hours of 7:00 p.m. and 7:00 a.m. on Weekdays, 7:00 p.m. and 9:00 a.m. on Saturdays and any time on a Sunday or Statutory Holiday. Rock hammering is prohibited between the hours of 4:00pm and 8:00am on Weekdays and Saturdays and any time on a Sunday or Statutory Holiday. For Developments that have had rock hammering ongoing for a period longer than twelve (12) weeks, rock hammering shall be restricted to only occur between the hours of 10:00am and 2:00pm with authority delegated to the Town's Chief Administrative Officer (CAO) to allow rock hammering between the hours of 8:00am and 10:00am or between the hours of 2:00pm and 4:00pm under such terms and conditions as set by the CAO, on a case-by-case basis.
- 4.7. Licensed Premises: Any licensed premises or patio area which is part of the licensed premises shall not generate a sound measuring 55 dB (A) or greater from the Point of Reception between the hours of 11:00 p.m. and 7:00 a.m. on a Weekday, and 11:00 p.m. and 9:00 a.m. on a Saturday, Sunday or Statutory Holiday.
- 4.8. Fireworks: The discharge of fireworks shall be in accordance with the Town of Portugal Cove-St. Philip's Fireworks Regulations, 2022.

- 4.9. 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, which generates a sound measuring 55 dB (A) or greater when measured at the Point of Reception.
- 4.10. Exhaust Fan, Exhaust System, Intake Fan, Generators, Commercial Dryer or Similar Device: No person shall use or operate, or cause to be used or operated any exhaust fan, exhaust system, intake fan, generators, dryer in a commercial car wash, or similar device which includes combustion exhaust of a high efficiency furnace, which generates a sound measuring 55 dB (A) or greater when measured at the Point of Reception except for use or operating a generator as identified in Section 5 of these Regulations.
- 4.11. Pump Or Filtration Systems: No person shall use or operate, or cause to be used or operated any pump, filtration system or similar device for an outdoor swimming pool, hot tub, spa, fountain, or water feature which generates a sound measuring 55 dB(A) or greater when measured at the Point of Reception.

5. SOUND EXCEPTIONS

Sounds caused by the following are exempt from the prohibitions set out in these Regulations:

- 5.1. Acts by emergency response authorities or individuals under the direction of Emergency Response Authorities in responding to an emergency or performing assigned duties including, but not limited to, the Royal Newfoundland Constabulary, Royal Canadian Mounted Police, St. John's Regional Fire Department, Town of Portugal Cove-St. Philip's Volunteer Fire Department, Eastern Health, or any employee of the Town, while such member is employed in the execution of his or her duties for such emergency response authority.
- 5.2. The operation of a generator as an alternate power source when electricity is not able to be distributed by Newfoundland Power Inc. due to a failure of the electrical power grid or other electrical power failures that are not associated with the electrical power grid.
- 5.3. Snow clearing, removal, and ice control activities undertaken by, or on behalf of, the Town or the Department of Transportation and Infrastructure.
- 5.4. The operation of privately-owned snow blowers or other forms of privately-owned snow clearing equipment for the purpose of providing vehicle access to and from private property.
- 5.5. The use of any bell by a church or other religious organization.
- 5.6. The use of any bell, siren, whistle, or similar device by a school or other educational institution.
- 5.7. The use of any bell, whistle, horn, or similar device by an ocean going vessel in accordance with maritime shipping laws that can be heard on the shores within the Town.
- 5.8. A parade staged by the Town, for which approval has been obtained from the Town.
- 5.9. An outdoor political rally, public protest, demonstration, religious service, memorial service, or other similar gathering.
- 5.10. Amplified sound and/or fireworks during events staged by or on behalf of the Town.
- 5.11. The construction, repair, and maintenance of municipal infrastructure and the performance of any public works by, or on behalf of, the Town.
- 5.12. The annual Portugal Cove-St. Philip's Regatta or End of Season Regatta.

6. ENFORCEMENT

These Regulations may be enforced by the Royal Newfoundland Constabulary, Royal Canadian Mounted Police, Municipal Enforcement Officers, Peace Officers, the Town, or any person appointed by the Town.

7. CONTRAVENTION OF REGULATIONS

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 shall be liable on Summary conviction to a penalty as provided for in Section 420 of the Act.

8. REPEAL OF PREVIOUS REGULATIONS AND AMENDMENTS

All previous Town of Portugal Cove–St. Philip’s Noise Regulations and amendments are repealed by these Regulations.

9. COMPLIANCE WITH OTHER LEGISLATION

Nothing in these Regulations serves to exempt any person 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. Where there is a conflict between a provision of this Regulation and a provision of another Regulation of the Town, the more restrictive provision shall prevail. Where there is a conflict between these Regulations and a provincial statute or regulation, the provincial statute or regulation shall prevail.

10. COMING INTO EFFECT

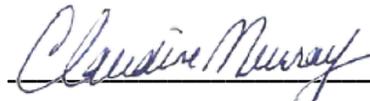
These Regulations originally came into effect on the 3rd day of July 2015 through a resolution of council #2015-224.

11. COPY TO MINISTER

A copy of these Regulations were sent to the Minister of the Municipal and Provincial Affairs on the 12 day of May, 2023.



Carol McDonald, Mayor



Claudine Murray, Town Clerk