

Town of Clarke's Beach  
Development Regulations By-Law

Pursuant to the authority conferred in section 7 of the Towns and Local Service Districts Act, 2025, the Town Council of Clarke's Beach has adopted the following regulations on June 3 2025.

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1. TITLE

1.1. This document will be known and cited as the Development Regulations By-Law.

2. PURPOSE

2.1. The purpose of this by-law is to establish the Town's Municipal Plan and Development Regulations, and Occupancy and Maintenance Regulations to control the design, construction, alteration, reconstruction, minimum lot size and classes of buildings and the demolition, removal and relocation and maintenance of buildings.

3. INTERPRETATION/DEFINITION

3.1. "Council" shall mean the Town Council of Clarke's Beach

3.2. "Development Regulations" shall mean the Town of Clarke's Beach Development Regulations enacted by Council under the Urban and Rural Planning Act, 2000.

3.3. "Municipal Plan" shall mean the Town of Clarke's Beach Municipal Plan as enacted by Council under the Urban and Rural Planning Act, 2000.

3.4. "Town" shall mean the Town of Clarke's Beach

4. APPLICATION

4.1. This by-law applies to all members of the public, including Council.

5. BY-LAW STATEMENT

5.1. In accordance with Section 7 (1) (c) of the Towns and Local Service Districts Act, the Municipal Plan and Development Regulations shall be used to control the design, construction, alteration, reconstruction, minimum lot size and classes of buildings and the demolition, removal and relocation and maintenance of buildings.

5.2. The Town shall, every 2 years, conduct a review of this By-law and consider the areas which may be improved.

## 6. CONSTRUCTION CODES

6.1. Through adoption of this Development Regulations By-Law, and in accordance with Section 7 (3) (a) of the Towns and Local Service Districts Act, the Town adopts the following with any supplements or amendments to that code:

- a. National Building Code of Canada 2020,
- b. National Energy Code of Canada 2020, and;
- c. National Energy Code of Canada for Buildings 2020.

6.2. Through adoption of this Development Regulations By-Law, the Town adopts the National Plumbing Code of Canada 2020 and supplements and amendments.

## 7. PENALTIES

7.1. Penalties may be applied in accordance with Division 6 of the Towns and Local Service Districts Act.

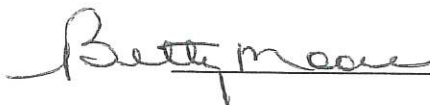
7.2. This by-law shall not exclude the application of other penalties not expressly listed.

## 8. REPEAL OF PREVIOUS BY-LAWS AND AMENDMENTS

8.1. None

## 9. CAME INTO EFFECT

These Regulations first came into effect on June 3 2025, through a resolution of Council, # 2025-49

 MAYOR

Town Clerk 

**Town of Clarke's Beach**  
**Boil Order and Use of a Source Water By-Law**

Pursuant to the authority conferred in section 7 of the *Towns and Local Service Districts Act, 2025*, the Town Council of Clarke's Beach has adopted the following regulations on June 3, 2025.

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**1. TITLE**

1.1. This document will be known and cited as the *Boil Order and Use of a Source of Water By-Law*.

**2. PURPOSE**

- 2.1. The purpose of this by-law is to establish boil water advisories and non-consumption advisories or to restrict use of any water source (e.g. pond/lake) considered by health professionals to be dangerous and/or hazardous to public health and safety.
- 2.2. To develop a communication plan to ensure that the public is given accurate information about the boil water advisory or any other water source considered to be dangerous and/or hazardous to the public health, in a timely fashion.

