

Town Council of the Town of Marystown (Nuisance) Regulations

Pursuant to the authority conferred by the *Municipalities Act, 1999, SNL 1999, C. M-24*, the following regulations were approved by the Town Council of the Town of Marystown on the 31st day of July A.D., 2012.

Mayor

Chief Administrative Officer

1. These Regulations may be cited as the Town of Marystown (Nuisance) Regulations.
2. Definitions: In these Regulations, unless the context otherwise requires:
 - (a) "Act" means the *Municipalities Act, 1999*
 - (b) "Council" means the Town Council of the Town of Marystown
 - (c) "Municipality" means the Town of Marystown as defined by Paragraph 2 of an Order-In-Council dated the 18th day of December A.D., 1951, and made under the provisions of the said Act
 - (d) "Nuisance" means a condition of property, or a thing, or any condition of things, or an activity, that has an adverse affect on the senses or adversely affects or may adversely affect:
 - i) the safety, health, or welfare of people in the Municipality;
 - ii) a person's use and enjoyment of his or her property; or
 - iii) the amenity of a neighbourhood in the Municipality

and without restricting the generality of the foregoing, includes:

- i) a building in a ruinous or dilapidated state of repair and is an imminent danger to public safety;
- ii) land that is overgrown with grass and weeds;

- iii) untidy and unsightly property;
 - iv) junked vehicles;
 - v) open excavations on property;
 - vi) use of pellet guns or air guns;
 - vii) barking or howling dogs;
 - viii) a bird or an animal so kept as to be injurious to health or a source of annoyance to neighbours;
 - ix) the escape of dust, fumes, mist, smoke, other particulate matter, vapour, gas, or odorous substances;
 - x) the placement, whether intentional or unintentional, of organic or inorganic material which is likely to or does attract rodents or other wildlife;
 - xi) noise making devices, including but not limited to firearms, fireworks, motor vehicle horns.
3. No person, firm or corporation shall cause or permit a nuisance to occur on any property owned by that person, firm or corporation.
4. No person, firm or corporation shall create a nuisance within the municipality through the use of a lawnmower, chainsaw, snowmobile or other machinery or equipment between the hours of 10:00 p.m. to 6:00 a.m., except as may be approved by Council.
5. No person, firm or corporation shall create a nuisance within the municipality 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 under the *Highway Traffic Act*.
6. No person, firm or corporation shall create a nuisance within the municipality through the squealing of tires of a motor vehicle caused by the indiscriminate use of such vehicle.
7. 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 requires or when responding to an emergency.
 - (b) The ringing of church bells or chimes.
 - (c) The sounding of motor vehicle horns in a wedding procession or in parades sanctioned by Council.
 - (d) An activity for which a permit has been issued by Council.

8. Pursuant to Section 420 of the Act, every person, firm or corporation who contravenes or fails to comply with any of the provisions of these Regulations is guilty of an offence and liable on summary conviction
 - (a) for a first offence to a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) or to a term of imprisonment of not more than one month or to both the fine and imprisonment;
 - (b) or a subsequent offence to a fine of not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00) or to a term of Imprisonment of not more than 3 months or to both the fine and imprisonment.
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These Regulations shall come into effect on the 31st day of July, A.D. 2012, and may be cited as the Town Council of the Town of Marystown (Nuisance) Regulations.

Adopted by Council: July 31, 2012