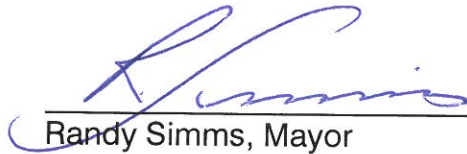


## PUBLISHED BY AUTHORITY

Pursuant to the authority conferred by the City of Mount Pearl Act, RSN 1990, Chapter C-16, Sections 278, 279 and 280, the following Mount Pearl Noise Regulations 2012 have been made by the City Council of the City of Mount Pearl and were approved on the 21<sup>st</sup> day of April, 2015 A.D.

In accordance with Section 39 of the City of Mount Pearl Act a Notice of Motion to adopt amendments to the Mount Pearl Noise Regulations was given at the City's regular Public Council meeting held on the 24<sup>th</sup> day of March, 2015 A.D.

  
Randy Simms, Mayor

  
Michele Peach, Chief Administrative Officer

---

1. Title

These Regulations shall be known and cited as the City of Mount Pearl "*Noise Regulations 2015*" (hereinafter referred to as "these Regulations").

2. Interpretations

In these Regulations unless the context otherwise requires

- a) "*Act*" means the City of Mount Pearl Act, Chapter C-16, R.S.N., 1990 and amendments thereto.
- b) "*City*" means the municipal corporation of the City of Mount Pearl or the geographic area of the City of Mount Pearl as the context requires;
- c) "*Council*" means the Council of the City of Mount Pearl;
- d) "*dBA*" means the sound level in decibels obtained when using a sound level meter with the A weighting;

- e) "*Fireworks*" means a combustible or explosive device for producing a striking display of light or a loud noise, used for signaling or as part of a celebration.
- f) "*Inspector*" means a City Inspector, Municipal Enforcement Officer or other person appointed by the Council to enforce the provisions of the City Regulations;
- g) "*Motorized Snow Vehicle*" means a self-propelled vehicle designed to be driven primarily on snow or ice or both;
- h) "*Noise Level in dBA Units*" means the reading of any precision sound level meter which meets the International Electrotechnical Commission Publication 651 or the American National Standards Institute S1.4-1983;
- i) "*Point of Reception*" means any point on the premises of a person where sound or vibration originating from other than those premises is received;
- j) "*Public Address System*" means any system of loudspeakers, amplifiers, 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 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) "*Sound*" means the oscillation in pressure, stress, particle displacement or particle velocity, in a medium with internal forces (i.e., elastic, viscous) or the super position of such propagated oscillations, which oscillations are capable of causing an auditory sensation;
- l) "*Street*" includes alley, boulevard, bridge, court, footway, highway, lane, park, public drive, sidewalk, square, and any part of any of them open to the public use.

### 3. General Prohibition

No person shall make, continue or cause to allow to be made or continued any loud, unnecessary or unusual noise or any noise whatsoever which either annoys, disturbs, injures, endangers, or detracts from the comfort, repose, health, peace or safety of other persons within the limits of the City, except in accordance with these Regulations.

4. Peace and Tranquility

Notwithstanding Section 3, the following acts, among others, are hereby declared to be noises which disturb or tend to disturb the peace and tranquility of the City or any portion thereof:

- a) the construction (including excavating), repairing, altering, or demolishing of any building, wall, or other structure;
- b) the blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon the request of a City Inspector or Municipal Enforcement Officer;
- c) 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;
- d) the creation of loud, unusual or unnecessary noise in the operation of a motor vehicle upon a public street within the municipal boundary of the City of Mount Pearl whether the noise is caused by the mechanical condition of the motor vehicle or the manner which the motor vehicle is operated and whether or not the vehicle is stationary or moving at the time of the noise is created;
- e) the creation of a loud or explosive noise in connection with loading or unloading any vehicle or the opening or destruction of bales, boxes, crates, and containers;
- f) the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, grader, snow plow, snow removal equipment, or other appliance, the use of which is attended by loud or unusual noise;
- g) 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 fan is muffled and the engine is equipped with a muffler device sufficient to deaden such noise;
- h) the discharge of fireworks or explosive devices on any day with the exception of New Year's Eve, and Canada Day, or

- i) the excessive barking or howling of any animal that is the care or control of any person.

5. Fireworks On New Year's Eve and Canada Day

No person shall discharge fireworks except:

- a) between dusk on December 31 and 00:30 am on January 1, more commonly known as New Year's Eve; and,
- b) between dusk and 11:00 p.m. on Canada Day.

6. Air Conditioners, Heat Pumps, Compressors, Condensers, Chillers, Cooling Towers, and Similar Devices

No person shall use or operate or cause to be used or operated any air conditioner, heat pump, compressor, condenser, chiller, cooling tower or similar device, the noise from which has a level greater than 55 dBA when measured at the property boundary of the property from which the source of the noise is emanating or the point of reception.

