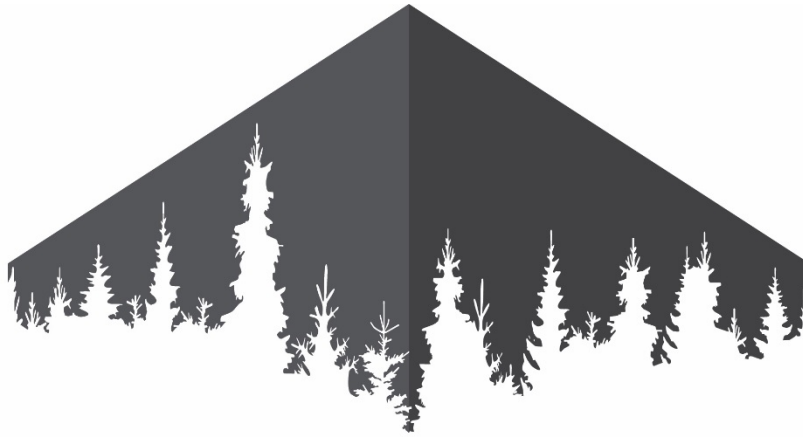




LABRADORCITY

NOISE ABATEMENT REGULATIONS, 2017

Adopted by the Town Council of the Town of Labrador City on the 28th day of April, 2020, and to come into effect as of the 29th day of April, 2020.

A copy of these amended Regulations was forwarded to the Minister of Municipal Affairs on the 29th day of April, 2020.

MAYOR_____

TOWN CLERK_____

This is not an official copy. It has been consolidated to include amendments.

PUBLISHED BY AUTHORITY

Pursuant to the authority conferred by Section 414 and any other sections found enabling under the Municipalities Act, 1999 SNL 1999 Chapter M-24 as amended, the Town of Labrador City enacts the following amended Regulations in relation to the prohibition of noise or other nuisances, including the use of pellet and air guns and fireworks as adopted by Council on the 28th day of April, 2020 and to come into effect as of the 29th day of April, 2020.

A copy of these Regulations was forwarded to the Minister of Municipal Affairs on the 29th day of April, 2020.

MAYOR_____

TOWN CLERK_____

AMENDMENTS TO NOISE ABATEMENT REGULATIONS, 2017

Amendment #	Description of Revision(s)	Effective Date of Revision
01-2020	All Sections – General document reformatting. Section 2.0 – Removal of ‘Land Use’ from definitions referring to the Town of Labrador City Land Use Development Regulations. Section 2.0 – Removal of ‘Public Address System’ definition. Section 4.0 - Reduction of permitted sound levels in Residential, Commercial & Industrial Zones. Sections 3.1(c) & 4.5 - Removal of word ‘by-law’, replaced with ‘Regulation’. Section 5.1(b) – Change of language limiting constitution of public annoyance to the discretion of the Enforcement Authority. Section 7(b) - Inclusion of reference to Section 404(1)j of the Act, addressing nuisance’s contrary to the regulations of Council. Section 8.0 – Inclusion of ‘employee’ as authorized agent to conduct inspection pursuant to the Act. Section 10.0 – Inclusion of fees and penalties for regulations contravention & general language amendments. Removal of section 10(f).	April 29, 2020

1.0 TITLE

These Regulations may be cited as the "Town of Labrador City Noise Abatement Regulations, 2017"

2.0 INTERPRETATION

For the purpose of these regulations, unless the context otherwise requires:

ACT	means the <i>Municipalities Act, 1999</i> .
APPROVED SOUND METER	means an acoustic instrumentation system which: i. is comprised of a microphone, wind screen and recorder which conforms to class 1 or class 2 requirements for an integrating sound level meter as defined by IEC 61672-1 [2013]; and, ii. has been field calibrated the day of each use, before and after collecting sound measurements by using a class 1 or class 2 field calibrator as defined by IEC 60942 [2003].
COMMERCIAL ZONE	means a zone as established in the Town of Labrador City Development Regulations in which Commercial Occupancy is a permitted use . (Amendment #01-2020)
COUNCIL	means the Town Council of Labrador City.
dBA	A-weighted decibel, means the unit used to measure the sound pressure level using the "A" weighting network setting on an approved sound meter .
dB(C)	C-weighted decibel, means the unit used to measure the sound pressure level using the "C" weighting network setting on an approved sound meter .
DAYTIME	means from 7:00 a.m. to 10:00 p.m.
ENFORCEMENT AUTHORITY	means Council or its authorized administrator.
ENGINE BRAKE	means a device used in a truck or truck tractor to slow or brake the said vehicle(s) by means of closing the exhaust valves on the engine(s) of the said vehicle(s), or other similar devices.
IEC	means the International Electro-Technical Commission.

