

BY-LAW NO. 26-01

A BY-LAW REGARDING NOISE AND NUISANCE FOR THE TOWN OF SAINT ANDREWS

BE IT ENACTED by the Council for the Town of Saint Andrews, under the authority vested in it by the *Local Governance Act*, R.S.N.B. 2017, c. 18, as follows:

PART 1 TITLE & DEFINITIONS

Title

- 1** This by-law shall be known and cited as the “Noise By-Law”.

Definitions

- 2** In this By-law, unless context otherwise requires:
- a)** “building” includes a house, mobile home, mini home or other structure used for human occupation, employment, recreation or other like purposes;
 - b)** “ambient sound level” means the sound Level measured by a Tester at a point of reception, which excludes the noise generated by an activity with respect to which a complaint about noise has been made.
 - c)** “By-Law Enforcement officer” means the By-Law Enforcement Officer appointed by the Town.
 - d)** “Chief Administrative Officer” means the individual appointed by Town Council resolution, or their delegate.
 - e)** “Clerk” means of the individual appointed by Town Council resolution or their delegate.
 - f)** “commercial development” means any land which is the site of any development other than a residence or lands designated according to commercial use as defined by the Municipal Plan and/or Zoning Bylaw.
 - g)** “continuous sound” means any sound level that occurs:
 - i)** For a continuous duration of more than three (3) minutes; or
 - ii)** Sporadically for a total of more than three (3) minutes, in any continuous fifteen (15) minute period.
 - h)** “Council” means the Mayor and Councillors for the Town of Saint Andrews.
 - i)** “Daytime” means the period:
 - i)** Beginning at 7:00 a.m. and ending at 10:00 p.m. of the same day on Weekdays;
 - ii)** Beginning at 7:00 a.m. and ending at 11:00 p.m. of the same day on Saturdays; or
 - iii)** Beginning at 9:00 a.m. and ending at 11:00 p.m. of the same day on a Sunday.
 - j)** “dBA” means a decibel measured using the A-weighted scale of a sound level meter, and which expresses the relative loudness of sounds as perceived by the human ear.
 - k)** “group” means three or more persons.
 - l)** “Nighttime” means any period beginning at 10:00 p.m. on Weekdays and Sundays, and 11:00 p.m. on Saturdays, and ending the following day at:

- i) 7:00 a.m. if the following day is a Weekday or Saturday; or
 - ii) 9:00 a.m. if the following day is a Sunday.
- m) “noise” means any sound that is reasonably likely to disturb the peace of others.
- n) “non-continuous sound” means any sound level that is not a continuous sound measured by a sound level meter.
- o) “outdoor speaker system” means any sound amplification device that converts electrical impulse into sound, whether the device is independent or incorporated into a radio, stereo, television, public address or other system, which is used for general listening purposes and positioned:
 - i) Outside a building;
 - ii) Inside a building and within two (2) meters of any opening in the building including a window or doorway, where it is directed outside of the building; or
 - iii) In a tent.
- p) “place of worship” is a specially designed structure or consecrated space where individuals or a group of people, such as a congregation, come to perform acts of devotion, veneration, or religious study.
- q) “point of reception” means any location at the place of work or residence where the noise or sound levels are heard by a complainant, as determined by the Tester to be appropriate in each circumstance; distance is based on standardized equation.
- r) “public address system” means any system of loud speakers, amplifiers, microphones or reproducers or any combination of any such equipment used in the reproduction or amplification of music, speech or other sounds, when used for communication or otherwise addressing or entertaining a person or persons.
- s) “residence” means a room, suite of rooms, or dwelling, including a mobile trailer, operated as a housekeeping unit that is used or intended to be used as a separate domicile by one or more persons, and that normally contains cooking, eating, living, sleeping, and sanitary facilities.
- t) “residential area” means any area where three or more adjacent properties are designated as low-intensity or a primary residential use.
- u) “sound level meter” means a device used to measure sound pressure which meets the standard IEC 61672 (or the British Standard equivalent BS EN 61672) to either Class 1 or Class 2.
- v) “tester” means a Bylaw Enforcement Officer or other individual authorized by the Town and trained in the operation of a sound level meter as defined herein.
- w) “weekday” means Monday through Friday, inclusive unless it falls on a holiday, as defined in the *Days of Rest Act* (SNB. 1985, c. D-42).

