



## PUBLISHED BY AUTHORITY

Pursuant to the authority conferred by the *Municipalities Act, 1999*, SNL 1999 c M-24, s 414(2)(ee) and any other enabling sections of the Act, the following Regulations have been made by the Town Council of the Town of Holyrood on the 2 day of May, 2017.

A copy of these Regulations was forwarded to the Minister of Municipal Affairs on the 3 day of May, 2017.

  
Gary Goobie, Mayor

  
Gary Corbett, Town Clerk

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## NUISANCE REGULATIONS

### TITLE

1. These Regulations may be cited as the Town of Holyrood *Nuisance Regulations*.

### INTERPRETATION

2. In these Regulations, unless the context requires otherwise
  - (a) "**Act**" means the *Municipalities Act, 1999*, SNL 1999 c M-24;
  - (b) "**Air Gun**" means those guns commonly referred to as a B.B. gun or pellet gun and includes all guns operated by pump or spring mechanism and compressed gas cylinders regardless of muzzle velocity;
  - (c) "**Council**" means the Town Council of the Town of Holyrood;
  - (d) "**Municipal Enforcement Officer**" means a Municipal Enforcement Officer appointed under the Act;
  - (e) "**Nuisance**" means anything or any condition of things that 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 or properties;
  - (f) "**Person**" means a person, firm, partnership, association, corporation, company, or organization of any kind;

(g) "Regulations" shall mean the Town of Holyrood *Nuisance Regulations*;

(h) "Town" means the Town of Holyrood.

#### APPLICATION

3. These Regulations shall apply within the boundaries of the Town.

#### NOISE

4. No Person shall create a noise within the Town, through the use of firearms other similar noise-making devices, except as may be approved by Council and subject to the approval of law enforcement or other regulatory agencies.
5. No Person shall create noise within the Town through the use of noise-making devices or shouting for the purposes of selling wares, soliciting business, or attracting attention, except as may be approved by Council.
6. No Person shall create noise within the Town through
  - (a) the use of motor vehicle horns or other similar horns, except as may be reasonable necessary, in the opinion of Council, for the safety and warning of traffic and pedestrians;
  - (b) the squealing of tires of a motor vehicle caused by unnecessary braking, turning, or setting in motion of a motor vehicle; or,
  - (c) the use of a motor vehicle that has no muffler or a defective muffler, except as may be necessary to move the motor vehicle to a location for repair.

#### NUISANCE

7. No Person shall fire or discharge an Air Gun within 300 meters of a house or 1000 meters of a school, playground, or athletic field within the Town.
8. No Person shall fire or discharge an Air Gun in a manner creating a Nuisance.
9. No Person shall cut, destroy, or remove any standing tree or standing timber from any public property within the boundaries of the Town, except as otherwise approved by Council.

#### PEACE AND TRANQUILITY

10. No Person shall use a lawnmower, chainsaw, snowmobile, or other machinery or equipment within the Town that may disturb the peace and quiet of a neighborhood between the hours of 23:00 of any day and 06:00 of the following day, except as otherwise approved by Council.
11. No Person shall permit or maintain a Nuisance by creating loud noises or raucous sounds or by creating or participating in any raucous behavior that, in the opinion of Council, may have an unpleasant or disagreeable effect on the senses.

EXCEPTIONS

12. These Regulations shall not prohibit

- (a) the sound of any bell, horn, siren or other warning device of any vehicle the law requires, or when responding to an emergency;
- (b) the ringing of church bells or chimes;
- (c) the sounding of industrial whistles;
- (d) the sounding of motor vehicle horns in a wedding procession, parade, or other event as permitted by Council;
- (e) the removal of snow by heavy equipment.

13. These Regulations shall not apply to

- (a) any member of the Royal Canadian Mounted Police, Royal Newfoundland Constabulary, Municipal Enforcement Officer, or any Emergency Response Vehicle; or,
- (b) a person or an employee of the Town, while the member or employee is employed and acting in the execution of his or her duties as a member or employee of the Town.

OFFENCES

- 14. Any person who contravenes the provisions of these Regulations or who fails to comply with any provision thereof including orders made pursuant to these Regulations, or neglects or refuses to do so, is guilty of an offence.
- 15. Where there are reasonable and probable grounds to believe an offence has been committed under section 7 or section 8 of these Regulations, a Municipal Enforcement Officer may seize any Air Gun.
- 16. Where an Air Gun has been seized under section 15 but no charge is laid pursuant to section 7 or section 8 within thirty (30) days of the date of the alleged offence, any Air Gun seized shall be returned to the Person from whom it was seized.

PENALTIES

- 17. Any 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
  - (a) shall be liable to penalties as stipulated in accordance with section 420 of the Act;
  - (b) shall be subject to an order under section 404(1)(j) of the Act;
  - (c) shall be subject to a violation notice issued under section 421.1(2) of the Act; or,
  - (d) shall be issued a ticket in accordance with section 421.2 of the Act.

SEVERABILITY & COMPLIANCE WITH OTHER ACTS

18. 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 remaining portions of the Regulation and the remainder of these Regulations should be valid and shall be in force and effect.
19. Where conflict exists between these Regulations and any provincial law or regulation, the provincial law or regulation shall apply.

REPEALING OF PREVIOUS REGULATIONS AND AMENDMENTS

20. All previous Town of Holyrood *Nuisance Regulations, Air Gun Regulations* and any amendments thereof are repealed.

EFFECTIVE DATE

21. These Regulations come into force on the **5** day of **September**, 2017.