



TOWN OF POUCH COVE NOISE AND NUISANCE BY-LAW

1. TITLE

This document will be known and cited as the *Noise and Nuisance By-Law*; hereinafter referred to as *this by-law*.

2. OBJECTIVE/PURPOSE

The purpose of this by-law is to establish a set direction for the Town and its residents in relation to noise and nuisances.

3. DEFINITIONS

- 3.1 **Act** shall refer to the *Towns and Local Service Districts Act, 2023*
- 3.2 **Council** shall refer to the Town Council of the Town of Pouch Cove
- 3.3 **Town** refers to the Town of Pouch Cove
- 3.4 **Dwelling** shall refer to a structure used, designed, and/or intended for the habitation of one or more natural persons
- 3.5 **Person** shall refer to any natural person, partnership, corporation, or company, and includes a person's heirs, executors, administrators, and/or other legal representatives
- 3.6 **Quiet Hours** shall refer to the period between 11:00 p.m. of any given day and 7:00 a.m. of the following day
- 3.7 **Real Property** shall refer to "real property" as defined in the Act
- 3.8 **Residential Real Property** shall refer to any real property which is used or intended to be used primarily for human habitation
- 3.9 **Residential Zone** shall refer to a zone as established by the Town of Pouch Cove Development Regulations in which a residential use is a permitted use
- 3.10 **Public Place** shall refer to any place within the Town to which the public may have either express or implied access to
- 3.11 **Nuisance** shall refer to anything, or any combination of things, which is or may become, in the opinion of the Town CAO, or CAO's designate, a danger or hazard to the public, unpleasant to the senses, a disturbance, or which adversely affects the amenities or enjoyment of other people and/or properties within the Town
- 3.12 **Noise** shall refer to any sound, vibration, or acoustic disturbance that is likely to disturb, annoy, injure, endanger, or detract from the comfort, repose, health, peace, safety, or convenience of any person or the normal enjoyment of property
- 3.13 **Public Address System** shall refer to any system of loud-speakers, electronic devices, and/or other electro-mechanical transducers, microphones, or reproducers, or any such combination of equipment used in the reproduction or amplification of music, speech, or any other sounds when used for purposes of communication address or otherwise entertain a group or groups of people whether the same is mounted upon a vehicle or upon a building or upon another structure or upon the ground or other support
- 3.14 **dB(A)** shall refer to the sound level in decibels obtained when using a decibel level meter with the A weighting to gauge reasonable vs unreasonable noise levels
- 3.15 **Air Gun** shall refer to 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

- 3.16 Loitering** shall refer to any unlawful gathering of individuals or groups at any public or private property, street, or sidewalk deemed to be under the control of the Town; and/or any gathering of individuals or groups at any public or private property, street, or sidewalk where the signage clearly indicates loitering is prohibited
- 3.17 Graffiti** shall refer to the act of marking and/or painting one or more letters, symbols, or other on any structure or thing owned by the Town, another person, and/or on property
- 3.18 Vandalism** shall refer to any willful and unlawful act by any person or group of persons that results in damage and/or theft to public or private property
- 3.19 Defecate** shall refer to the discharging of fecal matter from the body of any person
- 3.20 Urinate** shall refer to the discharging of urine from the body of any person
- 3.21 Spit** shall refer to the ejection of phlegm, saliva, chewing tobacco juice, or any other substance from the mouth of any person
- 3.22 Fight** shall refer to any confrontation involving violent physical contact between any two or more persons

4. APPLICATION

This by-law shall apply to all properties, businesses, land, structures, buildings, dwellings, persons, and animals within the municipal boundaries of the Town of Pouch Cove

5. GENERAL PROHIBITION

- 5.1** A person shall not knowingly cause or permit a nuisance within the Town
- 5.2** No person within the Town shall make, continue, or cause to allow to be made or continued any excessive, loud, or unnecessary noise or any nuisance 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 Town, except in accordance with these by-laws.