**3. INTERPRETATION/DEFINITION**

- 3.1. "**Council**" shall mean the Town Council of Clarke's Beach.
- 3.2. "**Province**" shall mean the Province of Newfoundland and Labrador.
- 3.3. "**Town**" shall mean the Town of Clarke's beach

**4. APPLICATION**

- 4.1. This by-law applies to all members of the public.
- 4.2. A boil water advisory recommended by the Medical Officer of Health or an official of the Government Services Centre must be acted upon immediately.
- 4.3. As the owner or operator of the drinking water supply, you must **immediately alert all users of your water supply** that drinking water must be boiled before being consumed or place restrictions on any other water source considered to be dangerous and/or hazardous to the public health and safety.
- 4.4. Inform consumers at regular intervals about the boil water advisory.
- 4.5. Consumers can be alerted in several ways. A combination of these may be necessary to inform all consumers:
  - 4.5.1. Use local media outlets (e.g., radio, television, newspapers);
  - 4.5.2. Town Everbridge alerts;
  - 4.5.3. Town Website;
  - 4.5.4. Social media;
  - 4.5.5. Post boil water advisory notices in people's mailboxes;

- 4.5.6. Place warning signs on water taps at places where water is made available to consumers (e.g., gas stations, restaurants, campgrounds, schools);
- 4.5.7. Post warning signs near water sources;
- 4.5.8. Knock on individual doors and inform people verbally etc.

## **5. BY-LAW STATEMENT**

- 5.1. Digital Government and Service NL and the Department of Health and Community Services are jointly responsible for monitoring the bacteriological quality of public water supplies in the province. This sampling activity is carried out on a regular basis by Environmental Health Officers located throughout the province. Boil water advisories are issued when water sampling and testing detects higher than accepted amounts of coliforms (bacteria) or if there are deficiencies with regard to chlorination or other forms of disinfection. In such cases, the results are immediately communicated to affected communities for appropriate action. The information is also passed along to regional Medical Officers of Health to advise that action has been taken with the community, and for any follow-up that may be necessary by the public health system.
- 5.2. When circumstances arise where town officials believe it is in the interest of public health to do so the Town official will issue a boil water order that will be in immediate effect in the community.
- 5.3. A boil water advisory will remain until it is lifted by Town officials.
- 5.4. Business and establishments that serve water to the public must comply with the guidelines established by the province while the boil water advisory is in effect.
- 5.5. If a circumstance arises where another source of water is being used for consumption in the community the Town Officials may restrict the use of such water if there is a need related to public health and safety.
- 5.6. The details of such a restriction would be set on a case-by-case bases and set out through a resolution of Council.
- 5.7. It is recommended that citizens follow guidelines established by the province (Digital Government and Service NL and the Department of Health and Community Services) when preparing and consuming water during a boil water advisory.

**6. PENALTIES**

- 6.1. Penalties may be applied in accordance with Division 6 of the *Towns and Local Service Districts Act*.
- 6.2. This by-law shall not exclude the application of other penalties not expressly listed.

**7. REPEAL OF PREVIOUS BY-LAWS AND AMENDMENTS**

- 7.1. None

**8. CAME INTO EFFECT**

These Regulations first came into effect on June 3 2025, through a resolution of Council, # 2025- 49

Betty Mac MAYOR

Jan Wilot TOWN CLERK

# NOISE & NUISANCE BY-LAW

## PUBLISHED BY AUTHORITY

Pursuant to the authority conferred by the Towns and Local Service Districts Act, chapter T-6.2, Section 8 (f), the Town of Clarke's Beach has made the following By-law.

  
Betty Moore MAYOR

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### BY-LAW

#### 1. TITLE

This By-law shall be known and cited as "Town of Clarke's Beach Noise & Nuisance By-Law".

#### 2. INTERPRETATION

In this By-law:

(a) **"By-law"** means the Town of Clarke's Beach Noise Nuisance By-Law.

**"Council"** means the Council of the Town of Clarke's Beach

(b) **"Town"** means the Town of Clarke's Beach.

#### 3. APPLICATION

This By-law shall apply within the boundaries of the Town.

