

**Town of Portugal Cove-St. Philip's**

**Noise Regulations, 2015**

Pursuant to and by virtue of the powers conferred by Section 414(2)(ee) of the *Municipalities Act, 1999*, SNL 1999, c. M-24 as amended, the Town Council of the Town of Portugal Cove-St. Philip's enacts the following Noise Regulations.

**1. TITLE**

These Regulations may be cited as the "Town of Portugal Cove- St. Philip's Noise Regulations, 2015".

**2. PURPOSE**

These Regulations are enacted to protect, preserve and promote the safety, health, welfare, peace and quiet of the citizens within the Town of Portugal Cove-St.Philip's through the reduction, control, and prevention of loud and excessive noise, or any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity.

**3. INTERPRETATION**

In these Regulations,

- 3.1. "**Act**" shall mean the *Municipalities Act, 1999*, SNL 1999, c. M-24, as amended.
- 3.2. "**Amplifier**" shall mean any electronic device or group of connected electronic devices incorporating one or more loudspeakers intended for the amplification of sound.
- 3.3. "**dB(A)**" shall mean the sound pressure measured in decibels using the 'A' weighted scale of a sound level meter;
- 3.4. "**Justice**" shall mean a judge of the Provincial Court of Newfoundland and Labrador or a presiding justice of the peace;
- 3.5. "**Licensed premises**" means licensed premises within the meaning of *The Liquor Control Act, 1990*, RSNL1990 c. L-18;
- 3.6. "**Sound level meter**" shall mean 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;
- 3.7. "**Town**" shall mean the Town of Portugal Cove - St Philip's as incorporated under the Act.

#### **4. APPLICATION OF REGULATIONS**

- 4.1. These Regulations shall apply to the control of all sound originating within the jurisdictional limits of the Town during the entire year.
- 4.2. These Regulations are intended to apply to making, or knowingly permitting to be made, any unreasonably loud or excessive noise, disturbance or commotion in any dwelling, place of business or other structure, or upon any public street, park or other place or building.
- 4.3. The ordinary and usual sounds and noises incidental to the occupation and use of property and the activities of persons in the Town, when conducted in accordance with usual standards or practices and in a manner that will not unreasonably disturb the peace and comfort of adjacent residences or which will not detrimentally affect the operators of adjacent places of business, are not intended to be subject to the provisions of these Regulations.

#### **5. GENERAL PROHIBITION**

- 5.1. No person shall make, cause to be made, or permit to be made:
  - 5.1.1. any unreasonably loud or excessive noise
  - 5.1.2. any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity within the jurisdictional limits of the Town; or
  - 5.1.3. any noise which is so harsh, prolonged, unnatural, or unusual in time or place as to occasion unreasonable discomfort to any persons within the neighbourhood from which said noises emanate, or as to unreasonably interfere with the peace and comfort of neighbours or their guests, or operators or customers of places of business, or as to detrimentally or adversely affect such residences or places of business.
- 5.2. Factors for determining whether a sound is unreasonably loud or excessive include, but are not limited to, the following:
  - 5.2.1. the proximity of the sound to sleeping facilities, whether residential or commercial;
  - 5.2.2. the land use, nature and zoning of the area from which the sound emanates and the area where it is received or perceived;
  - 5.2.3. the time of day or night the sound occurs;
  - 5.2.4. the duration of the sound;
  - 5.2.5. the volume or sound level;
  - 5.2.6. the nature of the sound;
  - 5.2.7. whether the sound is recurrent, intermittent or constant; and
  - 5.2.8. the nature of the event or activity from which the sound emanates.
- 5.3. A sound level meter recording the sound pressure in dB(A) scale, the duration, and intermittency of the noise may be used and compared to industry and/or society

standards as evidence to determine whether a sound is unreasonably loud or excessive.

- 5.4. 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.