INDUSTRIAL ZONE	means a zone as established in the Town of Labrador City Development Regulations in which a General & Light Industrial Uses are permitted uses . (Amendment #01-2020)
IMPULSIVE SOUND	means specific sound that is characterized by brief bursts of sound pressure, with the duration of each impulse usually less than 1 second, including without limitation specific sound containing "bangs", "clicks", "clatters" or "thumps" from hammering, banging of doors and metal impacts.
IMPULSIVE SOUND ADJUSTMENT	is a 5 dB A increase applied to specific sound classified as impulsive sound and a 0 dB A increase applied to specific sound that is not classified as impulsive sound .
ISO	means the International Organization for Standardization.
L _{EQ}	equivalent continuous sound pressure level, means that constant or steady sound level, rounded to the nearest decibel, which, in a specified time period, conveys the same sound energy as does the actual time-varying sound level.
MEASUREMENT TIME INTERVAL	means the total time over which sound measurements are taken, and: i. is chosen to best represent the situation causing disturbance; ii. is between 1 minute and 30 minutes; iii. is chosen to avoid influence from the residual sound where possible; and iv. may consist of a number of non-contiguous, short term measurement time intervals that add up to 1 to 30 minutes.
NIGHTTIME	means any period of any day not specifically defined as daytime .
OWNER	means the legal entity having title to a property.
PERMITTED USE	has the same meaning as the Town of Labrador Development Regulations. (Amendment #01-2020)
PERSON	means any person, firm, partnership, association, corporation, company, or organization of any kind.
POINT OF RECEPTION	a position within the property line of the real property occupied by the recipient of a sound that best represents the location at which that specific sound , emanating from another property, is received and the resulting disturbance experienced and is:

	i. at least 1.2 m from the surface of the ground and any other sound reflecting surface; and ii. outdoors, unless there is no point of reception outdoors because the specific sound is within the same building or the wall of one premises is flush against another, in which case the point of reception shall be within the building where the specific sound is received and the resulting disturbance experienced.
POLICE OFFICER	a member of the Royal Newfoundland Constabulary or a Municipal Enforcement Officer of the Town of Labrador City.
PREMISES	means: i. the area contained within the boundaries of a legal parcel of land and any building situated within those boundaries; and ii. each unit, the common areas of the building, and the land within the apparent boundaries of the legal parcel of land are each separate premises.
RATING LEVEL	means the specific sound level plus the impulsive sound adjustment and tonal sound adjustment .
RESIDENTIAL OCCUPANCY	in respect of premises , means a dwelling unit located within a building, and includes a room for rent in a hotel or motel.
RESIDENTIAL ZONE	means a zone as established in the Town of Labrador City Development Regulations in which a Residential Occupancy is a Permitted Use . (Amendment #01-2020)
SOUND	means an oscillation in pressure in air which can produce the sensation of hearing when incident upon the ear.
SPECIFIC SOUND	means the sound under investigation.
SPECIFIC SOUND LEVEL	means the equivalent continuous sound pressure level or L_{eq} at the point of reception produced by the specific sound over the measurement time interval .
STREET	includes alley, boulevard, bridge, public drive, sidewalk, square, and any part thereof open to the public.
TONAL SOUND	means specific sound which contains one or more distinguishable, discrete, continuous tones or notes including, without limitation: i. specific sound characterized by a "whine", "hiss", "screech" or "hum"; and ii. music.

TONAL SOUND ADJUSTMENT	means a 0 - 6 dBA increase applied to specific sound classified as tonal sound as determined using the approach described in ISO 1996-2 [2007] Annex C and a 0 dBA increase applied to specific sound that is not classified as tonal sound .
TOTAL SOUND	means the totally encompassing sound in a given situation at a given time, usually composed of sound from many sources near and far.
TOTAL SOUND LEVEL	means the equivalent continuous sound pressure level or L_{eq} at the point of reception produced by the total sound over the measurement time interval .
TOWN	shall mean the Town of Labrador City as defined by Order in-Council dated the 27th day of June, 1961, and any amendments thereto, according to the Municipalities Act.

