



NUISANCE REGULATIONS

Amended and adopted by the Town Council of the Town of Gander on the 2nd day of **September, 2020** and to come into effect as of the 3rd day of **September, 2020**.

A copy of these Regulations was sent to the Minister of Environment, Climate Change and Municipalities on the 10th day of **September, 2020**.

MAYOR

TOWN CLERK



PUBLISHED BY AUTHORITY

Pursuant and by virtue of the powers conferred by Section 254 and any other enabling sections of the *Municipalities Act, 1999 SNL Chapter M-24* as amended, the Town Council of the Town of Gander hereby adopts the following Nuisance Regulations.

A copy of these Regulations was forwarded to the Minister of Environment, Climate Change and Municipalities on the 10th day of **September, 2020**.



MAYOR



TOWN CLERK

NUISANCE REGULATIONS

1. Title

These Regulations may be cited as the Town of Gander Nuisance Regulations.

2. Definitions

In these Regulations, unless the context otherwise requires:

- a) "Act" means the Municipalities Act, 1999 SNL Chapter M-24, as amended;
- b) "Council" means the Town Council of the Town of Gander;
- 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 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;
- f) "Owner" includes agent, tenant or occupier;
- g) "Sidewalk" means any area used or intended for the use of pedestrians;

- h) "Town" means the Town of Gander as defined by Order-in-Council dated the 16th day of December, A.D. 1958 and continued as a Town under the said Act;
- i) "Police Officer" means a member of the Royal Canadian Mounted Police or a Municipal Enforcement Officer of the Town of Gander;
- j) "Enforcement Authority" means Council or its authorized administrator.

3. Application

- a) No person, firm or corporation shall deposit, throw, sweep, shovel or place snow or ice from any private property upon any highway or sidewalk within the boundaries of the Town whatsoever;
- b) No person, firm or corporation shall deposit, throw, sweep, or place "litter" upon any highway or sidewalk within the Town whatsoever and includes any public property. This does not include garbage as defined in the Town of Gander "Garbage Regulations", that is placed at the curb for pick-up;
- c) No person shall create a noise within the boundaries of the Town through the use of firearms 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;
- d) 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;
- e) 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 behaviour that, in the opinion of Council, may have an unpleasant or disagreeable effect upon the senses;
- f) No person shall use or operate any air conditioner, heat pump, compressor, condenser, chiller, cooling tower or similar device with a noise level greater than 65dBA between 7:00 a.m. and 10:00 p.m. and 55 dBA between 10:00 p.m. and 7:00 a.m. when measured at the property boundary of the property from which the source of the noise is emanating or the point of reception.
- g) No person shall use or operate any exhaust fan, exhaust system, intake fan, generators, dryer in a commercial car wash or similar device which includes combustion exhaust of a high efficiency furnace with a noise level greater than 65dBA between 7:00 a.m. and 10:00 p.m. and 55dBA between 10:00 p.m. and 7:00 a.m. when measured at the property boundary of the property from which the source of the noise is emanating or the point of reception.
- h) Nothing in these Regulations shall be deemed to prohibit:
 - i. The sounding of any bell, horn, siren or other warning device of any vehicle where the law required, or when responding to an emergency;
 - ii. The sound of snow clearing equipment while performing snow clearing duties,
 - iii. The ringing of church bells or chimes;

- iv. The sounding of motor vehicle horns in a wedding procession or in parades permitted by Council.
- v. The sound of a portable generator in a residential area in the event of a power disruption.
- i) No person shall cut, destroy or remove any standing tree or standing timber from any public property within the boundaries of the Town of Gander whatsoever. Subject to the approval of Council and with the consent of other regulatory agencies, a permit may be obtained to salvage fallen trees and timber on Town property for use as domestic firewood, subject to the following conditions:
 - i. No standing timber shall be cut or removed;
 - ii. Tops and branches shall be removed from the site or may be burned, provided the necessary burning permit has been obtained.
- j) No person shall place a sign or poster on any utility pole within the boundaries of the Town of Gander;
- k) 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 said Act.

4. Enforcement

- a) The Town Council of Gander or its authorized administrator shall be the Enforcement Authority for the purposes of these Regulations;
- b) Enforcement and prosecution under these Regulations may be undertaken by any Police Officer or by any other person so authorized by the Enforcement Authority;
- c) Pursuant to Section 404(1) of the Act, the Enforcement Authority may serve upon the owner or any other person in violation of a provision of these Regulations, a serially numbered notice advising the nature of the violation and required action to conform with the standards as set out in these Regulations;
- d) The owner or any other person served a notice shall carry out the directions of the Enforcement Authority referred to in Section 4 (c) at the cost of the owner or person served within the time specified;
- e) Where the Enforcement Authority has placed or caused the placing of a sign, placard, or notice upon any premises under the authority of these Regulations or any other applicable law, by-law or regulation, no person shall remove such sign, placard, or notice except with the consent of the Enforcement Authority;
- f) Any costs to the Town for all works carried out in response to a violation of these Regulations, in addition to any penalty prescribed hereunder, may be recoverable from the owner or the person in contravention of these Regulations as a civil debt and shall attach to the property as a secured claim;
- g) Every person requested by a Police Officer or person authorized to enforce these Regulations shall upon request, forthwith give his/her proper name and address;

- h) It shall be the duty of a Police Officer or the Enforcement Authority to:
 - i. Report the name and address of any person observed, or reliably reported to have violated any of the provisions of these Regulations;
 - ii. Report the time and nature of the violation of the Regulations, and any circumstances being relevant to the violation;
 - iii. Serve upon the person violating and provision of these Regulations a serially numbered notice that the person concerned has violated a provision of the Regulations, and instructing such person to carry out any order in regard to such violation;
 - iv. Furnish the Town Clerk a duplicate of each serially number notice of violation.

5. Failure to Comply

- a) Pursuant to Section 404(5) of the Act, where a person to whom an order is directed does not comply with the order or part of an order made under Section 4 (c) of these Regulations, Council may take the action that it considers necessary to carry out the terms of the order and any costs, expenses or charges incurred by Council in carrying out the terms of the order are recoverable from the person against whom the order was made as a civil debt;
- b) Council may delegate to an official or employee of Council the power to issue orders under this section;
- c) Council, its employees, servants or agents shall be saved harmless from any and all claims arising out of the actions of Council, its employees, servants or agents in the process of inspecting and/or carrying out work under these Regulations, except in the case of gross negligence.

6. Offence and Penalties

- a) Every 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:
 - i. May be liable to penalties as stipulated in accordance with section 420 of the Act; or
 - ii. May be subject to an order under section 404(1) (l) of the Act; or
 - iii. May be subject to a violation notice issued under section 421.1(1) of the Act; or
 - iv. May be issued a ticket under the Provincial Offences Act in accordance with section 421.2 of the Act.
- b) The conviction of a person for failing to comply with a requirement or obligation referred to in subsection (a) shall not operate as a bar to further prosecution under these Regulations for the continued failure on the part of the person in comply;

7. Severability

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 remainder of these Regulations and the remainder of these Regulations should be valid and shall remain in force.

8. Compliance with Other Acts and Regulations

Nothing in these Regulations serves to exempt any person from obtaining any license, permission, permit, authority or approval required by any other regulation of the Town or any statute or regulation of the Province of Newfoundland and Labrador, and in such cases where more than one Regulations or statute applied the more restrictive regulation or statute shall apply.

9. Repeal

All previous Nuisance Regulations thereto are hereby repealed.