#### 4. GENERAL PROHIBITION

No person shall make, continue or cause to allow to be made or continued any loud, unnecessary or unusual noise or any noise 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 this By-law.

## **5. NOISE**

- (a) No person shall create a noise within the Town through the use of fire-arms 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.
- (b) No person shall create a noise within the Town through the use of shouting or noise-making devices for the purpose of selling wares, soliciting business or attracting attention.
- (c) No person shall create a noise within the Town through the use of motor vehicle horns except as may be reasonably necessary in the opinion of Council for the safety and warning of traffic and pedestrians.

## **6. NUISANCE**

- (a) No person shall fire or discharge an air gun within 300 metres of a house or 1000 metres of a school, playground or athletic field within the Town.
- (b) No person shall fire or discharge an air gun in a manner creating a nuisance.

A police officer/By-law enforcement officer/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 Bylaw.

- (c) Where a charge is not laid pursuant to section 6 (a) and (b) within a period of thirty (30) days from the date of the offence, an air gun seized pursuant to 6 (c) shall be returned.

## **7. PEACE AND TRANQUILITY**

- (a) No person shall use within the Town, a lawnmower, chainsaw, snowmobile or other machinery or equipment which may disturb the peace and quiet of a neighborhood between the hours of 11:00 p.m. of any day to 8:00 a.m. of the following day, except as may otherwise be approved by Council.

- (b) No person shall create a noise within the Town through the use of a motor vehicle that has no muffler or a defective muffler except as may be necessary to move such motor vehicle to a location for associated repairs.
- (c) No person shall create a noise within the Town through the squealing of tires of a motor vehicle which is caused by unnecessary braking, turning or setting in motion of such motor vehicle.
- (d) No Person shall create, cause or permit an intrusion of light of an unusual intensity or type onto adjacent property so as to be or to cause a nuisance. All exterior illuminated light fixtures shall be directed in a manner to minimize glare and the undue intrusion of light onto adjacent property.

## **8. PUBLIC ADDRESS SYSTEMS**

No person shall within the Town operate or cause or permit to be operated any public address system, gramophone, radio or other device or apparatus for reproducing or amplifying sound where the sounds of which are capable of being heard on any street in the Town without having first received a permit therefore from the Council as hereinafter provided.

- (a) Such permit may be granted by the Council for the operation of such apparatus or device between the hours of 8:00 a.m. and 11:00 p.m. and may be refused if, in the opinion of the Council, the operation of such apparatus or device will disturb or tend to disturb the peace and tranquility of the Town or any portion thereof;
- (b) Such permit may be granted subject to terms and conditions as may be determined by the Council including the volume of sound to be reproduced by such apparatus or device, and shall be for such period as stated in such permit;
- (c) Any permit so granted may be cancelled by the Council at any time if, in its opinion, the operation of such apparatus or device for which such permit was issued violates any of the terms and conditions attached to such permit or disturbs or tends to disturb the peace and tranquility of the Town or any portion thereof.

## **9 HOURS OF OPERATION**

- (a) Between the hours of 11:00 p.m. on any day and 8:00 a.m. of the following day, no person, firm or company or owner of any land or building or premises shall in the Town operate, conduct or carry on or use or cause or permit to be operated, conducted or carried on any industry, business, trade or vocation whatever which makes or allows to be made in connection with such operation, conduct or carrying on of such industry, business, trade or vocation, any noise or music which disturbs or tends to disturb the peace and tranquility of the Town or any portion thereof, or which disturbs or tends to disturb the peace and tranquility of any person residing in the vicinity of such street, building or place, or which can reasonably be deemed to be an annoyance to any person residing or carrying on business or being in the vicinity of such street, building or place;
- (b) No person, firm or corporation shall permit or maintain a nuisance by creating loud noises 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.
- (c) Notwithstanding the provisions of Section 7 (a), Council may grant a permit to operate, conduct or carry on any industry, business, trade or vocation which makes or allows to be made in connection with such operation, conduct or carrying on of such industry, business, trade, vocation any noise which disturbs or tends to disturb the peace and tranquility of the Town or any portion thereof between the hours of 11:00 p.m. on any day and 8:00 a.m. if, in its opinion, such operation, conduct or carrying on of such industry, business, trade or vocation is necessary in the interests of public health and safety.
- (d) Such permit may be granted upon such terms and conditions as may be determined by the Council and shall be for a predetermined period as set out in the permit by Council.