3.0 APPLICATION

3.1 Application

- (a) These Regulations shall apply to all residential and commercial property and lands contained within the municipal boundaries of the Town of Labrador City.
- (b) Any time specified in these Regulations shall mean Standard Time for the **Town** or Daylight Saving Time, so called, when and during the period for which the same is in force.
- (c) Notwithstanding any other provision of these Regulations, any **person** whom is in tax arrears, owes outstanding fines to the **Town** for a regulatory violation for which he/she has been convicted, or is otherwise indebted to the **Town**, shall not be entitled to a permit issued pursuant to these Regulations until such time as all tax arrears, outstanding fines or other amounts due to the **Town** have been paid in full.

(Amendment #01-2020)

- (d) If there is a conflict between a provision of these Regulations and a provision of any other act or regulation in force within the municipal boundaries, the provisions as established under these Regulations shall prevail.

4.0 SOUND LEVELS

4.1 Residential Zone Permitted Sound Levels

In a **Residential Zone** a **person** must not make, cause or permit to be made or caused, any **sound** that has a **rating level** which:

- (a) during the **daytime** exceeds:
 - i. 50 dBA or 60 dBC when received at a **point of reception** in a **Residential Zone**;
 - ii. 60 dBA or 70 dBC when received at a **point of reception** in a **Commercial Zone**;
 - iii. 60 dBA or 70 dBC when received at a **point of reception** in an **Industrial Zone**;or
- (b) during the **nighttime** exceeds:
 - i. 45 dBA or 55 dBC when received at a **point of reception** in a **Residential Zone**;
 - ii. 50 dBA or 60 dBC when received at a **point of reception** in a **Commercial Zone**;
 - iii. 60 dBA or 70 dBC when received at a **point of reception** in an **Industrial Zone**.

(Amendment #01-2020)

4.2 Commercial Zone Permitted Sound Levels

In a **Commercial Zone** a **person** must not make, cause or permit to be made or caused, any **sound** that has a **rating level** which:

- (a) during the **daytime** exceeds:
 - i. 55 dBA or 60 dBC when received at a **point of reception** in a **Residential Zone**;
 - ii. 60 dBA or 70 dBC when received at a **point of reception** in a **Commercial Zone**;
 - iii. 60 dBA or 70 dBC when received at a **point of reception** in an **Industrial Zone**;or
- (b) during the **nighttime** exceeds:
 - i. 45 dBA or 55 dBC when received at a **point of reception** in a **Residential Zone**;
 - ii. 50 dBA or 60 dBC when the prescribed **point of reception** is outdoors or 55 dBC when the prescribed **point of reception** is indoors in a **Commercial Zone**;
 - iii. 60 dBA or 70 dBC when received at a **point of reception** in an **Industrial Zone**.

(Amendment #01-2020)

4.3 Industrial Zone Permitted Sound levels

In an **Industrial Zone** a **person** must not make, cause or permit to be made or caused, any **sound** that has a **rating level** which:

- (a) during the **daytime** exceeds:
 - i. **55 dBA or 65 dBC** when received at a **point of reception** in a **Residential Zone**;
 - ii. **60 dBA or 70 dBC** when received at a **point of reception** in a **Commercial Zone**;
 - iii. **65 dBA or 75 dBC** when received at a **point of reception** in an **Industrial Zone**;
or
- (b) during the **nighttime** exceeds:
 - i. **45 dBA or 55 dBC** when received at a **point of reception** in a **Residential Zone**;
 - ii. **55 dBA or 65 dBC** when received at a **point of reception** in a **Commercial Zone**;
 - iii. **65 dBA or 75 dBC** when received at a **point of reception** in an **Industrial Zone**;

(Amendment #01-2020)

4.4 Assessment at Locations Affected by Residual Sound

Where the **total sound level** exceeds all of the prescribed **sound** limits identified in sections 4.1 to 4.3 and is influenced by the **residual sound** at the **point of reception** such that the **specific sound** cannot be accurately measured, the **specific sound** should be measured at distances close to the source and then predicted at the **point of reception** using an internationally accepted calculation standard such as **ISO 9613-2**.

4.5 Role of the Enforcement Authority

Any **Police Officer** may measure **sound** levels with an **approved sound meter**, and may enter, with reasonable notice, upon any real property to determine compliance with the provisions of Section 4 of this Regulation.

