

UNOFFICIAL OFFICE CONSOLIDATION – FOR REFERENCE ONLY



BY-LAW 700-31

A BY-LAW RELATING TO THE PREVENTION OF EXCESSIVE NOISE IN THE TOWN OF RIVERVIEW

BE IT ENACTED by the Town Council of the Town of Riverview under the authority vested in it by the Local Governance Act, SNB 2017, c18 as follows:

Title

1. This By-Law may be cited as the “Excessive Noise By-Law” to be applied to excessive noise originating within the entire boundaries of the Town.

Definitions

1. “Excessive Noise” means any qualitative noise or sound likely to cause a public disturbance or otherwise disturb the inhabitants of the Town in intermittent periods within a 24 hour period totalling more than 20 minutes, and/or continuously in excess of 20 minutes. This definition also includes barking as defined pursuant to *By-Law 600-05-05 Animal Control By-law*.
2. “Town” means the Town of Riverview.
3. “Council” means the Town of Riverview Council.

General Prohibition

1. No person shall make, cause to continue or allow to be made any excessive noise unless otherwise stated in this by-law or through an exemption which has been approved by the Council.

Exceptions

1. The provisions of this by-law shall not apply to:
 - a. The employees, contractors, agents or servants of the Town, Government of Canada, the Province of New Brunswick, NB Power, Telephone or Cable companies when acting in the reasonable execution of their required duties;
 - b. Athletic and recreational activities when occurring in Town parks, indoor and outdoor facilities or in centres;
 - c. Outdoor special events when authorized by Council;
 - d. Church bells for religious purposes;
 - e. Emergency vehicles;
 - f. Snow or garbage removal operations;
 - g. Construction equipment between 7 a.m. – 10 p.m. Monday to Saturday, or unless authorized by Council to operate outside those hours;
 - h. Agriculture activities occurring on a farm operation, excluding sound systems or devices used to restrict wildlife between 10 p.m. – 7 a.m.
 - i. Commercial vehicles operating on designated truck routes;
 - j. Property maintenance between 7 a.m. – 10 p.m.
 - k. Golf course operations and maintenance;

- I. Public transit vehicles.

Application for Exemption

1. Notwithstanding anything contained in this by-law, application may be made to Council to allow the making of Excessive Noise, for a special event or construction activity, which would otherwise be prohibited. The application is to be submitted as follows:
 - a. The application must be made in writing to the Town Clerk and received not less than (30) thirty days prior to the date the special event or construction activity is to be held.
 - b. Council may refuse to grant an exemption or may grant the exemption with any terms and conditions as Council deems appropriate. A time period will be specified, which shall not exceed six months, during which the exemption will be in effect.
 - c. In deciding whether or not to grant an exemption, Council shall give consideration to the social or commercial benefit of the proposed activity, the impact the Excessive Noise shall have on residents, the proposed hours of the Excessive Noise making activity and the proposed duration of the activity.
 - d. Upon approval of an exemption, a condition may be added that residents or businesses within a two hundred metre radius must be notified not more than seven days prior to the commencement of the event. This shall be completed by the applicant requesting the exemption.

Enforcement & Offences

1. Any peace officer, or By-law Enforcement Officer is hereby authorized to take such action or issue such tickets as they may deem to be necessary to enforce any provisions of this by-law.
2. Any person who violates this by-law is guilty of an offense and liable on conviction to a minimum fine of two hundred and fifty dollar (\$250) and not to exceed the maximum amount payable under Part II of the Provincial Offense Procedures Act as a Category C offense.

Severability

1. Where a Court of competent jurisdiction declares any section or part of a section of this by-law invalid, the remainder of this by-law shall continue in force unless the Court makes an order to the contrary.

Repeal

1. A By-law of the Town, By-law R700-30-1 and all amendments thereto, respecting excessive noise in the Town of Riverview is hereby repealed.

First Reading: May 11, 2020

Second Reading: June 8, 2020

Third Reading: June 8, 2020

Original By-Laws and amendments thereto are on file in the Office of the Town Clerk. This document is for convenient reference purposes only. Any questions should be forwarded to the Office of the Town Clerk.