## **10 EXCEPTIONS**

- (a) Nothing in this By-law shall be deemed to prohibit:

- (i) The sounding of any bell, horn, siren or other warning device of any vehicle the law requires, or when responding to an emergency;
  - (ii) The ringing of church bells or chimes;
  - (iii) The sounding of industrial whistles;
  - (iv) The sounding of motor vehicle horns in a wedding procession or in parades permitted by Council; or
  - (v) The removal of snow by heavy equipment, immediately following a snow storm.
- (b) The provisions of this By-law shall not apply to:
- (i) Any member of the Royal Canadian Mounted Police, By-law Enforcement Officer or the Bay de Grave Fire Department.
  - (ii) A person or an employee of the Town, while any such member or employee is employed in the execution of his duties as a member of the Town.

## **11. ENFORCEMENT**

This By-law may be enforced by, Royal Canadian Mounted Police , Peace Officer or any other person appointed by Council.

## **12. PENALTIES**

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 Service Districts Act; or
- (b) Shall be subject to an order under section 285 (1) of the Towns and Local Service Districts Act; or

- (c) Shall be subject to a violation notice issued under section 287.(1) of the Towns and Local Service Districts Act; or
- (d) Shall be issued a ticket under the Provincial Offences Act in accordance with section 288 of the Towns and Local Service Districts Act.

**13. REPEAL OF PREVIOUS REGULATIONS AND AMENDMENTS**

All previous Town of Clarke's Beach Noise and Nuisance Regulations and amendments are repealed.

**14. COMPLAINE WITH OTHER ACTS AND REGULATIONS**

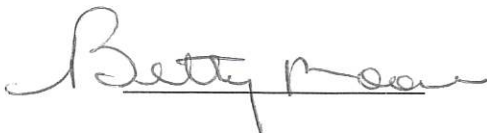
Nothing in this By-law serves to exempt any person from obtaining any license, permission, permit, authority or approval required by any other Bylaw of the Town or any statute or regulation of the Province of Newfoundland and Labrador, and in such cases where more than one Bylaw or statute applies the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

**15 EFFECTIVE DATE**

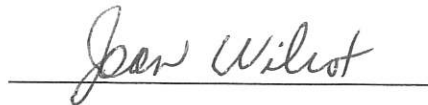
This By-law shall come into force on the

*June 3, 2025  
Motion # 2025/49*

In witness whereof the Seal of the Town of Clarke's Beach has been affixed hereto and this By-law have been signed by the Mayor and the Town Clerk on behalf of Council on this



Mayor



Town Clerk

**Town of Clarke's Beach**  
**Arrears Sale By-Law**

Pursuant to the authority conferred in section 7 of the *Towns and Local Service Districts Act, 2025*, the Town Council of Clarke's Beach has adopted the following regulations on

June 3, 2025

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**1. TITLE**

1.1. This document will be known and cited as Town of Clarke's Beach *Arrears Sale By-Law*.

**2. INTERPRETATION/DEFINITION**

2.1. "**Council**" shall mean the Town Council of Clarke's beach

2.2. "**Employee**" or "**Employees**" shall mean any individual under an employment contract with the Town of Clarke's beach including all members of staff, volunteers, contractors and members of Council.

2.3. "**Employer**" shall mean the Town of Clarke's Beach as represented by the Town Clerk and/or Town Manager or his/her designate.

