



NOISE AND NUISANCE BY-LAW

BY-LAW NO.

BL-PPS-02

PASSED BY COUNCIL ON

FEBRUARY 18, 2025

MOTION NUMBER

M25-054

PUBLISHED BY AUTHORITY

Pursuant to the authority conferred by the *Towns and Local Service Districts Act (SNL 2023 T-6.2)*, Section 8(1)(f), and all other powers enabling it, the following Noise and Nuisance By-law has been adopted by the Town Council of the Town of Paradise.

1. TITLE

This By-law may be cited the *Town of Paradise Noise and Nuisance By-law, 2025*.

2. INTERPRETATIONS

In this By-law, unless the context otherwise requires:

- (1) "Act" means the *Towns and Local Service Districts Act*.
- (2) "Air Gun" means those guns commonly referred to as "B.B" or "Pellet" guns and all guns operated by pump or spring mechanisms and compressed gas cylinders regardless of muzzle velocity.
- (3) "Council" means the Town Council of the Town of Paradise.
- (4) "Enforcement Authority" means Council or its authorized By-law enforcement officers or inspectors.
- (5) "Nuisance" means anything, in the opinion of Council or any person authorized by Council, the endangers life or health, gives offence to the senses, violates the laws or decency or obstructs reasonable and comfortable use of property in any way, and includes any obnoxious substances, smoke, animal waste or unsanitary matter or noise that has an unpleasant effect on the senses.
- (6) "Owner" means the legal entity having title to a property.

- (7) "Occupant" means any Person who is an agent, tenant or occupier of a property.
- (8) "Person" means any person, firm, partnership, association, corporation, company, co-operator, club, society, or any other corporate body or organization of any kind.
- (9) "Point of Reception" means any point on the property of a Person where sound originating from another property is received.
- (10) "Public Address System" means any system of loud-speakers, electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers, 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 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.
- (11) "Quiet Hours" means the period of time between 11:00 p.m. of any given day and 7:00 a.m. of the following day.
- (12) "Residential Zone" means a zone as established in the Town of Paradise Development Regulations in which a residential use is a permitted use.
- (13) "Street" included any alley, boulevard, bridge court, foot-way, highway, lane, park, public drive, sidewalk, square, and any part of them open for public use.
- (14) "Town" means the Town of Paradise.

3. APPLICATION

Any time specified in this By-law shall mean Standard Time or Daylight Savings Time, so called, when and during the period for which the same is in force.

4. NUISANCE

- (1) No Person shall at any time cause to occur or participate in raucous or unseemly behaviour or cause any other Nuisance.
- (2) No Owner or Occupant of any property in the Town shall knowingly permit or allow any Nuisance or raucous or unseemly behaviour to occur on the Owner or Occupant's property.

5. NOISE RESTRICTIONS

- (1) No Person shall emit or cause or permit the emission of sound resulting from an act listed herein, and which sound clearly audible at a point of Reception, except as exempted in this By-law.
 - (a) Shouting or the use of noise-making devices or Public Address Systems, including but not limited to the purpose of selling wares, soliciting business or attracting attention.

- (b) The operation, conduct, use or carrying on or causing or permitting the operation, conduct, use or carrying on of any industry, business, trade or vocation whatever which makes allows to be made in connection with such operation, business, trade or vocation any noise or music which in the opinion of the Enforcement Authority disturbs or may disturb the peace and tranquility of any Person residing in the vicinity of a Point of Reception.
- (c) The detonation of fireworks or explosive devices not used in construction, unless authorized by the Enforcement Authority and subject to the approval of law enforcement or other regulatory agencies, with the exception of statutory holidays as declared for New Year's Eve and Canada Day.
- (d) The excessive barking or howling of any animal that is in the care or control of any Person.
- (e) The operation of an engine or motor in, or on, any motor vehicle or item of attached auxiliary equipment for such continuous period exceeding twenty (20) minutes, while such vehicle is stationary in a Residential Zone unless:
- (f) Operation of such motor or engine is essential to a basic function of the vehicle or equipment, but not limited to, operation of ready-mixed concrete trucks; or
- (g) Weather conditions justify the use of heating or refrigerating systems powered by the motor or engine for the safety and welfare of the operator, passengers or animals, or the preservation of perishable cargo and the vehicle is stationary for the purposes of delivery or loading.
- (h) Loading, unloading, delivering, packing, unpacking or otherwise handling any containers, products, materials, or refuse, whatsoever, unless necessary for the maintenance of essential services or the moving of private household effects during Quiet Hours in, or within 100 meters of, a Residential Zone.
- (i) The operation of any equipment in connection with construction during Quiet Hours in, or within 100 meters of a Residential Zone.
- (j) The operation or use of any tool for domestic purposes other than snow removal during Quiet Hours.
- (k) The use or operation of a lawnmower, chainsaw, snowmobile or other machinery or equipment which may, in the opinion of Council, disturb the peace and quiet of a neighborhood during the Quiet Hours of the Town.
- (l) The operation of a solid waste bulk lift or refuse compacting equipment during Quiet Hours in, or within 100 meters of a Residential Zone.
- (m) The construction, excavating, repairing, fabricating, altering or demolishing of any building, structure, property, or part thereof during Quiet Hours in, or within 100 meters of a Residential Zone.

