

## **CITY OF CORNER BROOK NOISE REGULATIONS**

PURSUANT to the powers vested in it under Sections 236, 266 and 278 of the *City of Corner Brook Act*, R.S.N.L. 1990, c. C-15, as amended, and all other powers it enabling, the Corner Brook City Council, in a session convened on the 21<sup>st</sup> day of April, 2008, hereby passes and enacts the following regulations.

1. These regulations may be cited as *The City of Corner Brook Noise Regulations*.

### **Definitions**

2. In these Regulations:
  - (a) "City" means the City of Corner Brook.
  - (b) "Council" means Corner Brook City Council.
  - (c) "Motor vehicle" means an automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power;
  - (d) "Noise" includes any loud outcry, barking, clamour, shouting or movement which has an unpleasant effect on the senses of a person or persons, or any sound that is loud, harsh or undesirable and which has an unpleasant effect on the senses of a person or persons.
  - (e) "Person" includes any company, corporation, owner, partnership, firm, association, society or party.
  - (f) "Property" means real property and includes land, other than a highway, together with all improvements which have been so affixed to the land as to make them in fact and in law a part thereof.

### **General Regulations**

3.
  - (a) No person shall make or cause, or permit to be made or caused, any noise in or on a public or private place which unreasonably disturbs the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons on the same property or in the neighborhood or vicinity.
  - (b) No person being the owner, tenant or occupier of property shall allow or permit such property to be used so that noise or sound which occurs

thereon or emanates therefrom, unreasonably disturbs the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons on the same property or in the neighborhood or vicinity.

- (c) No person shall play or operate any radio, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound either in or on private premises or in any public place in any manner which unreasonably disturbs the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons on the same property or in the neighborhood or vicinity.
- (d) Notwithstanding these Regulations, Council may, at its discretion, and by way of granting a special permit for a specified period of time, waive these Regulations for special events, including but not limited to festivals, concerts, races and parades.
- (e) No person shall own, keep or harbour any animal or bird which, by its cries, unreasonably disturbs the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons on the same property or in the neighborhood or vicinity.
- (f) No hawker, huckster, peddler, newsvendor, or other person shall use any noise-making device which can be heard in the streets or on land within the City to sell wares, solicit business or attract attention, without first having obtained a permit from Council.
- (g) Between the hours of 10 p.m. and 7 a.m., no person shall use a lawnmower, saw, chain saw, or any other machinery or equipment, which is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons on the same property or in the neighborhood or vicinity.
- (h) No person shall load, unload, deliver, collect, pack, unpack or otherwise handle any containers, products, materials, or refuse whatsoever before 7:00 a.m. or after 10:00 p.m. in any residential area in any manner which unreasonably disturbs the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons on the same property or in the neighborhood or vicinity.
- (i) No person shall discharge or cause to be discharged a firearm within the City unless specifically permitted to do so by Council.
- (j) Notwithstanding section 3 (i), nothing in these Regulations shall prohibit any peace officer, or any other person authorized to carry a firearm in the

performance of his or her occupation, from discharging a firearm in the performance of his or her occupational duties.

- (k) No person shall fire or set-off any sort of firecracker or firework within the City unless permitted to do so by Council.

#### **Motor Vehicle Noises**

- 4. (a) No person shall operate a motor vehicle that emits a grating, grinding or rattling noise or any other noise caused by a condition of disrepair or maladjustment of the motor vehicle or part or accessory thereof which unreasonably disturbs the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons on the same property or in the neighborhood or vicinity.
- (b) No person shall cause the squealing of tires or brakes of a motor vehicle by the unnecessary, excessive or rapid braking, turning or setting in motion of a motor vehicle.
- (c) No person shall operate a motor vehicle that contains an engine, exhaust system, or other apparatus or accessory, which produces noise or sounds that are unreasonably loud or explosive.

#### **Construction Hours**

- 5. (a) No person in the City shall on any day before the hour of 7:00 a.m. or after the hour of 10:00 p.m., construct, erect, reconstruct, alter, repair or demolish any building, structure or thing or excavate or fill in land in any manner which unreasonably disturbs the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons on the same property or in the neighborhood or vicinity.
- (b) Where it is impossible or impractical to comply with this Section, Council may give written approval to carry on the work that is found to be necessary at designated hours. However, responsibility for obtaining written approval lies with the person carrying on the work.

#### **Non-Residential Uses in Proximity to Residential Dwellings**

- 6. (a) No person shall operate or cause to be operated any place of entertainment where any side of the building in which the place of entertainment is located directly faces a residential dwelling unless all windows and doors of the building in which the place of entertainment is

located which face the residential dwelling are kept closed between the hours of 10:00 p.m. and 7:00 a.m.