2.4. "**Supervisor/Manager**" shall mean any individual who is responsible for managing and directing the work of an employee or group of employees.

2.5. "**Town**" shall mean the Town of Clarke's Beach.

2.6. "Town Clerk and/ or Manager shall mean the Town Clerk and/or Town Manager of Clarke's Beach

**3. APPLICATION**

This by-law applies to the sale of any real property for which a notice of arrears has confirmed to be served in accordance with the *Towns and Local Service Districts Act of Newfoundland and Labrador*.

**4. PROCEDURE**

**4.1. Resolution**

The Town Council shall, by resolution, direct that real property be sold by arrears sale upon confirmation by the Town Clerk and/or Town Manger

that a notice of arrears for the real property was served in accordance with Division 8 Leins and Arrears, Section 146 Notice of Arrears of the Towns and Local Service Districts Act of Newfoundland and Labrador.

#### **4.2. Notice of Arrears Sale**

- 4.2.1 The town clerk and /or Town Manager shall immediately upon receipt of a copy of the resolution referred to in 4.1 serve an owner, mortgagee, judgment creditor, lienholder or other person having a charge or encumbrance upon or against the real property with written notice of the arrears sale.
- 4.2.2 A person who receives a notice under 4.2.1 may, within fourteen (14) days of service of the notice, file an appeal with the Town.
- 4.2.3 Where an appeal has not been filed under 4.2.2, the Town Clerk and or Town Manager may advertise the real property referred to in the resolution for sale by public auction at a time and place that shall be stated in the advertisement.
- 4.2.4 Where an appeal has been filed under 4.2.2, the town clerk shall not advertise the real property referred to in the resolution for sale by public auction until a decision has been made with respect to the appeal.
- 4.2.5 An advertisement under this section shall be published in accordance with Section 292 of the Towns and Local Service Districts Act of Newfoundland and Labrador at least 30 days immediately before the date of the arrears sale.
- 4.2.6 It is sufficient in the notice and the advertisement to put the street and number of the real property, or to put another short reference by which the real property may be identified, together with a statement that a full description may be seen at the Town clerk's and/or Town Managers office.

#### **4.3. Arrears Sale by Public Auction**

- 4.3.1 At the time and place referred to in the advertisement of an arrears sale the town clerk shall proceed to sell at the public auction the real property or portions of the real property that the town clerk determines are sufficient to pay the taxes, water and sewer fees, local improvement fees, interest and expenses, unless the arrears of taxes, water and sewer fees, local improvement fees and interest and the expenses incidental to those proceedings and the arrears sale are then, or have been previously, paid.
- 4.3.2 Where the real property referred to in the advertisement of the arrears sale is only a portion of real property for which taxes, water and sewer fees or local improvement fees are owed and the portion does not sell for a sufficient amount to satisfy the taxes, water and sewer fees and local improvement fees, interest and expenses due with respect to the real property of which it forms a part, the town clerk may immediately, and without further notice, sell the whole or a portion of the remainder of the real property to satisfy the taxes, water and sewer fees and local improvement fees, interest and expenses.

4.3.3 The Town, by a town employee or agent, may bid for and purchase real property being sold to satisfy taxes, water and sewer fees, local improvement fees, interest and other expenses due.

#### **4.4. Further Notice of Arrears Sale**

Where, at the time set for an arrears sale, there are no bidders or the Town clerk and/or Town Clerk/Manager fails to sell the real property for the full amount of the arrears of taxes, water and sewer fees, local improvement fees, interest and expenses due, the town clerk shall

- a) adjourn the arrears sale until a date set by the town clerk that is not earlier than one week and not later than two (2) weeks after the date on which the original arrears sale was scheduled;
- b) serve notice of the date of the arrears sale set under 4.4.1 on a person entitled to notice under 4.2.1;
- c) publish a notice in accordance with section 292 that states that the arrears sale was adjourned and the time and place to which the arrears sale is adjourned; and
- d) attempt to sell the real property at public auction.