## 6. NOISES PROHIBITED

The following acts are deemed to be violations of these Regulations *per se*. This enumeration does not constitute an exclusive list:

- 6.1. *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 10:00 p.m. and 7:00 a.m.
- 6.2. *Amplified Sound*: The operation of an amplifier in a manner that is plainly audible across the property line of the property from which the sound emanates, and that unreasonably disturbs the peace, quiet and comfort of persons residing within buildings in the vicinity. Use of an amplifier at an outdoor public event is an exception identified in s.7.
- 6.3. *Idling Trucks*: In residential zones, the idling of any truck for more than twenty (20) minutes.
- 6.4. *Air Horns*: The use of an air horn on any motor vehicle within the Town.
- 6.5. *Construction or Repair of Buildings or Structures*: In all areas of the Town the construction, demolition, alteration or repair of any building or structure between the hours of 10:00 p.m. and 7:00 a.m. on a weekday, and 10:00 p.m. and 9:00 a.m. on a Saturday or Sunday or a statutory holiday, that produces sound that unreasonably disturbs the peace, quiet and comfort of persons residing within buildings in the vicinity.
- 6.6. *Excavation, earth moving, or blasting*: In all areas of Town the use of heavy equipment or machinery to place, remove, or alter the topography of the land between the hours of 7:00 p.m. and 7:00 a.m. on a weekday, and 7:00 p.m. and 9:00 a.m. on a Saturday, and any time on a Sunday or a statutory holiday. Rock hammering is further prohibited from taking place for more than 4 hours a day on a property measured from the first time the equipment starts to the time that it is shut down for the day.
- 6.7. *Licensed Premises*: Any unreasonably loud or excessive noise in a licensed premises or in a patio area which is part of the licensed premises which can be heard in a residential zone and which unreasonably disturbs the peace, quiet and comfort of persons in the residential zone.

## **7. NOISE EXCEPTIONS**

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

- 7.1. Acts by Emergency Response Authorities or individuals under the direction of Emergency Response Authorities in responding to an emergency or performing assigned duties.
- 7.2. The operation of an electric generator as an alternate power source when not available from the electric utility provider due to failures of the power grid system.
- 7.3. The operation of snow blowers or other forms of snow clearing equipment outside of the hours specified in s.6.1 for the purpose of providing vehicle access to property.
- 7.4. The reasonable sounding of any bell by a church or other religious organization.
- 7.5. The reasonable sounding of any bell, siren, whistle or similar device by a school or other educational institution.
- 7.6. The sounding 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.
- 7.7. A parade for which a permit has been obtained from the Town.
- 7.8. Fireworks for celebration purposes on any statutory holiday.
- 7.9. An outdoor political rally, public protest, demonstration, religious service, memorial service or other similar gathering.
- 7.10. *Outdoor Public Events:* The use of amplified sound as in 6.2. at an outdoor public event during the following hours:
  - 7.10.1. on a Monday, Tuesday, Wednesday or Thursday, between the hours of 11:00 a.m. and 9:00 p.m.;
  - 7.10.2. on a Friday or Saturday, between the hours of 11:00 a.m. and 10:00 p.m.;  
and
  - 7.10.3. on a Sunday or statutory holiday, between the hours of 1:00 p.m. and 6:00 p.m.

These hours may be extended by a permit issued by the Town.
- 7.11. The construction, repair and maintenance of streets, bridges, sidewalks, alleys, water mains, storm sewer mains, sanitary sewer mains, electrical facilities and any other works by or on behalf of the Town.
- 7.12. The annual Portugal Cove-St.Philip's Regatta or End of Season Regatta.

## **8. CONTRAVENTION OF REGULATIONS**

Any person who neglects or fails to comply with or acts in contravention of these Regulations shall be guilty of an offense and shall be liable on Summary conviction to a penalty as provided for in Section 420 of the Act.

**9. REPEAL OF PREVIOUS REGULATIONS**

All previous Town of Portugal Cove – St. Philip’s Regulations related to Nuisance Noises are repealed by these Regulations.

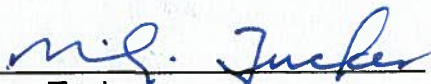
**10. COMPLIANCE WITH OTHER LEGISLATION**

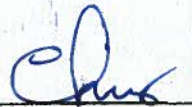
Nothing in these Regulations serves to exempt any person from obtaining any license, permission, permit, authority or approval required by any other Regulation of the Town or any Statute or Regulation of the Province of Newfoundland and Labrador. Where there is a conflict between a provision of this 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 law shall prevail.

**11. EFFECTIVE DATE**

These Regulations have been adopted and came into effect on 30<sup>th</sup> day of June, 2015 through resolution of council #2015-224.

In witness whereof the Seal of the Town of Portugal Cove - St Philip’s has been affixed hereto and these Regulations have been signed by the Mayor and the Town Manager on behalf of Council on this 3rd day of July, 2015.

  
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Moses Tucker  
Mayor

  
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Chris Milley  
Town Manager

