

TOWN OF ST. ANDREWS

BY-LAW NO. 07- 01

A BY-LAW TO AMEND BY-LAW NO. 06-04

A BY-LAW CONCERNING THE REGULATING OF NOISE IN THE TOWN OF ST. ANDREWS

1 *The introductory enactment paragraph is struck and the following substituted therefore.*

Pursuant to the authority of section 11(1)(l) of the *Municipalities Act*, R.S.N.B. 1973, Chapter M-22, BE IT ENACTED by the Council of the Town of St. Andrews as follows:

2 *Section 1 of By-law No. 06-04 is amended by repealing the definition "noise".*

3 *Section 4 of the by-law is repealed and the following is substituted:*

REGULATIONS

4(1) No person shall at any time make, cause or permit the making of noise within the Town that is the result of any of the activities described in Schedule A likely to cause a public nuisance or otherwise disturb inhabitants.

4(2) No person shall during the days and between the hours specified in Schedule B make, cause or permit the making of noise within the residential areas and other areas designated in Schedule D likely to cause a public nuisance or otherwise disturb inhabitants.

4 *Sections 7, 8, 9 and 10 of the by-law are repealed and the following substituted:*

PENALTY

7 A person who violates any provision of this by-law is guilty of an offence.

8(1) A person charged with an offence under this by-law may, on or before the date a charge pertaining to the offence has been laid in Provincial Court, make a voluntary payment to the Town of St. Andrews

(a) in the case of a first offence, the payment of a sum equal to the minimum fine prescribed for such violation,

(b) in the case of a second offence, the payment of a sum equal to twice the minimum fine prescribed for such violation, and

(c) in the case of a third or subsequent offence, the payment of a sum equal to the maximum penalty prescribed for such violation.

8(2) Upon payment of the fine prescribed in subsection 8(1) the person committing the violation is not liable to be prosecuted therefor.


9 If the voluntary payment set out in section 8 has not been received on or before the charge pertaining to the offence has been laid in Provincial Court, the person charged with the offence is liable on conviction to a fine not to exceed the maximum fine that may be imposed for commission of an offence punishable under Part II of the Provincial Offences Procedure Act as a Category D offence, and in any event the minimum fine shall be \$500.00.

10 The conviction of a person under this section does not operate as a bar to further prosecution for the continued neglect or failure on his, her or its part to comply with the provisions of this by-law


FIRST READING: August 7, 2007

SECOND READING: September 4, 2007

THIRD READING AND ENACTED: September 4, 2007



John D. Craig, Mayor



W. Timothy Henderson, Town Clerk