The Town Clerk and/or Town Manager may sell the real property at the public auction for an amount that can be realized.

#### **4.5. Arrears Sale Set Aside**

Where an arrears sale is set aside for an error, irregularity or other cause, the lien on the real property shall not, as a result of the error, irregularity or other cause be discharged but shall continue for the same time as if the date of the setting aside was the date on which the arrears sale took place and the real property may again be sold unless the taxes, water and sewer fees, local improvement fees, interest and expenses against it are paid.

#### **4.6. Proceeds of Arrears Sale**

4.6.1 The Town Clerk and/or Town Manager shall, from money received at an arrears sale, deduct the amount of taxes, water and sewer fees, local improvement fees, interest and expenses owing to the town, at the time of the arrears sale.

4.6.2 Where there is a balance remaining after making the deductions under 4.6.1, the town shall

- a) where the balance is less than \$200, pay the balance to the former property owner; or

b) where the balance is \$200 or more, pay the balance to the former property owner unless an application is made to the Supreme Court within 90 days of the auction by a person claiming entitlement to the balance and if an application is made, pay the balance to the Supreme Court.

4.6.3 Where 4.6.2 (b) applies, the town shall immediately serve written notice on a person entitled to notice under 4.2.1, setting out the amount of the balance and the requirement to apply to the Supreme Court within ninety (90) days of the auction to claim entitlement to the balance or a portion of the balance.

4.6.4 Where the former owner of the real property is unknown or cannot be located and there is a balance remaining after making the deductions under 4.6.1, the town shall pay the balance to the Supreme Court.

4.6.5 Payment of the balance to the Supreme Court under 4.6.2 or 4.6.4 shall have the same effect as payment to the owner, and a judge of the Supreme Court, on the application of an interested person, may order the payment out of Supreme Court of the balance or a portion of the balance to the person entitled to it.

#### **4.7. Failure to Pay**

Where the purchaser of real property at an arrears sale fails to immediately,

- a) Pay the Town Clerk and/or Town Manager or the town's agent the amount of the purchase price of the real property; or
- b) Deposit with the Town clerk AND/OR Town Manager an amount equal to the amount of the taxes, water and sewer fees, local improvement fees, interest and expenses of the arrears sale for which the real property has been sold,

the Town Clerk and/or Town Manager shall immediately re-offer the real property for sale at the public auction.

#### **4.8. Future Assessments**

4.8.1 Where the real property has been sold by arrears sale, the real property shall be assessed to the purchaser of the purchaser's executors, administrators or assigns.

4.8.2 Where the Town is the purchaser, the real property shall be assessed to the Town of Clarke's Beach

**4.9. Vesting of Real Property Following an Arrears Sale**

4.9.1 Where real property has been sold by arrears sale, the town council shall give to the purchaser a *valid* conveyance in the name of the Town signed by the Mayor and the Town clerk and/or Town Manager or a person appointed by the Town Council and sealed by the town.

4.9.2 The conveyance referred to in 4.9.1 shall

- a) be conclusive evidence that the provisions of this Act with reference to the arrears sale of the real property described in that conveyance *have* been fully complied with, and everything necessary for the legal perfection of that sale has been performed; and
- b) have the effect of vesting the real property in the purchaser, the purchaser's executors, administrators or assigns absolutely free from encumbrances except a claim of the Crown and an easement.

**4.10 Review**

The Town of Clarke's Beach shall, *every* 2 years, conduct a *review* of this By-law and consider the areas which may be improved.

**5. REPEAL OF PREVIOUS BY-LAWS AND AMENDMENTS**

5.1. None

**6. CAME INTO EFFECT**

These Regulations first came into effect on Council,

*motion #2025/49*

*June 3, 2025*

*Betty Mean* MAYOR

*Jean Wilcot* TOWN CLERK/AND OR  
TOWN MANAGER