

BY-LAW N0. 4-03
A BY-LAW OF ROTHESAY
RELATING TO PEACE, ORDER AND THE PREVENTION OF NUISANCES

The Council of Rothesay duly assembled hereby enacts as follows:

1. ADMINISTRATION

- a. This By-law may be cited as the 'Rothesay Nuisance By-law'.
- b. This By-law applies to the entire area within the bounds of the municipality of Rothesay.
- c. In this By-law:
 - i) "Chief of Police" means the Chief of the Rothesay Regional Police or his designate;
 - ii) "Fire Chief" means the Chief of the Rothesay Regional Fire Department or his designate;
 - iii) "Council" means the Mayor and Council of Rothesay;
 - iv) "person" shall include persons, corporations, partnerships or societies;
 - v) "public places" shall mean and include any place, building or public conveyance to which the general public habitually resort, lawfully or otherwise, or to which the general public is admitted either free or upon payment.
 - vi) "vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a street; including a bicycle, motor driven cycle, motor vehicle, motorized snow vehicle, snowmobile, and animal drawn vehicle.
 - vii) "peace officer" means
 1. a member of the Rothesay Regional Police Force
 2. a person appointed by the Council to enforce any by-law.

2. LOITERING AND BEGGING

- a. No person shall loiter unless such person, when required to do so, justifies his reason for doing so.
- b. No person shall beg or solicit from door to door or in a public place except as may be authorized by the written authority of the Mayor.

3. LITTERING

- a. No person shall:
 - i) spit, deface, or cause to be placed any litter on any of the walks or sidewalks of Rothesay or public places within Rothesay;
 - ii) throw stones, snowballs or other missiles or filth or garbage, or litter of any kind in or into any street, ditch, or sidewalk, or at any person or vehicle travelling thereon, or at any building or window, or injure the same in any way; or
 - iii) gather, accumulate, spread or pile up any refuse, waste, junk or any other foul material whether the same be on private property or public land.

4. NOISE

- a. No person shall:
- i) cause directly or indirectly the ringing of bells, blowing of horns, shouting or the operating of any musical instrument, loud speakers, radios, stereos, or other sounding devices producing any loud or unusual noises when ordered by any Peace Officer not to do so.
 - ii) make or cause to be made any unnecessary noise by means of a vehicle within the limits of Rothesay;
 - iii) encourage fighting or quarreling, or make unnecessary or unusual noises or disturbance, or sing boisterous or indecent songs.
 - iv) allow their dog to bark or howl continuously; or
 - v) operate construction equipment between the hours of 9:00 p.m. and 7:00 a.m.
- b. For the purposes of this section ‘noise’ is defined as a sound exceeding:
- 65 dBA during the hours of 7:00 am to 9:00pm, or
 - 55 dBA during the hours of 9:00 p.m. to midnight and
midnight to 7:00 am

as determined with reference to an appropriate measuring device or which is in the opinion of a peace officer at or in proximity to the source of the sound, excessively loud, disturbing or disruptive.

5. MISCELLANEOUS

- a. No person shall:
- i) knock on a door or ring a door bell of a residence within Rothesay for the purpose of annoying any person in such residence;
 - ii) willfully disturb the good order or harmony of any religious service or public meeting, or of any public gathering or assemblage of persons for amusement or recreation lawfully held within Rothesay;
 - iii) without the consent of the owner thereof, or legal authority thereof, deface or remove any signboard or name sign used to denote an office, calling or employment, or other written or printed notice lawfully affixed or posted within Rothesay or break, deface or injure any street sign, street light, pole or fixture, or in any way injure any public property;
 - iv) maliciously or without proper authority therefore deface, destroy or remove any gate, fence or other protection enclosing or fronting any house, lot or other premises; or remove or extinguish any signal light or guard placed near or over any obstruction of excavation, public or private;
 - v) ride a vehicle or horse upon a sidewalk within the municipality;
 - vi) allow a fire alarm or auto theft alarm to emit noise repeatedly without cause;
 - vii) either directly or indirectly demand or invoke the official services of any police officer, firefighter or other officer of Rothesay where no reasonable cause exists for so doing;
 - viii) remove or carry away any fire ladder or other fire prevention or suppression apparatus from any building, or remove or displace any of the property of the Rothesay Regional Fire Department except with the consent of the Fire Chief or other person having lawful charge thereof; or

