

## **PUBLISHED BY AUTHORITY**

Pursuant to the power conferred by Section 414(2) of the Municipalities Act, 1999, c. M-24, and all other powers enabling it, the Town Council of Paradise has made the following regulations, hereinafter known as the Town of Paradise Noise Regulations. These regulations shall come into effect as of the \_\_\_\_ day of \_\_\_\_\_, A.D. 2007.

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**Ralph Wiseman, Mayor**

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**Joyce Moss, Town Clerk**

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## **NOISE REGULATIONS**

1. These regulations may be cited as the Town of Paradise Noise Regulations.
2. Any and all previous Noise Regulations for the Town of Paradise are hereby repealed and of no further force or effect.
3. In these regulations, unless the context otherwise requires:
  - (a) “Act” means the Municipalities Act, 1999, as amended;
  - (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) “Council” means the Town Council of the Town of Paradise;
  - (d) “Inspector” means any person authorized by Council to enforce the provisions of Municipal Regulations, including the officers of the Town or their delegates;
  - (e) “Owner” means an owner or lessee of real property within the Town, and includes any agent, tenant or occupier;

- (f) “Person” means any firm, corporation, company, partnership, club, society, association or individual;
  - (g) “Point of Reception” means any exterior point on the property of a person where sound originating from another property is received;
  - (h) “Public Address System” means any system of loud-speakers, electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers, 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;
  - (i) “Quiet Hours” means the period of time between 11:00 p.m. of any given day and 7:00 a.m. of the following day;
  - (j) “Residential Zone” means a zone as established in the Town of Paradise Development Regulations in which a residential use is a permitted use;
  - (k) “Street” includes any alley, boulevard, bridge, court, foot-way, highway, lane, park, public drive, sidewalk, square, and any part of them open for public use;
  - (l) “Town” means the Town of Paradise as defined in the *Town of Paradise Order, 1999* under the *Act (O.C. 99-529)*.
4. No person shall emit or cause or permit the emission of sound resulting from an act listed herein, and which sound is clearly audible at a Point of Reception, except as exempted in these Regulations.
- (a) Shouting or the use of noise-making devices or Public Address Systems for any purpose, including but not limited to the purpose of selling wares, soliciting business or attracting attention.
  - (b) The operation, conduct, use or carrying on or causing or permitting the operation, conduct, use or carrying on of any industry, business, trade or vocation whatever which makes or allows to be made in connection with such operation, business, trade or vocation any noise or music which in the opinion of Council or an Inspector disturbs or may disturb the peace and tranquility of any person residing in the vicinity of a Point of Reception.

- (c) The detonation of fireworks or explosive devices not used in construction, unless authorized by Council or an Inspector and subject to the approval of law enforcement or other regulatory agencies.
- (d) The operation of an engine or motor in, or on, any motor vehicle or item of attached auxiliary equipment for such continuous period exceeding twenty (20) minutes, while such vehicle is stationary in a Residential Zone unless;
  - (i) Operation of such motor or engine is essential to a basic function of the vehicle or equipment, but not limited to, operation of ready-mixed concrete trucks; or
  - (ii) Weather conditions justify the use of heating or refrigerating systems powered by the motor or engine for the safety and welfare of the operator, passengers or animals, or the preservation of perishable cargo, and the vehicle is stationary for the purposes of delivery or loading.
- (e) Loading, unloading, delivering, packing, unpacking or otherwise handling any containers, products, materials, or refuse, whatsoever, unless necessary for the maintenance of essential services or the moving of private household effects during Quiet Hours in, or within 100 meters of, a Residential Zone.
- (f) The operation of any equipment in connection with construction during Quiet Hours in, or within 100 meters of, a Residential Zone.
- (g) The operation or use of any tool for domestic purposes other than snow removal during Quiet Hours.
- (h) The use or operation of a lawnmower, chainsaw, snowmobile or other machinery or equipment which may, in the opinion of Council, disturb the peace and quiet of a neighborhood during the Quiet Hours of the Town.
- (i) The operation of a solid waste bulk lift or refuse compacting equipment during Quiet Hours in, or within 100 meters of, a Residential Zone.
- (j) The construction, excavating, repairing, fabricating, altering or demolishing of any building, structure, property, or part thereof during Quiet Hours in, or within 100 meters of, a Residential Zone.
- (k) The blowing of any steam whistle attached to any stationary boiler.