- (b) Notwithstanding Section 6(1), nothing in these regulations shall prohibit the use or opening of any window or door in the case of an emergency.
- (c) No person shall place or cause to be placed on any side of a building which is a place of entertainment and which directly faces a residential dwelling, any loud speaker or any other noise making device except those devices installed for the purpose of alerting persons to fires, burglaries or other emergencies.
- (d) No part of any place of entertainment shall be permitted outside the building in which the place of entertainment is located where such part would directly face a residential dwelling.
- (e) Unless otherwise approved by Council, no new place of entertainment shall be constructed, opened or re-opened such that the building in which the place of entertainment is located would have windows or doors directly facing a residential dwelling, with the exception of any emergency exits which are required by law.
- (f) When considering an application to construct, open or re-open a place of entertainment in which windows or doors would directly face a residential dwelling, Council shall take into consideration any noise reduction and sound proofing measures proposed and may, if satisfied with the extent of the noise reduction and sound proofing measures proposed, conditionally approve the application.

### **Application**

- 7. Nothing in these Regulations shall prohibit the following:
  - (a) The sounding of any bell, horn, siren, or other signal device on any motor vehicle when the sounding of such signal device is permitted by law;
  - (b) The sounding of the siren or horn on any vehicle of the Police or Fire Department or any ambulance or any public service or emergency vehicle while answering an emergency call;
  - (c) The ringing of any church bells;
  - (d) The sounding of industrial whistles; or

- (e) The removal or clearing of snow by equipment.

#### **Enforcement and Penalty**

- 8. (1) Where any person contravenes any provision of this Regulation and where any person neglects to do or refrains from doing anything required to be done by any of the provisions of these Regulations:
  - (a) such person is guilty of an offence and liable on summary conviction to a fine or to a period of imprisonment in accordance with the *City of Corner Brook Act*; and
  - (b) such person may be issued a violation notice pursuant to section 280.1 of the *City of Corner Brook Act*.
- 2) All Municipal Enforcement Officers are designated persons employed by Council who may issue a violation notice pursuant to section 280.1 of the *City of Corner Brook Act* for any contravention or failure to comply with these Regulations.

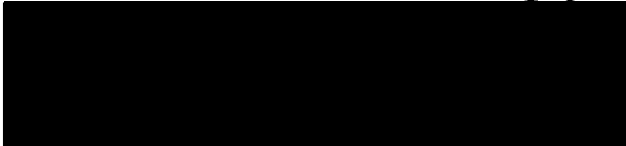
#### **9. Severability**

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.

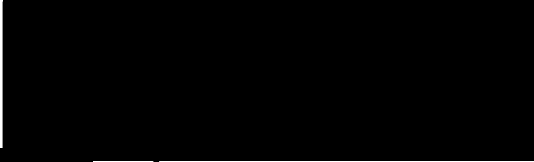
#### **10. Enactment and Repeal**

These regulations shall come into force as of the date enacted by Council and the City of Corner Brook Noise Regulations and all amendments thereto are hereby repealed upon the coming into force of these Regulations.

**IN WITNESS WHEREOF** these Regulations are sealed with the Common Seal of the City of Corner Brook and subscribed by and on behalf of the Council by the Mayor and City Clerk, at Corner Brook, in the Province of Newfoundland and Labrador, this 5<sup>th</sup> day of May, 2008.



MAYOR



CITY CLERK



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Second Reading – April 21, 2008


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**PURSUANT** to the powers vested in it under Sections 236, 266 and 278 of the City of Corner Brook Act, R.S.N.L. 1990, c. C-15, as amended, and all other powers it enabling, the Corner Brook City Council, in a session convened on the 21<sup>st</sup> day of June, 2010, hereby passes and enacts the following amendments to the City of Corner Brook Noise Regulations:

- (1) the opening paragraph to state: *"PURSUANT to the powers vested in it under Sections 236, 265, 266, 267, 268, 269 and 278 of the City of Corner Brook Act, R.S.N.L. 1990, c. C-15.*
- (2) Section 6 (b) to state *"Notwithstanding section 6(a), nothing in these regulations shall prohibit the use or opening of any window or door in the case of an emergency."*
- (3) Section 6 (d) to state *"No part of any place of entertainment shall be outside the building in which the place of entertainment is located where such part would directly face a residential dwelling, unless granted a permit to do so by Council under section 6(a)."*
- (1) To insert Section 6 (g) to state: *"Notwithstanding the other provisions of this Regulation, Council may, upon provision of proof satisfactory to Council of compliance with all other applicable municipal, provincial and federal laws, grant a person an annual permit, upon such terms as Council deems fit, to operate a portion of the business of their restaurant, club or café upon the exterior of a building, provided that:*
  - (i) *the entertainment offered is limited to the service of food, beverages or both food and beverages and no other entertainment shall be permitted;*
  - (ii) *the area in which the service of food, beverages or both food and beverages is contained by a fence satisfactory to Council;*
  - (iii) *the operation of the exterior portion of the place of entertainment shall be at all times in compliance with section 3 of these Regulations; and*
  - (iv) *Council may revoke the permit in the event of a conviction of any person for a breach of these Regulations committed in that portion of the business of their restaurant, club or café upon the exterior of a building that was subject to the permit."*



Neville L. Greeley, Mayor



Marina Redmond, City Clerk

**First Reading: 17 May 2010**

**Approved by Council: 21 June 2010**

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