PART 2 GENERAL PROVISIONS

- 3(1)** The Chief Administrative Officer is responsible for the administration of this By-Law.
- 3(2)** All officers with authority to enforce the By-Laws of the Town are responsible for enforcing the provisions of this By-Law.
- 3(3)** No person shall, at any time, make, cause, or permit the making of noise within the Town of Saint Andrews that is the result of any of the activities described in Schedule A and that is audible to:

- a) A person in a premises or a vehicle other than the premises or vehicle from which the noise is originating.
 - b) A person in a residence other than the residence from which the noise is originating.
- 3(4) 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 that is the result of any of the activities described in Schedule B and that is audible to:
 - a) A person in a premises or a vehicle other than the premises or vehicle from which the noise is originating.
 - b) A person in a residence other than the residence from which the noise is originating

Continuous Sound in Residential Developments

- 4(1) No person shall cause or permit to be caused, at any point of reception within a residential development, a continuous sound that exceeds the greater of the following sound levels:
 - a) 65 dBA, measured over a one (1) hour period during the Daytime; or
 - b) 50 dBA, measured over a one (1) hour period during the Nighttime.
- 4(2) Notwithstanding Subsection (a) where the ambient sound Level for an area is at or above the maximum allowable Daytime or Nighttime sound levels referred to in Subsection (a), measured over a one (1) hour period, a sound level must exceed five (5) decibels (dBA) Leg over the ambient sound level before it becomes an offence.

Continuous Sound in Commercial Developments

- 5(1) No person shall cause or permit to be caused, at any point of reception within a commercial development, a continuous sound that exceeds the greater of the following Sound Levels:
 - a) 75 dBA, measured over a one (1) hour period during the Daytime; or
 - b) 60 dBA, measured over a one (1) hour period during the Nighttime.
- 5(2) Notwithstanding Subsection (a) where the ambient sound Level for an area is at or above the maximum allowable Daytime or Nighttime sound levels referred to in Subsection (a), measured over a one (1) hour period, a sound level must exceed five (5) decibels (dBA) Leg over the ambient sound level before it becomes an offence.

Non - Continuous Sound in Any Development

- 6 No person shall cause or permit to be caused, at any point of reception within any development, a non-continuous sound that exceeds:
 - a) 85 dBA, measured over a fifteen (15) minute period during the Daytime; or
 - b) 75 dBA, measured over a fifteen (15) minute period during the Nighttime.

Outdoor Speaker Systems

- 7(1) No person shall operate an outdoor speaker system on a parcel of land where a property line of the parcel is within 150 meters of a residential development parcel during Nighttime hours.
- 7(2) Notwithstanding Subsection (a), an outdoor speaker system must comply with the sound levels established in this By-law.

Application for Exemption

- 8(1)** Any person may submit an application to the Town Hall requesting an exemption from any of the prohibitions described in Schedules A and B.
- 8(2)** If Council approves the application, the exemption will be in effect for the dates specified, and Council may impose any conditions that it considers appropriate.
- 8(3)** An exemption shall be invalid if these conditions are contravened.

PART 3 OFFENCES AND PENALTIES

- 9(1)** Any person who violates or breaches any provisions of this By-Law is guilty of an offence.
- 9(2)** All contraventions of this By-Law are designated By-Law contraventions that may be dealt with by a notice of penalty pursuant to the provisions of the Local Governance Act.
- 9(3)** The Administrative Penalty for all contraventions of this By-Law shall be five hundred dollars (\$500.00).
- 9(4)** A person to whom a penalty notice is delivered may pay the Administrative Penalty on or before a charge pertaining to the offence has been laid in Provincial Court as follows:
 - a)** In person at the Town of Saint Andrews Office, 212 Water Street, Saint Andrews, New Brunswick, in cash or by cheque, credit card or money order made payable to the Town of Saint Andrews.
 - b)** By mail to: Town of Sint Andrews, 212 Water Street, Saint Andrews, New Brunswick, E5B 1B4, Attention Accounting Clerk by cheque or money order only, payable to the Town of Saint Andrews.
 - c)** By phone with credit card to the Town of Saint Andrews main office at (506) 529-5120.
- 9(5)** A person who pays the Administrative Penalty shall be deemed to have contravened the provisions of the By-Law in respect of which the payment was made and shall not be charged with an offence in respect of the same incident that gave rise to the Administrative Penalty.
- 9(6)** If the Administrative Penalty is not paid in accordance with Section 7.4, the person charged with the offence is liable on summary conviction to a fine of not less than one thousand, five hundred dollars (\$1,500.00).