- (n) The blowing of any system whistle attached to any stationary boiler.
- (o) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat, or motor vehicle, except though a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (p) The creation of a loud explosive noise in connection with the loading, unloading, or handling material or device or the opening or destruction of bales, boxes, crates and containers.
- (q) The operation of any pile driver, steam shovel, pneumatic device, derrick, steam or electrical hoist, grader, snow removal equipment or other appliance, the use of which is attended by loud or unusual noise.
- (r) 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 power fan is muffled and the engine is equipped with a muffler device sufficient to deaden such noise.
- (s) The use of a motor vehicle horn or other horn, except as ay be reasonably necessary in the opinion of Council for the safety and warning of traffic and/or pedestrians.
- (t) The use of a motor vehicle that has no muffler or that has a defective muffler, except as may be necessary, in the opinion of Council, to move such motor vehicle to a location for associated repairs, subject to the approval of law enforcement officials under the *Highway Traffic Act*.
- (u) The squealing of tires of a motor vehicle which, in the opinion of Council, is caused by unnecessary braking, turning or setting motion of such motor vehicle, except in the case of an emergency.
- (v) Firing or discharge of an Air Gun within the Town.

6. EXCEPTIONS

- (1) Nothing in this By-law shall be deemed to prohibit:
 - (a) The sounding of any bell horn, siren or other warning device of any vehicle or bicycle, where the law required 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 or in parades permitted by Council.
 - (e) Musicians or performers providing outdoor entertainment involving sound reproduction devices during events staged by or on behalf of the Town.

(f) Municipal snow clearing or removal activities.

(g) The removal of snow by heavy equipment.

(2) The provisions of this By-law shall not apply to:

(a) Any member of the Royal Canadian Mounted Police, Municipal Enforcement Officers of the Town of Paradise Fire Department; or

(b) A person or an employee of the Health Corporation or of the Town, while any such member or employee is employed in the execution of his or her duties as a member of such Force or Department or as an employee of the Health Corporation or the Town.

7. LICENCE

(1) The Enforcement Authority may, upon receiving an application, permit a license for any act prohibited herein.

(2) The application referred to in Section 7(1) shall be made in writing and shall contain:

(a) The name and address of the applicant.

(b) A description of the source of sound in respect of which exemption from this By-law is sought.

(c) A statement of the particular provision or provisions of these By-laws is sought.

(d) The period of time, of a duration not in excess of six months, for which the exception is sought

(e) The reasons why the exemption should be granted; and

(f) A statement of the steps, if any, planned or presently being taken to bring about compliance with this By-law.

(3) 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.

(4) Such license may be granted upon such other terms and conditions as may be determined by the Enforcement Authority, including the volume of sound to be reproduced by any apparatus or device, and shall be for such period as stated in such licence.

(5) Any licence granted under Section 7(1) of this By-law may be cancelled or revoked at any time by the Enforcement Authority for any reason, including but not limited to if the Enforcement Authority is of the opinion that the operation of such apparatus or device for which such license was issued violates any of the terms or conditions attached to such licence, or disturbs or may disturb the peace and tranquility of the Town or any portion thereof.

- (6) Breach of any of the terms or conditions of such licence shall render the licence null and void and constitute a violation of this By-law.

8. ENFORCEMENT

- (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:

- (a) Shall be liable to penalties as stipulated in accordance with Section 290 of the *Towns and Local Services Districts Act*; or
- (b) Shall be subject to an order under Section 285(1) of the *Towns and Local Services Districts Act*; or
- (c) Shall be subject to a violation notice issued under Section 287 of the *Towns and Local Services Districts Act*; or
- (d) Shall be issued a ticket under the *Provincial Offences Act* in accordance with Section 288 of the *Towns and Local Services Districts Act*.

(2) RIGHT OF ENTRY

Pursuant to Section 51 of the *Urban and Rural Planning Act, 2000* and/or Section 280 of the *Towns and Local Services Districts Act*, a By-law Enforcement Officer or Inspector has the authority to enter a property for the purposes of inspection or to carry out work as required under this By-law.

(3) REVIEW AND AMENDMENTS

All sections of this By-law have been developed in accordance with the *Towns and Local Service District Act*. This By-law is reviewed as required following new information or knowledge.

(4) PUBLICATION

This By-law was published on the Town of Paradise website in 2025.

(5) REPEAL OF PREVIOUS LEGISLATION

All previous Town of Paradise Noise and Nuisance regulations and amendments are repealed.

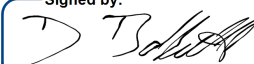
(6) COMING INTO EFFECT

Under the *Towns and Local Services Districts Act*, Section 12, this By-law came into effect once adopted by Motion of Council (M25-054), voted on by a majority of the councillors in attendance at the Town Public Council Meeting on February 18, 2025.

IN WITNESS WHERE OF the Seal of The Town of Paradise has been here unto affixed, and this By-law has been signed by the Town Clerk and Mayor on behalf of the Council.

Town Clerk:  Signed by:
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Date: March 13, 2025 | 10:27:13 AM NDT

Mayor:  Signed by:
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Date: March 13, 2025 | 10:34:51 AM NDT