- ix) detonate fireworks or explosive devices not used in construction unless authorized by the Chief of Police and the Fire Chief.
- b. Nothing in this By-law shall be construed as to apply to the plowing or removal of snow or the provision of emergency services or other public services.

6. ENFORCEMENT AND PENALTIES

- a. Every person who violates any provision of this By-law or who knowingly allows a violation of any provision of this By-law to take place on property owned or leased by him is guilty of an offence.
- b. A person who violates 2(a) or 2(b) commits an offence punishable under Part II of the Provincial Offences Procedure Act as a category B offence.
- c. If a person continues to carry on any of the activities set out in sections 3, 4 or 5 after directed by a Peace Officer to cease and desist, that person is guilty of a separate offense and a separate charge or charges may be laid until such time as the activity is stopped.
- d. Every person charged with an offence under this Bylaw may, on or before the date a charge pertaining to the offence has been laid in Provincial Court, make a voluntary payment of \$50.00 (fifty dollars) to Rothesay as follows:
 - i) in person at the offices of the Rothesay Regional Police, Landing Court, Quispamsis, in cash or by cheque or money order made payable to the Rothesay Regional Police Force; or
 - ii) by mail to: Rothesay Regional Police, 3 Landing Court, Quispamsis, N.B., E2E 4R2, by cheque or money order only, payable to the Rothesay Regional Police; at which time the ticket or ticket number shall be surrendered to the Rothesay Regional Police and such payment shall be deemed payment in full.
- e. If the voluntary payment set out in section (d) has not been received on or before the date a charge pertaining to the offence has been laid in Provincial Court, the person charged with the offence may make a voluntary payment of \$75.00 (seventy-five dollars) as follows:
 - i) in person at Hampton Courthouse, 648 Main Street, Hampton, NB, E5N 6C8, by cash or certified cheque or money order payable to the Minister of Finance; or
 - ii) by mail to: Province of New Brunswick, P.O. Box 6000, Fredericton, N.B., E3B 5H1, "Attention Provincial Court", by certified cheque or money order only, payable to the Minister of Finance; at which time the ticket or ticket number shall be surrendered to the Provincial Court and such payment shall be deemed payment in full.
- f. If the voluntary payments set out in sections (d) and (e) above have not been received on or before the hearing scheduled for entering of a plea before the Provincial Court, the person charged with the offence is liable on summary conviction to a fine of not less than \$100.00 (one hundred dollars) and not more than \$200.00 (two hundred dollars) and all such fines shall be recoverable under the provisions of the Provincial Offences Procedure Act.

7. REPEAL

The following By-laws are hereby repealed:

- i) Village of East Riverside-Kingshurst, Noise By-law No. 18-84;
- ii) Village of Fairvale, Peace, Order and the Prevention of Nuisances By-law No. 43;
and
- iii) Town of Rothesay, Peace, Order and Decorum and the Protection of Property Rights By-law No. 48.

FIRST READING BY TITLE	<u>14 October 2003</u>
SECOND READING BY TITLE	<u>12 January 2004</u>
READ BY SECTION NUMBER (Advertised as to content on the Rothesay website in accordance with Municipalities Act, R.S.N.B. (1973) Chapter M-22)	<u>8 March 2004</u>
THIRD READING BY TITLE AND ENACTMENT	<u>8 March 2004</u>
<hr/> William J. Bishop, Mayor	<hr/> Mary Jane E. Banks, Clerk