(Amendment #01-2020)

5.0 GENERAL DUTIES AND OBLIGATIONS

5.1 Restrictions

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**, including:

- (a) The operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers, and intended for the production, reproduction of **sound**;
- (b) The operation of a motor vehicle, snowmobile, motorcycle or other mechanical equipment in such condition or manner as to disturb the peace and quiet of a neighborhood that in the opinion of the Enforcement Authority, may reasonably constitute an annoyance to residents;

(Amendment #01-2020)

- (c) 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 refrigeration 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;
- (d) The discharge of firearms or the detonation of fireworks, firecrackers or explosive devices not used in construction, unless authorized by the Office of the Fire Commissioner and the Office of the Fire Chief, Town of Labrador City;
- (e) The use any noise-making device including that of voice, which would be heard in the **streets** to sell anything, to solicit business or attract attention, without first having obtained a permit from **Council**;
- (f) The use a motor vehicle horn or other horn any more than is reasonably necessary for the safety and warning of other traffic or pedestrians;
- (g) The operation a motor vehicle unless it is equipped with a muffler so constructed to prevent noise;
- (h) No **person** shall, except in the case of an emergency, cause noise or **sound** by the squealing of tires or brakes of a motor vehicle caused by unnecessarily rapid braking, turning or setting in motion of such motor vehicle;
- (i) No **person** shall, except in the case of an emergency, use an **Engine Brake** of any kind to slow or stop a motor vehicle;

- (j) 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 between 11:00 p.m. and 7:00 a.m. daily in, or within 100 metres of, a **Residential Zone**;
- (k) The operation of any equipment in connection with construction between 10:00 p.m. and 7:00 a.m. daily in, or within 100 metres of a **Residential Zone**;
- (l) The operation or use of any tool for domestic purpose other than snow removal between 10:00 p.m. and 7:00 a.m.
- (m) The operation of solid waste bulk lift or refuse compacting equipment between 10:00 p.m. and 7:00 a.m. daily in, or within 100 metres of a **Residential Zone**.

6.0 PERMITS AND EXEMPTIONS

6.1 Permits and Exemptions

- (a) Notwithstanding any other provision in these Regulations, it shall be lawful to emit or cause or permit the emission of **sound** or vibration in connection with emergency measures undertaken:
 - i. For the immediate health, safety or welfare of the inhabitants or any one of them; or
 - ii. For the preservation or restoration of property, unless such **sound** or vibration is clearly of a longer duration or nature more disturbing than is reasonably necessary for the accomplishment of such emergency purpose.
- (b) Notwithstanding anything contained in these Regulations, any **person** may make application to **Council** to be granted an exemption from any of the provisions of these Regulations with respect to any source of **sound** for which he/she might be prosecuted and **Council**, by resolution, may refuse to grant any exemption or may grant the exemption applied for or any exemption of lesser effect and any exemption granted shall specify the time period, not in excess of six months, during which it is effective and may contain such terms and conditions as **Council** sees fit.
- (c) The application referred to in paragraph b) shall be made in writing and shall contain:
 - i. The name and address of the applicant;
 - ii. A description of the source of **sound** in respect of which exemption is sought.
 - iii. The period of time, of a duration not in excess of six months, for which the exemption is sought;

- iv. The reasons why the exemption should be granted; and
 - v. A statement of the steps, if any, planned or presently being taken to bring about compliance with these Regulations.
- (d) **Council** shall consider the application, opinion of staff as to the merits of the application and terms and conditions, including but not limited to volume of **sound** and time period, which should be imposed if the exemption is granted and any other matters as **Council** sees fit.
- (e) Any exemption granted may be cancelled by the **Enforcement Authority** at any time if he/she shall be of the opinion that the operation for which the exemption or permit was issued violates any of the terms and conditions attached thereto or tends to disturb the peace and tranquility of the **Town** or any portion thereof;
- (f) Breach by the applicant of any of the terms or conditions of the exemption shall render the exemption or permit null and void, and constitute a violation of these Regulations;
- (g) The provisions of these Regulations shall not apply to:
- i. Any member of the Royal Newfoundland Constabulary, the Town of Labrador City Fire Department or any employee of the **Town**, while such member or employee is employed in the execution of his/her duties as a member of such Force or Department or as an employee of the **Town**;
 - ii. A **person** or an employee of any firm or corporation performing any work for the **Town** while such **person** or employee is employed in the execution of his/her duties in connection with the performance of any such work for the **Town**;
 - iii. A Special Event sanctioned by the **Town**;
- (h) Nothing in these Regulations shall be deemed to prohibit the following:
- i. The sounding of any bell, horn, siren, or other signal device on any motor vehicle, motorcycle, bicycle, or other vehicle of whatsoever kind, when the sounding of such signal device is required by law;
 - ii. The sounding of the siren or horn on any vehicle of the Police or Fire Department of any ambulance or any public service emergency vehicle while answering a call;
 - iii. The ringing of church bells;
 - iv. The sounding of railway bells, horns, and signals;
 - v. The sounding of industrial whistles.