6. NUISANCE

- 6.1** No person shall at anytime cause to occur and/or participate in the occurrence of any raucous or unseemly behaviour or cause any other nuisance
- 6.2** No owner or occupant of any property in the Town shall knowingly cause or permit/allow the cause of any nuisance or raucous or unseemly behaviour to occur on the owner or occupant's property
- 6.3** No person shall place graffiti, or cause graffiti to be placed, on any wall, fence, building or other structure located on real property and/or adjacent to a street or other public place
- 6.3.1** No owner or occupant of real property shall permit graffiti to be placed on any wall, fence, building, or structure that is located on such real property and adjacent to a street or other public place
- 6.3.2** Any owner of real property must remove from said property any unsightly accumulation of graffiti within ten (10) days after the Town causes a notice to be served upon the owner requiring such removal
- 6.3.3** If an owner defaults in removing any unsightly accumulation of graffiti in compliance with Section 6.4.2 of this by-law and the notice referred to therein, the Town, by its workers or others, may enter the real property and effect such removal at the cost of the defaulting owner
- 6.3.4** Service upon an owner of the notice referred to in Section 6.4.2 of this by-law will be sufficient if the Town mails the notice by certified mail to the address shown on the then current year's real-property assessment roll for the real property and/or posted on the property on which the graffiti is located

- 6.4** No person shall fire or discharge an air gun within 300 metres of any house or 1000 metres of any school, playground, athletic field, or public area within the Town, across any road and/or lane, or otherwise discharge an air gun in any manner which may create a nuisance
 - 6.4.1** A police officer and/or by-law enforcement officer and/or peace officer may seize any air gun where there are reasonable and probable grounds to believe that an offence has been committed pursuant to this by-law
 - 6.4.2** Where a charge is not laid pursuant to section 6.3 within a period of thirty (30) days from the date of the offence, and air gun seized pursuant to section 6.3.1 shall be returned
- 6.5** No person shall engage or participate in a fight on any public property and/or in any public place and/or in public
- 6.6** No person shall defecate or urinate in/on any public property, in/on any public place, in public, in/on any trail, or in/on any property owned by any other person
- 6.7** No person shall spit on any street, sidewalk, pathway, trail, or in or on any public place, public property, in public, or on any private property
- 6.8** No person shall loiter in a public place thereby obstructing any other person, or in any place where there exists signage which prohibits such loitering

7. NOISE

Subject to those exceptions as set out herein, no person shall emit or cause to permit the emission of a sound which, in the opinion of the Town CAO, or CAO's designate, causes a nuisance. Without in any way limiting this prohibition, a person shall not:

- 7.1** Create a noise within the Town through the usage of firearms or other noise making devices, except as may be approved by the Town CAO, or CAO's designate in accordance with all other applicable provincial and/or federal requirements
- 7.2** Create a noise within the Town through shouting or noise-making devices for the purpose of selling wares, soliciting business or attracting attention
- 7.3** Create a noise within the Town using motor vehicle horns except as may be reasonably necessary in the opinion of the Town CAO, or CAO's designate, or for safety and warning of traffic and/or pedestrians
- 7.4** Use or operate a lawnmower, leaf blower, chainsaw, snowmobile, snowblower, ATV, or other piece of equipment which might cause a disturbance during Quiet Hours
- 7.5** Operate a motor vehicle (including motorcycles) that has a damaged exhaust system, and/or no muffler, a damaged muffler, a defective muffler, or a modified muffler or exhaust system except as necessary to move such vehicle to a location for repairs
- 7.6** Create a noise through the squealing of tires of a motor vehicle which is caused by unnecessary braking, turning, or setting in motion of such motor vehicle except in the case of emergency
- 7.7** Allow an animal in their care, custody or control to bark or howl excessively
- 7.8** Carry out any construction, demolition, or excavation activities during Quiet Hours
- 7.9** Use or operate and/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 55dBA when measured at the property boundary from which the source of the noise is emanating
- 7.10** The detonation of fireworks or other explosive devices shall not be used in any construction unless authorized by the Town, and shall be for personal use only with the exception of statutory holidays as declared for New Year's Eve and Canada Day
 - 7.10.1** Fireworks shall only be discharged on New Year's Eve and Canada Day (or any other day designated by Council) between the hours of 7:00 pm to 12:30 am the following day
 - 7.10.2** Fireworks may be banned during high fire risk periods, as directed by Provincial authorities, the Pouch Cove Volunteer Fire Department, and/or at the discretion of the Town

- 7.10.3 No fireworks may be discharged within thirty (30) metres of any dwelling, structure, wood, brush, or other flammable material
- 7.10.4 Every person who discharges any fireworks shall be eighteen (18) years of age or older, shall follow the instructions on the fireworks packaging, and shall have access to a fire extinguisher within reach and a bucket of water ready for immediate use
- 7.10.5 No person shall discharge personal/family fireworks in, into, or on:
 - 7.10.5.1 any dwelling, building, structure, doorway, or vehicle;
 - 7.10.5.2 any highway, street, road, or other public place; and/or
 - 7.10.5.3 any land that they do not own, unless the owner thereof has given written permission