- (l) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
  - (m) The creation of a loud or explosive noise in connection with the loading, unloading or handling material or device or the opening or destruction of bales, boxes, crates and containers.
  - (n) The operation of any pile driver, steam shovel, pneumatic device, derrick, steam or electrical hoist, grader, snow removal equipment or other appliance, the use of which is attended by loud or unusual noise.
  - (o) The operation of any noise-creating blower, power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids unless the noise from such blower or power fan is muffled and the engine is equipped with a muffler device sufficient to deaden such noise.
  - (p) The use of a motor vehicle horn, except as may be reasonably necessary in the opinion of Council for the safety and warning of traffic and/or pedestrians.
  - (q) The use of a motor vehicle that has no muffler or that has a defective muffler, except as may be necessary, in the opinion of Council, to move such motor vehicle to a location for associated repairs, subject to the approval of law enforcement officials under the *Highway Traffic Act*.
  - (r) The squealing of tires of a motor vehicle which, in the opinion of Council, is caused by unnecessary braking, turning or setting motion of such motor vehicle.
  - (s) Firing or discharge of an Air Gun within the Town.
5. Council or an Inspector may, upon receiving an application, permit a license for any act prohibited herein.
- (a) Such license may be granted for the act between the hours of 10:00 a.m. and 10:00 p.m. and may be refused if Council or an Inspector is of the opinion that the act disturbs or may disturb the peace and tranquility of the Town or any portion thereof;
  - (b) Such license may be granted upon such other terms and conditions as may be determined by Council or an Inspector, including the volume of sound

to be reproduced by any apparatus or device, and shall be for such period as stated in such license;

- (c) Any license granted under section 5 of these Regulations may be cancelled or revoked at any time by Council or an Inspector for any reason, including but not limited to if Council or an Inspector be of the opinion that the operation of such apparatus or device for which such license was issued violates any of the terms or conditions attached to such license, or disturbs or may disturb the peace and tranquility of the Town or any portion thereof.
  - (d) Breach of any of the terms or conditions of such license shall render the license null and void and constitute a violation of these Regulations.
  - (e) The fee to be paid for any license issued under the provisions of these Regulations shall be \$50.00 (fifty dollars).
6. The application referred to in Section 5 shall be made in writing and shall contain:
- (a) The name and address of the applicant;
  - (b) A description of the source of sound in respect of which exemption from these Regulations is sought;
  - (c) A statement of the particular provision or provisions of these Regulations for which exemption is sought;
  - (d) The period of time, of a duration not in excess of six months, for which the exemption is sought;
  - (e) The reasons why the exemption should be granted; and
  - (f) A statement of the steps, if any, planned or presently being taken to bring about compliance with these Regulations.
7. Nothing in these Regulations shall be deemed to prohibit:
- (a) The sounding of any bell, horn, siren or other warning device of any vehicle, where the law requires or when responding to an emergency.
  - (b) The ringing of church bells or chimes.
  - (c) The sounding of industrial whistles.

- (d) The sounding of motor vehicle horns in a wedding procession or in parades permitted by Council.
  - (e) The removal of snow by heavy equipment.
8. The provisions of these regulations shall not apply to:
- (a) Any member of the Royal Canadian Mounted Police, Municipal Enforcement Officers or the Town of Paradise Fire Department; or
  - (b) A person or an employee of the Health Corporation or of the Town, while any such member or employee is employed in the execution of his or her duties as a member of such Force or Department or as an employee of the Health Corporation or the Town.
9. Pursuant to Section 419(1)(j) of the *Act*, any person who contravenes or fails to comply with any provision of these Regulations is guilty of an offence and is liable on summary conviction as provided in Section 420(1) of the *Act*, which states:
- (a) For a first offence to a fine of not less than \$100.00 and not more than \$500.00 or to a term of imprisonment of not more than one month or to both the fine and imprisonment.
  - (b) For a subsequent offence to a fine of not less than \$500.00 and not more than \$1,000.00 or to a term of imprisonment or not more than 3 (three) months or to both the fine and imprisonment.
10. Pursuant to Section 419(2), each day upon which the same offence is committed or continued is a separate offence.
11. Any time referenced in these Regulations shall mean Standard Time for the Province of Newfoundland and Labrador, or Daylight Savings Time, so called, when and during the period for which same is enforced.
12. 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.