

# Town of Portugal Cove-St. Philip's

## Nuisance Regulations

Pursuant to the authority conferred by section 414 of the Municipalities Act, 1999, the Town of Portugal Cove-St. Philip's has adopted the following policy on the 12<sup>th</sup> day of September, 2000.

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### 1. Title

This document shall be known and cited as the *Nuisance Policy*.

### 2. Interpretation

- (a) *Act*- shall mean the Municipalities Act, 1999.
- (b) *Council*- shall mean the Town Council of Portugal Cove-St. Philip's.
- (c) *Municipality*- shall mean the Town of Portugal Cove-ST. Philip's.

### 3. Policy Clauses

- (a) No person shall create a noise within the Municipality, through the use of fire-arms, fireworks, 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 Municipality, through the use of shouting or noise-making devices, for the purpose of selling wares, soliciting business or attracting attention, except as may be approved by Council.
- (c) No person shall create a noise within the Municipality, 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.
- (d) No person shall use, within the Municipality, a lawnmower, chainsaw, snowmobile or other machinery or equipment which may disturb the peace and quiet of a neighborhood, between the hours of 10:30 pm of any day to 6:00 am of the following day, except as may otherwise be approved by Council.
- (e) No person shall keep or permit to be kept in any building, premises or yard or any part thereof in the Municipality any dog which by reason of barking or howling is a nuisance to persons in the Municipality.
- (f) No person shall create a noise within the Municipality, through the use of a motor vehicle that has no muffler or a defective muffler, except as may be necessary, in the opinion of the Council, to move such a motor vehicle to a location for

associated repair, subject to the approval of law enforcement officials under the Highway Traffic Act.

(g) No person shall create a noise within the Municipality, through the squealing of tires of a motor vehicle, which, in the opinion of Council, is caused by unnecessary braking, turning or setting in motion of such motor vehicle.

(h) Nothing in this policy shall be deemed to prohibit:

- The sounding of any bell, horn or siren or other warning device of any vehicle, where the law requires, or when responding in an emergency.
- The ringing of church bells or chimes.
- The sounding of motor vehicle horns in a wedding procession or in parades is permitted by Council.

#### **4. Penalties**

Pursuant to Sections 419 and 420 of the Municipalities Act, a person who commits an offence under these sections is liable on summary conviction:

- for a first offence of a fine of not less than \$100 and not more than \$500, or a term of imprisonment of not more than one month or both the fine and imprisonment.
- for a subsequent offence to a fine of not less than \$500 and not more than \$1000, or to a term of imprisonment of not more than 3 months or to both the fine and imprisonment.

#### **5. Date Effective**

September 12<sup>th</sup>, 2000, Motion # 00-398

#### **7. Repeals**

This policy rescinds all previous regulations on this subject area.