7.0 POWERS OF ENFORCEMENT AUTHORITY AND COMPLIANCE

7.1 Enforcement

- (a) Enforcement and prosecution under these Regulations may be undertaken by any **Police Officer** or by any other **person** so authorized by the **Enforcement Authority**.
- (b) Pursuant to Section 404(1)j of the Act, a council may make an order that a person who causes a nuisance contrary to the regulations of the council cease causing that nuisance. The **Enforcement Authority** may serve upon the **owner** or any other **person** in violation of a provision of these Regulations, a serially numbered notice advising the nature of the violation and required action to conform with the standards as set out in these Regulations.

(Amendment #01-2020)

- (c) The **owner** or any other **person** served a notice shall carry out the directions of the **Enforcement Authority** referred to in Section 6 b) at the cost of the **owner** or **person** served within the time specified.
- (d) Where the **Enforcement Authority** has placed or caused the placing of a sign, placard, or notice upon any **premises** under the authority of these Regulations or any other applicable law, by-law or regulation, no **person** shall remove such sign, placard, or notice except with the consent of the **Enforcement Authority**.
- (e) Any costs to the **Town** for all works carried out in response to a violation of these Regulations, in addition to any penalty prescribed hereunder, may be recoverable from the **owner** or the **person** in contravention of these Regulations as a civil debt and shall attach to the property as a secured claim.
- (f) Every **person** requested by a **Police Officer** or **person** authorized to enforce these Regulations shall upon request, forthwith give his/her proper name and address.
- (g) It shall be the duty of a **Police Officer** or the **Enforcement Authority** to:
 - i. Report the name and address of any **person** observed, or reliably reported to have violated any of the provisions of these Regulations;
 - ii. Report the time and nature of the violation of the Regulations, and any circumstances being relevant to the violation;
 - iii. Serve upon the **person** violating and provision of these Regulations a serially numbered notice that the **person** concerned has violated a provision of the Regulations, and instructing such **person** to carry out any order in regard to such violation;
 - iv. Furnish the Town Clerk a duplicate of each serially number notice of violation.

8.0 RIGHT OF ENTRY

Pursuant to Section 158 of the Act, duly authorized employees or agents of Council have the authority to enter a property, upon reasonable notice, for the purposes of inspection as required under these Regulations.

(Amendment #01-2020)

9.0 FAILURE TO COMPLY

- (a) Pursuant to Section 404(5) of the Act, where a **person** to whom an order is directed does not comply with the order or part of an order made under Section 7(b) of these Regulations, **Council** may take the action that it considers necessary to carry out the terms of the order and any costs, expenses or charges incurred by **Council** in carrying out the terms of the order are recoverable from the **person** against whom the order was made as a civil debt owed to **Council** and shall attach to the property as a secured claim.
- (b) **Council** may delegate to an official or employee of **Council** the power to issue orders under this section.
- (c) **Council**, its employees, servants or agents shall be saved harmless from any and all claims arising out of the actions of **Council**, its employees, servants or agents in the process of inspecting and/or carrying out work under these Regulations, except in the case of gross negligence.

10.0 OFFENCE AND PENALTY

- (a) Non-compliance or contravention of any of the provisions identified in these regulations shall result in liability for the penalties and fees as set from time to time in Schedule A of the Town of Labrador City Municipal Fees; and
- (b) Pursuant to the *Town of Labrador City Violation Notice Regulations*:
 - i. The **Town** may issue a violation notice with respect to failure to comply with a provision of these regulations; and,
 - ii. Where a violation notice has been issued by the **Town**, a **person** shall be liable for penalties pursuant to the *Town of Labrador City Violation Notice Regulations*.
- (c) Pursuant to s.419(1) of the **Act**:
 - i. a person whom contravenes these regulations commits an offence; and,

- ii. Pursuant to s.419(2) of the Act, each day upon which the same offence is committed or continued is a separate offence.
- (d) Each **person** who commits 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 fine pursuant to s.420(1) of the **Act**.
- (e) The conviction of a **person** for failing to comply with a requirement or obligation referred to in section 10.d shall not operate as a bar to further prosecution under these regulations for the continued failure on the part of the **person** to comply.

(Amendment #01-2020)

11.0 SEVERABILITY

If a court of competent jurisdiction should declare any section or part of a section of these Regulations to be invalid, such declaration shall not affect the remainder of these Regulations and the remainder of these Regulations should be valid and shall remain in force.

12.0 REPEAL OF PREVIOUS REGULATIONS

All previous noise abatement regulations relating for the **Town** are hereby repealed.