



# WABUSH

## NOISE & NUISANCE REGULATIONS

### PUBLISHED BY AUTHORITY

1. These Regulations may be cited as the Town of Wabush Noise and Nuisance Regulations, 2022.
2. Interpretation - In these Regulations, unless the context otherwise requires:
  - a) "Act" means the Municipalities Act, 1999, SNL 1999 Chapter M-24 as amended.
  - b) "Air Gun" means those guns commonly referred to as "BB" 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 Wabush.
  - d) "Enforcement Authority" means Council or its authorized administrators.
  - e) "Nuisance" means anything, in the opinion of Council or any Person authorized by Council, that endangers life or health, gives offence to the senses, violates the laws of decency, or obstructs reasonable and comfortable use of property in any way, and includes any obnoxious substances, smoke, animal waste or unsanitary matter or noise that has an unpleasant effect on the senses.
  - f) "Owner" means the legal entity having title to a property.
  - g) "Occupant" means any Person who is an agent, tenant, or occupier of a property.

- h) "Person" means any person, firm, partnership, association, corporation, company, co-operator, club, society, or any other corporate body or organization of any kind.
- i) "Point of Reception" means any point on the property of a Person where sound originating from another property is received.
- j) "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.
- k) "Quiet Hours" means the period between 11:00 p.m. of any given day and 7:00 a.m. of the following day.
- l) "Residential Zone" means a zone as established in the Town of Wabush Development Regulations in which a residential use is a permitted use.
- m) "Street" includes any alley, boulevard, bridge, court, footway, highway, lane, park, public drive, sidewalk, square, and any part of them open for public use.
- n) "Town" means the Town of Wabush.

### **3. Application**

Any time specified in these Regulations shall mean Standard Time for the Town or Daylight Savings Time, so called, when and during the period for which the same is in force.

#### **4. Nuisance**

- a) No Person shall at any time cause to occur or participate in raucous or unseemly behavior or cause any other Nuisance.
- b) No Owner or Occupant of any property in the Town shall knowingly permit or allow any Nuisance or raucous or unseemly behavior to occur on the Owner or Occupant's property.

#### **5. Noise Restrictions**

- a) 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:
  - o Shouting or the use of noise-making devices or Public Address Systems, including but not limited to the purpose of selling wares, soliciting business, or attracting attention.
  - o 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 the Enforcement Authority disturbs or may disturb the peace and tranquility of any Person residing in the vicinity of a Point of Reception.
  - o The detonation of fireworks or explosive devices not used in construction, unless authorized by the Enforcement Authority and subject to the approval of law enforcement or other regulatory agencies, except for statutory holidays as declared for New Year's Eve and Canada Day.
  - o The excessive barking or howling of any animal that is in the care or control of any person.

- 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:
  - 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
  - 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.
- 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.
- The operation of any equipment in connection with construction during Quiet Hours in, or within 100 meters of a Residential Zone.
- The operation or use of any tool for domestic purposes other than snow removal during Quiet Hours.
- 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.
- The operation of a solid waste bulk lift or refuse compacting equipment during Quiet Hours in, or within 100 meters of a Residential Zone.
- 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.
- The blowing of any steam whistle attached to any stationary boiler.

- The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- 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.
- 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.
- 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.
- The use of a motor vehicle horn or other horn, except as may be reasonably necessary in the opinion of Council for the safety and warning of traffic and/or pedestrians.
- 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.
- 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, except in the case of an emergency.
- Firing or discharge of an Air Gun within the Town.

## **6. Exceptions**

a) Nothing in these Regulations shall be deemed to prohibit:

- ❖ The sounding of any bell, horn, siren or other warning device of any vehicle or bicycle, where the law requires or when responding to an emergency.
- ❖ The ringing of church bells or chimes.
- ❖ The sounding of industrial whistles.
- ❖ The sounding of motor vehicle horns in a wedding procession or in parades permitted by Council.
- ❖ Musicians or performers providing outdoor entertainment involving sound reproduction devices during events staged by or on behalf of the Town.
- ❖ Municipal snow clearing or removal activities.
- ❖ The removal of snow by heavy equipment.

b) The provisions of these Regulations shall not apply to:

- ❖ Any member of the Royal Canadian Mounted Police, Municipal Enforcement Officers, or the Town of Wabush Fire Department; or
- ❖ 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.