8. EXCEPTIONS

- 8.1 Nothing in this by-law shall be deemed to prohibit:
 - 8.1.1 The ringing of bells or chimes announcing public worship services;
 - 8.1.2 The sounding of vehicle horns in a wedding procession or in parades as permitted by Council;
 - 8.1.3 The Town's snow clearing or removal activities using heavy equipment;
 - 8.1.4 Festivals or performances staged by or on behalf of the Town; or
 - 8.1.5 Noise made by emergency vehicles and/or emergency-related activities in the course of duty
- 8.2 The provisions of this by-law shall not apply to:
 - 8.2.1 The Royal Newfoundland Constabulary, Royal Canadian Mounted Police, Town of Pouch Cove Enforcement Officers, Peace Officers, and/or any other persons appointed by Council; or
 - 8.2.2 Any employee of the Town while they are actively employed in the execution of their duties as a member of the Town

9. LICENCE

The Enforcement Authority may, upon receiving the appropriate application, permit a licence for any act prohibited herein

- 9.1 The application referred to in Section 9 shall be made in writing and shall contain:
 - 9.1.1 The name and address of the applicant; and
 - 9.1.2 A description of the source of sound of which exemption from this by-law is sought; and
 - 9.1.3 A statement of the particular provision or provisions of this by-law is sought; and
 - 9.1.4 The duration of time, not in excess of six months, for which the exception is sought; and
 - 9.1.5 The reasons why the exemption should be granted; and
 - 9.1.6 A statement of the steps, if any, planned or presently being taken to bring about compliance with this by-law
- 9.2 Such licence 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
- 9.3 Such licence may be granted upon such other terms and conditions as may be determined by the Town, including the volume of sound to be reproduced by any apparatus or device, and shall be for such period as stated in such licence
- 9.4 Any licence granted under Section 9 of this By-law may be cancelled or revoked at any time by Town Council, Town CAO, or Town Enforcement Officer for any reason, including but not limited to, if the person of Town Authority revoking the licence is of the opinion that the operation of such apparatus, device, or condition for which such licence was issued violates any of the terms or conditions attached to the approval of said licence, or disturbs or may disturb the peace and tranquility of the Town or any portion thereof.
- 9.5 Breach of any of the terms or conditions of said licence shall render the licence null and void and constitute a violation of this by-law

10. ENFORCEMENT

- 10.1** This by-law may be enforced by the Town Chief Administrative Officer (CAO), Town Enforcement Officer, or CAO's designate
- 10.2** No person shall knowingly make a false or misleading statement to an Enforcement Officer, the Town CAO, or CAO's designate while they are exercising their powers, duties, and functions in respect of this by-law
- 10.3** Where any person violates this by-law, Council is vested with the authority of the Town to issue Orders and/or Violation Notices pursuant to the Act against said person
- 10.4** In the event of a conflict between a provision of this by-law and a provision of another statute or regulation, the provision which affords the higher standard of protection for the health, safety, and/or welfare of the public shall prevail

11. PENALTIES

- 11.1** Every person who is guilty of an offence under this by-law or who acts in contravention of or fails to comply with any provision thereof, or neglects or refuses to do so shall be:
 - 11.1.1** Liable to penalties as stipulated in accordance with Section 290 of the Act; or
 - 11.1.2** Subject to an Order under Section 285 of the Act; or
 - 11.1.3** Subject to a Violation Notice under Section 287 of the Act.
- 11.2** Notwithstanding Section 11.1, in the case of a person or persons caught defacing/abusing public property, using offensive language, or being a public nuisance, the following actions may be taken:
 - 11.2.1** First Offense: any person or persons involved will be banned from Town Facilities for a period of up to three (3) months
 - 11.2.2** Second Offense: any person or persons involved will be banned from Town Facilities for a period of up to one (1) year
 - 11.2.3** Third Offense: any person or persons involved will be banned from Town Facilities indefinitely and/or have charges brought against them

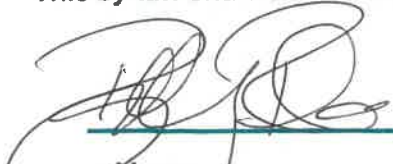
12. REVIEW

This by-law is subject to review and modification as necessary to ensure it remains compliant with current legal standards and aligned with the overall mission of the Town of Pouch Cove. This by-law will be reviewed and updated annually and may be amended as required at any time between scheduled reviews. Violations of this by-law may be subject to corrective action.

13. AMENDMENTS

14. EFFECTIVE DATE/RESOLUTION

This by-law shall take full and immediate effect as of June 23, 2026.



 Mayor
 Brad Richards



 CAO
 Rodney Hynes

June 23, 2026

 Date

June 23/26

 Date