7. Exhaust Fan, Exhaust System, Intake Fan Generators, Commercial Dryer Or Similar Device

- a) No person shall use or operate or cause to be used or operated any exhaust fan, exhaust system, intake fan, generators, dryer in a commercial car wash or similar device which includes combustion exhaust of a high efficiency furnace, the noise from which has a level greater than 55 dBA when measured at the property boundary of the property from which the source of the noise is emanating or the point of reception.
- b) Subsection (a) does not apply to a person using or operating a portable generator in a residential area in an emergency situation.

8. Pump Or Filtration Systems

No person shall use or operate or cause to be used or operated any pump, filtration system or similar device for an outdoor swimming pool, hot tub, spa, fountain, or water feature, the noise from which has a level greater than 55 dBA when measured at the property boundary of the property from which the source of the noise is emanating or the point of reception.

9. Hours of Operation

Between the hours of eleven (11:00) o'clock in the evening on any day and seven o'clock (7:00) in the forenoon of the following day, no person, firm or company or owner of any land or building or premises shall, in the City, operate, conduct or carry on any industry, business, trade, or vocation whatever, which makes or allows to be made in connection with such operation, conduct or carrying on of such industry, business, trade, or vocation, any noise or music which disturbs the peace and tranquility of the City or any portion thereof, or which disturbs or tends to disturb the peace and tranquility of any person residing in the vicinity of such street, building, or place, or which can reasonably be deemed to be an annoyance to any person residing or carrying on business or being in the vicinity of such street, building or place.

10. License

No person shall, in the City, operate or cause or permit to be operated any public address system, gramophone, radio or other device or apparatus for reproducing or amplifying sound, the sounds of which are capable of being heard on any street in the City, without having first received a license from an Inspector or from the Council as hereinafter provided;

- a) such license may be granted by an Inspector for the operation of such apparatus or device between the hours of ten o'clock in the forenoon and ten o'clock in the afternoon, and may be refused if the Inspector shall be of the opinion that the operation of such apparatus or device disturbs or tends to disturb the peace and tranquility of the City or any portion thereof;
- b) such license may be granted upon such other terms and conditions as may be determined by an Inspector, including the volume of sound to be reproduced by such apparatus or device, and shall be for such period as stated in such license; or
- c) any license so granted may be cancelled by an Inspector at any time if an Inspector shall be of the opinion that the operation of such apparatus or device for which such license was issued violates any of the terms and conditions attached to such license or disturbs or tends to disturb the peace and tranquility of the City or any portion thereof.

11. Granting of a License

- a) Notwithstanding the provisions of Section 9, an Inspector may grant a license to operate, conduct, or carry on any industry, business, trade, or

vocation which makes or allows to be made in connection with such operation, conduct or carrying on of such industry, business, trade or vocation any noise which disturbs or tends to disturb the peace and tranquility of the City or any portion thereof between the hours of eleven o'clock (11:00) in the evening and seven o'clock (7:00) in the forenoon of the following day if, in the opinion of an Inspector, such operation, conduct or carrying on of such industry, business, trade or vocation is necessary in the interests of public health and safety.

- b) Such license may be granted upon such terms and conditions as may be determined by an Inspector and shall be for a period not to exceed three (3) days.

12. License Fee

The fee to be paid for any license issued under the provisions of Section 9 or 10 of these Regulations shall be as per the City's Schedule of Rates and Fees.

13. Exceptions

The provisions of these Regulations shall not apply to:

- a) any member of the Royal Newfoundland Constabulary, the Royal Canadian Mounted Police, the St. John's Fire Department, or any employee of the City, while such member is employed in the execution of his duties as a member of such Constabulary, Policy, Department, or employee of the City;
- b) a person or an employee of any firm or corporation performing any work for the City while such person or employee is employed in the execution of his duties in connection with the performance of any such work for the City;
- c) musicians or performers providing outdoor entertainment involving sound reproduction devices during the events staged by or on behalf of the City;
- d) municipal snow clearing or removal activities;
- e) snow clearing and removal operations for hire during a snowfall event and for a period of twenty-four (24) hours after the end of a snow fall event; or
- f) the use of bells or chimes for the announcing of public worship services.



14. Time

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

15. Enforcement

These Regulations may be enforced by the Royal Newfoundland Constabulary, Royal Canadian Mounted Police, Municipal Enforcement Officer, Peace Officer or any person appointed by Council.

16. Penalties

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 shall be liable:

- a) to penalties as stipulated under regulations as made in accordance with sections 280.1, 280.2, 280.3 and 280.4 of the City of Mount Pearl Act, C-16 and amendments thereto; or
- b) on summary conviction to a fine in accordance with the City of Mount Pearl Act, Section 438.

17. Coming Into Effect

These Regulations come into effect on the 1<sup>st</sup> day of May, 2015 A.D.

18. Publication

Notice of these Regulations are published in The Telegram on the 25<sup>th</sup> day of April, 2015 A.D. and in the Newfoundland and Labrador Gazette on the 1st day of May, 2015 A.D.

19. Copy to Minister

A copy of these Regulations was sent to the Minister of Municipal Affairs on the 29<sup>th</sup> day of April, 2015 A.D.

20. Repeal of Previous Regulations and Amendments

All previous City of Mount Pearl Noise Regulations and amendments are repealed.