## **7. License**

1. The Enforcement Authority may, upon receiving an application, permit a license for any act prohibited herein.
2. The application referred to in Section 7 (a) 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 from these Regulations is sought.
  - III. A statement of the particular provision or provisions of these Regulations for which exemption is sought.
  - IV. The period, of a duration not more than six months, for which the exemption is sought.

- V. The reasons why the exemption should be granted; and
  - VI. A statement of the steps, if any, planned or presently being taken to bring about compliance with these Regulations.
3. 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 the Enforcement Authority is of the opinion that the act disturbs or may disturb the peace and tranquility of the Town or any portion thereof.
  4. Such license may be granted upon such other terms and conditions as may be determined by the Enforcement Authority, including the volume of sound to be reproduced by any apparatus or device, and shall be for such period as stated in such license.
  5. Any license granted under Section 7 (a) of these Regulations may be cancelled or revoked at any time by the Enforcement Authority for any reason, including but not limited to if the Enforcement Authority is 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.
  6. 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.

**8. 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. It shall be the duty of a Police Officer or the Enforcement Authority to enforce these Regulations and to:
- c. Report the name and address of any person observed or reliably reported to have violated any of the provisions of these Regulations.
- d. Report the time and nature of the violation of the Regulations, and any
- e. circumstances being relevant to the violation.

- f. Every Person requested by any Person authorized by Council to enforce these Regulations shall upon request, forthwith give his/her proper name and address.
- g. Pursuant to Section 401 (1) of the Act, the Enforcement Authority may serve upon the Owner or Occupant or any other Person in violation of a provision of these Regulations, a serially numbered notice advertising the nature of the violation and required action to conform to the standards as set out in these Regulations.
- h. The Owner or any Person served a notice shall carry out the directions of the Enforcement Authority referred to in Section 8 (d) at the cost of the Owner or Person within the time specified. A failure to do so shall constitute an offence under these Regulations.

## **9. Right of Entry**

Pursuant to Section 158 of the Act, Council or its duly authorized agents have the authority to enter a property for the purposes of inspection or to carry out work as required under these Regulations.

## **10. 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 8 (d) 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 term of the order are recoverable from the Person against whom the order was made as a civil debt owed to Council.
- 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 all claims arising out of the action 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.



## **11. Penalties**

- a) Pursuant to Section 419 (2) of the Act, each day upon which the same offence is committed or continued is a separate offence.
- b) 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:
  - i) Shall be liable to penalties as stipulated in accordance with Section 420 of the Municipalities Act, 1999.
  - ii) Shall be subject to an order under Section 404 (1) (j) of the Municipalities Act, 1999.
  - iii) Shall be subject to a violation notice issued under Section 421.1 (1) of the Municipalities Act, 1999; or
  - iv) Shall be issued a ticket under the Provincial Offences Act in accordance with Section 421.2 of the Municipalities Act, 1999.

- 12.** These Regulations will be enforced by the Municipal Enforcement Officer, or any per appointed by Council.

**13. Coming Into Effect**

These Regulations shall come into effect on the 25<sup>th</sup> day of August 2022.

**14. Publication**

A notice of these Regulations was published on website on the 6<sup>th</sup> of September, 2022.

**Repeal of Previous Regulations and Amendments**

All previous Town of Wabush Nuisance Regulations and Town of Wabush Noise Regulations and amendments are repealed.

In witness whereof the seal of the Town of Wabush has been affixed herewith and the Mayor and the Town Manager have signed these Regulations on behalf of the Wabush Town Council, this 25<sup>th</sup> day of August, 2022.

Ron Barron  
Ron Barron, Mayor

Kathy Bolger  
Witness

GP  
Charlie Perry, CAO/Town Manager

