

BY-LAW NUMBER 42

A BY-LAW RELATING TO THE PREVENTION OF EXCESSIVE NOISES IN THE VILLAGE OF PETITCODIAC

WHEREAS under the authority of the Municipality Act, R.S.N.B. 1973, c-M22, Section 11(1)(L), the Village of Petitcodiac is authorized to enact a By-Law for the purpose of “regulating or prohibiting within the municipality or any defined area thereof, the making of noise likely to cause a public nuisance or otherwise disturb inhabitants”;

AND WHEREAS it is deemed expedient that such a By-Law be now enacted;

BE IT THEREFORE ENACTED by the Council of Petitcodiac, as follows;

1. This By-Law shall be known as By-Law No. 45 and may be cited as the “Noise By-Law”.
2. In this By-Law:
 - (a) “**Village**” means the Village of Petitcodiac
 - (b) “**Vehicle**” means a vehicle that is drawn, propelled or driven by any means other than by muscular power, including without limiting the generality of the foregoing, a motor driven cycle;
 - (c) “**Motor driven cycle**” means a motor vehicle having a seat or saddle for the use of the rider and propelled by a motor and includes a motorcycle, a motor scooter, a moped, a three or four-wheeler ATV or a bicycle with a motor attached.
 - (d) “**Street**” includes alley, boulevard, bridge, court, footway, highway, lane, park, public drive, sidewalk, square and any part of any of these open to public use
 - (e) “**Dwelling House**” means the whole or any part of a building or structure that is kept or occupied as a permanent or temporary residence.
3. The following acts, among others, are hereby declared to be noises which disturb or tend to disturb the peace and tranquility of the Village or any portion thereof:
 - (1) The discharge unto the open air of the exhaust of any steam engine, motor boat or motor vehicle, motor driven cycle, except through a muffler or other device which will effectively prevent loud or explosive noises there from;
 - (2) 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 fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise;

- (4) The starting, driving, turning or stopping of any vehicle or acceleration of the vehicle engine while the vehicle is stationary, in a matter which causes any loud and unnecessary noise in or from the engine, the exhaust system, or the braking system, or from the contact of the tires with the roadway.
- (5) The discharge of any explosive device such as firecrackers or fireworks unless by prior permission of the village council.

4. (1) No person shall, in the Village make any noise which disturbs or tends to disturb the peace and tranquility of the Village or any portion thereof.

(2) No person shall, in the Village, operate or cause to permit to be operated any stereo system, radio or other device or apparatus for reproducing or amplifying sound, the sounds of which are capable of being heard on any street in the village or in any adjacent dwelling-house unless by prior permission of the village council.

- (3) No person shall by
- (i) fighting
 - (II) screaming
 - (III) shouting
 - (iv) swearing
 - (v) using insulting or obscene language;

cause any loud and unnecessary noise, the sounds of which are capable of being heard on any street in the village or adjacent dwelling-house.

5. Every person who contravenes or fails to comply with any of the provisions of this By-Law shall be liable to the penalty of not less than FIFTY DOLLARS (\$50) and not more than FIVE HUNDRED DOLLARS (\$500) and in default of payment thereof, to imprisonment for a period not exceeding 60 days, and each day such person contravenes or fails to comply shall be deemed a fresh offense.

Ordained and passed this 29th day of August A.D. 1991

Clerk _____

Mayor _____

First Reading: Aug 15/91
Second Reading: Aug 15/91
Third Reading: Aug 29/91