

PUBLISHED BY AUTHORITY

The following regulations have been made by the Town Council of the Town of Carbonear under the provisions of the Section 414(2)(ee) of the Municipalities Act, 1999 as amended.

Amended and adopted by the Town Council of the Town of Carbonear on the 27th day of May, 2002.

MAYOR

TOWN CLERK

NUISANCE REGULATIONS

1. These regulations may be cited as the Town of Carbonear Nuisance Regulations.
2. In these regulations, unless the context otherwise requires:
 - (a) “Act” means *Municipalities Act, 1999*, as amended;
 - (b) “Council” means the Town Council of the Town of Carbonear;
 - (c) “Highway” means the entire width between the boundary lines of a highway, road, street, avenue, thoroughfare, right of way, parkway, driveway, lane, alley, square, place, bridge, culvert, viaduct, trestle, or causeway, whether or not it is publicly or privately owned and whether or not it is designed or intended for use by the public, if the whole or any part of it is used by the public for the passage of motor vehicles;
 - (d) “Litter”, means any refuse of plastic, metal, glass, paper, stone, concrete, wood, cloth, earth, sod, gravel, and includes construction and includes building materials;
 - (e) “Nuisance”, means anything or any condition of things which is or may become injurious or dangerous or presents an obstruction to pedestrians or vehicular traffic or anything or any condition of things that, in the opinion of Council, has an unpleasant effect on the senses or adversely affects the amenities of the surrounding property and includes, but is not limited to
 - (i) noise;
 - (ii) smoke;
 - (iii) odours; and

- (iv) vibration

 - (f) “Owner” includes agent, tenant or occupier;
 - (g) “Sidewalk” means any area used or intended for the use of pedestrians; and etc.
 - (h) “Town” means the Town of Carbonear as defined in the *Town of Carbonear Order O.C.96-170*.
 - (i) “Town Property” means any property, real or personal, owned by the Town;
3. No person, firm or corporation shall deposit, throw, sweep, shovel or place snow or ice from any private property upon any Town property, highway or sidewalk within the boundaries of the Town whatsoever.
 4. No person, firm or corporation shall deposit, throw, sweep, or place litter upon any Town property, highway or sidewalk within the Town whatsoever. This does not include garbage as defined in the *Town of Carbonear Solid Waste Disposal Regulations*, that is placed at the curb for pick-up by Council.
 5. No person shall create a noise within the boundaries of the Town through the use of firearms, 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.
 6. No person shall use, within the Town, a lawnmower, chainsaw or other machinery or equipment which may disturb the peace and quiet of a neighbourhood, between the hours of 10:00 p.m. of any one day to 7:00 a.m. of the following day, except as may otherwise be approved by Council.
 7. No person, firm or corporation shall permit or maintain a nuisance by creating loud noises and/or raucous sounds or by creating or participating in any raucous or unseemly behaviour that, in the opinion of Council, may have an unpleasant or disagreeable effect upon the senses.
 8. No person shall create a nuisance within the Town, through the use of shouting or noise-making devices for the purpose of selling, soliciting business or attracting attention, except as may be approved by Council.
 9. No person shall create a nuisance within the Town, 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.

10. No person shall create a nuisance within the Town, through the use of a motor vehicle that has no muffler or a defective muffler, except as may be necessary, in the opinion of Council, to move such motor vehicle to a location for associated repair; subject to the approval of law enforcement officials under the *Highway Traffic Act*.
 11. No person shall create a nuisance within the Town, through the squealing of tires of a motor vehicle, caused by the indiscriminate use of such vehicle.
 12. No person shall create a nuisance within the Town by allowing the escape of dust, fumes, mist, smoke, other particulate matter, vapour, gas, odorous substances or a combination of them which impairs the quality of the natural environment, or any use that can be made of it, which causes harm or discomfort to a person, or which interferes with the normal and lawful enjoyment of public or private property, except as may be approved by Council.
 13. Nothing in these regulations shall be deemed to prohibit:
 - (a) The sounding of any bell, horn, siren or other warning device of any vehicle where the law required, or when responding to an emergency;
 - (b) The ringing of church bells or chimes; or
 - (c) The sounding of motor vehicle horns in a wedding procession or in parades permitted by Council.
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1. Pursuant to Section 404(1)(j) of the Act, Council may order that a nuisance is contrary to the regulations stop.
 2. Every person who fails to comply with or otherwise contravenes any of the provisions of these regulations is guilty of an offence and is liable on summary conviction to the penalty as set out in the Section 419 of the Act.
 3. All previous Nuisance Regulations for the Town of Carbonear are hereby repealed.
 4. These regulations were adopted by resolution of Council at a meeting on the 27th day of May, 2002 and shall come into effect on the 28th day of May, 2002.