

By-law No. GG-010: RESPECTING NOISE

The Council of the Municipality of Grand Bay-Westfield under authority vested in it by Section 10 of the *Local Governance Act*, SNB 2017, c.18 and amendments thereto enacts as follows:

SHORT TITLE

1. This By-law may be cited as the Noise By-law.

INTERPRETATION

2. In this By-law:
 - a) "noise" means any noise or sound of such volume or nature which causes or is likely to cause annoyance to or disturb any resident or residents, or which causes or is likely to cause a public disturbance, including but not limited to noise caused by shouting, singing, whistling, music, motor vehicles including but not limited to motorcycles and motor bikes, snowmobiles, all-terrain vehicles, pneumatic hammers, construction equipment, machinery and consumer fireworks that are sold for use by the general public
 - b) "Town" means Town of Grand Bay-Westfield;
 - c) "police officer" means a police officer as defined in the *Provincial Offences Procedure Act*, SNB 1987, c.P-22.1 who is employed by or engaged to perform policing services on behalf of the Town;
 - d) "resident" means a landowner or tenant of property within the boundary of the Town; and
 - e) "contractor" means any person or persons whose services are engaged by the Town by means of a contract in writing to carry out some work or perform some action on behalf of the Town.
3. No person shall make or permit to be made any noise within the Town.
4. This By-law shall apply between the hours of 11:00 o'clock in the evening and 7:00 o'clock the following morning.
5. In addition to section 4, this By-law shall also apply to noise caused by pneumatic hammers, construction equipment and machinery, and vehicles of business or trade, between the hours of 7:00 a.m. and 11:00 p.m. on a Sunday.

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6. This By-law shall not apply to contractors or employees of the Town while in the course of their duties, snow removal equipment, authorized emergency vehicles or emergency equipment.

ADMINISTRATIVE PENALTIES

- 7(1). The municipality may require an administrative penalty to be paid with respect to a contravention of a provision of this By-law as set out in subsection 7(2) of this By-law.

- 7(2). A person who contravenes a provision of this By-law may pay to the municipality an administrative penalty in the amount of

a) where the person has not previously contravened this By-law, \$100.00, and

b) where the person has previously contravened this By-law, the sum of the amount paid or to be paid by the person in respect of the most recent contravention and \$100.00, provided that in no event shall a person be required to pay an administrative penalty in an amount exceeding \$1,500.00,

and, upon such payment, the person who committed the contravention is not liable to be prosecuted therefor.

- 7(3). A person who may pay to the municipality an administrative penalty in accordance with this By-law may pay the administrative penalty in accordance with the Administrative Penalty By-law.

OFFENCES

8. Every person who violates any provision of this By-law is guilty of an offence and liable on summary conviction to a minimum fine of seventy dollars (\$70.00) and a maximum fine of five hundred dollars (\$500.00) offence.

9. Any offence under this By-law shall be enforced by a police officer in accordance with the provisions of the *Provincial Offences Procedure Act*, SNB 1987, c.P-22.1.

REPEAL

10. By-law No. 90, a By-law of the Town of Grand Bay-Westfield By-law Respecting Disturbance by Noise, enacted on 23 September 2002, and all amendments thereto, is hereby repealed.

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READ A FIRST TIME by summary this 13th day of March, 2023.

READ A SECOND TIME by title this 13th day of March, 2023.

READ A THIRD TIME in its entirety and ENACTED on this ____ day of _____, 2023.

This By-law comes into force on the date of final passing thereof.

SIGNED AND APPROVED this ____ day of _____, 2023.

John Enns-Wind
CAO / Clerk

Seal

Brittany Merrifield
Mayor