

VILLAGE OF CHIPMAN

BY-LAW NO. 86

A BY-LAW RELATING TO THE PREVENTION OF NUISANCES

The Council of the Village of Chipman under authority vested in it by Section 10 of the Local Governance Act, SNB 2017, c 18, and any amendments there to, enacts as follows:

Short Title

1. This By-law may be cited and referred to as the "Nuisance By-Law".

Definitions

2. In this by-law: -

(1) "motorcycle" means every vehicle having a saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground but excluding a tractor;

(2) "motor driven cycle" means a motorcycle, and includes a motor scooter or a bicycle with motor attached;

(3) "motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power.

(4) "motorized snow vehicle" means a self-propelled vehicle designed to be driven exclusively on snow or ice but does not include a snowmobile registrable under the Motor Vehicle Act of New Brunswick;

(5) "peace officer" means

(i) a member of the Royal Canadian Mounted Police;

(ii) a police officer or police constable appointed by the Village

and includes

(iii) any member of the Royal Canadian Mounted Police Auxiliary while on duty;

(iv) and member of an auxiliary police force of the Village while on duty;

(v) any member of the Canadian Armed Services while engaged in lawful military police duty or in rendering assistance to a lawfully constituted civilian police force;

(vi) any conservation officer with the Justice and Public Safety;

(vii) any person appointed by the Village to enforce any by-law;

(viii) or any commercial enforcement.

(6) "public place" means any place either a building or in the open to which the public can and do have access, whether or not the place is devoted exclusively to the uses of the

public and whether or not such access is with or without invitation or permission including permission obtained by payment of an admission charge, and without limiting the generality of the foregoing, includes;

(a) any street, square, common park, parking lot, picnic site, playground, playing field, camp ground, church ground or yard, school ground or yard, the grounds of any public building, or other open space.

(b) the approaches to any yard and grounds, including parking lot, of a place ordinarily used as a place of business,

(c) any place to which the public habitually has resort;

(7) "snowmobile" means a vehicle that

(a) is not equipped with wheels, but in place thereof is equipped with tractor treads alone or with tractor treads and skis, or with skis and a propeller, or is a toboggan equipped with tractor treads or a propeller, and

(b) is designed primarily for operating over snow, and is used exclusively for that purpose.

(8) "stand" when used with reference to a vehicle and when prohibited means any stopping or standing of a vehicle, whether occupied or not except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control sign or signal;

(9) "street" means the entire width between the boundary lines of every street, highway, road, lane, boulevard, alley, drive, avenue, park, public square, common, or any other place in the Village when any part thereof is used by the public for the passage of vehicles, and includes any sidewalk, bridge, divider, median, safety island, ditch, drain or culvert therein;

(10) "vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a street; and includes a bicycle, motor driven cycle, motor vehicle, motorized snow vehicle, snowmobile, and animal-drawn vehicle;

(11) "noise" means any sustained and ongoing noise or sound of a volume or nature which causes or is likely to cause annoyance or to 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, music, motor vehicles including motorcycles, off-road vehicles, air horns, or truck engine brakes.

#### Loitering and Congregating

3. No person, whether upon foot or upon, in, or with a vehicle, shall loiter, park, assemble, congregate, or stand, either alone or in a group or a crowd of two or more in a manner that disturbs or causes any disturbance:

(a) on any street,

(b) about, at, near, in or upon the entrance or approach to any church, school, hall, public building, any business premises or any place where business is ordinarily carried on, or any other public place,

(c) upon or in any business premises or any place where business is ordinarily carried on,  
or

(d) any other public place, after having been requested by a peace officer or a person in authority to depart, disperse, or move along the street or away from such place.

#### Nuisances

4. No person shall run in a reckless manner on any street nor in any way obstruct travel therein.
5. No person shall throw any objects on or into any street, or at any building to cause damage or injury to persons or property.
6. No person shall coast or slide on a sled or toboggan on a street.
7. No person shall skate, or play any game of ball, hockey, or other game on any street that would disrupt traffic.
8. No person shall unnecessarily shout or sound a horn in a sustained fashion, whether on a vehicle or otherwise nor make any unnecessary noise or disturbance, nor sing any boisterous or indecent song in a public place.
9. No person shall make or cause to be made any unnecessary noise by means of, or with, the tires of a vehicle upon a street.
10. No person shall beat a drum, play any musical instrument or make any unusual sound on any street or in any public place, if requested by a peace officer or person of authority to desist.
11. No person shall knock on a door or ring a door bell of a residence for the purpose or annoying or disturbing any person in such residence.
12. No person shall post signs in the Village of Chipman without prior approval of the Mayor or Village Clerk in consultation with council.
13. No person, business, or organization shall in any Village neighborhood host a gathering of people causing a noise disturbance, including the playing of loud music disrupting neighbours rights and enjoyment of personal property between the hours of 10:00 pm and 8:00 am.  
(Exemption Form – Form A)
14. No person shall either directly or indirectly demand or invoke the official services of any peace officer or other officer or official of the Village where no reasonable cause exists for so doing.
15. No person shall pull down, deface, mutilate, damage any Village property, or cover over any public notice lawfully posted.
16. (1) No person shall, without the permission of the Mayor or person designated by him, place or cause to be placed in or upon any ditch or watercourse within the Village any manure, night soil, dirt, offal or offensive substance, or any glass, stone, wood, metal, or rubbish tending to impede the flow of water in such ditch or watercourse.  
  
(2) A person designated by the Mayor, peace officer or person of authority of the Village may require any person who has violated the provisions of subsection 16.(1) hereof to remove anything placed or caused to be placed as aforesaid and in case of his neglect or refusal to comply with such order or if the person committing such violation cannot be found, the person designated by the Mayor may forthwith remove or destroy such thing or sell the same as he

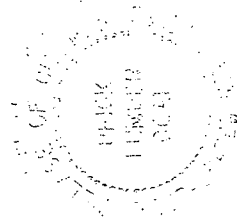
deems advisable and the expense of such removal or destruction shall be paid by such person in addition to any penalty imposed pursuant to this by-law.

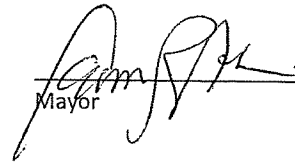
Offences and Penalties

17. Every person who violates any provision of this By-Law is guilty of an offence and on summary conviction is liable to a minimum fine of not less than \$250.00 and a maximum fine of not more than \$500.00. In addition, all costs incurred to replacing or repairing any damage of Village property will be born by the offender.

By-Law number 15, entitled "A By-Law Relating to the Prevention of Nuisances" is hereby repealed.

First Reading: November 5, 2018  
Second Reading: November 5, 2018  
Third Reading: December 3, 2018  
Enacted: December 3, 2018



  
Mayor

  
Clerk