

TOWN OF ST. STEPHEN

BY-LAW NO. S-14

**A BY-LAW TO PROHIBIT EXCESSIVE NOISES**

**BE IT ENACTED** by the Council of the Town of St. Stephen, under the authority vested in it by the *Local Governance Act*, SNB 2017, C-18 as follows:

**1. Definitions**

"Noise" shall refer to all noise or sound that causes a public nuisance or otherwise disturb the Town's inhabitants.

**2. Prohibitions**

(1) No one may make, continue or cause, or allow to be made, or cause the making of noise.

**3. Exemptions**

(1) The provisions of this by-law shall not apply to:

- a. Agents, servants or employees of the Municipality in the course of their duties;
- b. Construction work between 7am and 10pm or of an emergency nature;
- c. Emergency vehicles;
- d. Vehicles utilized by the personnel and/or contractors to perform maintenance and/or construction work by or on behalf of the Town;
- e. Public transit vehicles;
- f. Church bells for religious services;
- g. Alarms sounding for not more than twenty minutes;
- h. Commercial vehicles operating on a truck route;
- i. Festivals, events and activities organized by or on behalf of the Town;
- j. Festivals and events with which the Town has concluded partnership agreements;
- k. Construction work and road improvement projects carried by or on behalf of the Town;
- l. Celebration, reception or private celebration between the hours of 7:00 a.m. and 10:00 p.m.;
- m. Snow removal; and
- n. Athletic and recreational activities held in green and public areas between 7:00 a.m. and 11:00 p.m.

**4. Application to make noise:**

- (1) Subject to subsections 4(2), 4(3), 4(4), and 4(5), applications may be made to the Council in order to allow the making of noises otherwise prohibited hereunder for a special event. The application must be made in writing to the Clerk not less than thirty (30) days prior to the date on which the special event is to be held.
- (2) Prior to making an application to Council, the applicant must advise in written format, residents living within 200m of the noise source of their application for exemption. Such notice must include a copy of the application.
- (3) The application to Council must be accompanied by a written statement from the applicant, attesting that they have advised the residents in accordance with subsection 4(2).
- (4) A resident who was advised as per subsection 4(2) may submit his written comments to the Clerk no later than the Thursday preceding the date on which Council will address the application pursuant to subsection 4(1).
- (5) Council may attach any terms and conditions it considers appropriate for an approval given under subsection 4(1).

**5. Offences and Penalties**

- (1) An individual who violates any provision of this by-law is guilty of an offence and is liable on conviction to a minimum fine of one hundred and fifty dollars (\$150.00), and a maximum fine of seven hundred and fifty dollars (\$750.00).
- (2) A corporation who violates any provision of this by-law is guilty of an offence and is liable on conviction to a minimum fine of three hundred dollars (\$300.00), and a maximum fine of one thousand and five hundred dollars (\$1,500.00).

**6. Repeal**

By-Law No. S-1 entitled *A By-law Respecting Disturbance by Noise*, adopted on the 7<sup>th</sup> day of July, 2010, is hereby repealed.

**IN WITNESS WHEREOF** the Town of St. Stephen has caused the corporate seal of the said Town to be affixed to this By-Law the 22<sup>nd</sup> day of June, 2020.

First Reading: March 23, 2020

Second Reading: May 25, 2020

Third Reading and Enacted: June 22, 2020

  
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Mayor

  
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Town Clerk