PART 4 REPEAL & ENACTMENT

By-Law Repealed

- 10(1)** The enactment of this by-law repeals the following by-law(s) and any amendments thereto:
 - a)** By-Law No. 06-04, A By-Law Concerning the Regulating of Noise in the Town of Saint Andrews
- 10(2)** The repeal of the above by-law shall not affect any penalty, forfeiture or liability, incurred before such repeal, or any proceeding for enforcing the same completed or pending at that time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

Enactment

- 11
- This By-Law shall come into force and effect upon receiving Third and Final Reading.
- 12
- IN WITNESS WHEREOF the Town of Saint Andrews has caused its corporate seal to be affixed to this By-Law, the XX day of XXXXX, 20XX.

First Reading this	16th day of	March 2026
Second Reading this	xx day of	xxx 20xx
Third and Final Reading this	xx day of	xxx 20xx

Catherine Akagi, Deputy Mayor

Chris MacKinnon, Clerk

SCHEDULE “A” GENERAL NOISE PROHIBITIONS

General Noise Prohibitions

- 1.** Operation of a motor vehicle in such a way that the tires squeal.
- 2.** Operation of a combustion engine or pneumatic device without an effective exhaust muffling device that is in good working order and in constant operation.
- 3.** Operation of any item of construction equipment without an effective exhaust muffling device that is in good working order and in constant operation.
- 4.** Operation of a vehicle in a manner that results in banging, clanking, squealing or similar sounds because of inadequate maintenance or an improperly secured load.
- 5.** Operation of the horn of a vehicle or other warning device except where required or authorized, or in accordance with good safety practices.
- 6.** Operation of any outdoor auditory signaling device, including but not limited to outdoor paging systems, the ringing of bells or gongs, the use of sirens, whistles or chimes, or the production, reproduction, or amplification of any similar sounds by electronic means except where required or authorized by law or in accordance with good safety practice.
- 7.** Persistent barking, calling or whining or other similar persistent noisemaking by animals and birds kept as household pets.
- 8.** No person shall advertise any event or merchandise by ringing bell, blowing whistles, calling loudly, playing music or sound recordings, playing any type of musical instrument, or by the use of loudspeakers or other devices for the amplification of sound, in any place or in an building or premises with the intention or result that the sound there from shall be or is audible to persons using or frequenting any street or other public place.
- 9.** Unauthorized displays of fireworks.
- 10.** Operation of an engine or motor in, or on, any vehicle or item of attached auxiliary equipment for a continuous period of more than five minutes, while such vehicle is stationary in a residential area, unless:
 - a.** The vehicle is in an enclosed structure constructed so as to effectively prevent the emission of excessive noise;
 - b.** Continuous operation of the engine or motor is essential to a basic function of the vehicle or equipment, including but not limited to the operation of ready-mixed concrete trucks, lift platforms, refuse compactors, and heat exchange systems during normal operation; or,
 - c.** Weather conditions justify the use of heating or refrigeration systems powered by the motor or engine for the safety and welfare of the operator, passengers, or animals, or the reservation of perishable cargo.

SCHEDULE “B”
NOISE PROHIBITIONS BY TIME AND PLACE

Prohibited Times

- A. Anytime
- B. 1700 hours of one day to 0700 hours the next day (0900 Sundays)
- C. 1900 hours of one day to 0700 hours the next day (0900 Sundays)
- D. 2100 hours of one day to 0700 hours the next day (0900 Sundays)
- E. 2300 hours of one day to 0700 hours the next day (0900 Sundays)

Activity	Residential Areas	Other Areas
1. Operation of construction equipment in connection with construction.	C	C
2. Operation of equipment for removing snow.	D	D
3. Erection, alteration, repair, dismantling or any activity related to construction.	C	C
4. Outdoor operation of any powered or non-powered tool for domestic purposes other than snow removal.	D	D
5. Operation of any device or group of connected devices intended for the production, reproduction, or amplification of voices or sound.	D	E
6. Loading or unloading, delivering, packing, unpacking, or otherwise handling any containers, products, other materials or refuse, unless necessary for the maintenance of essential services or the moving of private household effects.	C	E
7. Yelling, shouting, hooting, whistling, singing, or the playing of musical instruments, including percussion instruments.	D	E

SCHEDULE “C” EXCLUSIONS FROM THE NOISE PROHIBITION

The provisions of this By-law shall not apply to:

- 1.** The employees, contractors or agents of the Town, the Government of Canada, the Province of New Brunswick, any public railway, and utility companies (power, telephone, cable, internet, etc.) when acting in the reasonable execution of their duties;
- 2.** Noises in relation to athletic or recreational activities in arenas, playing fields, courts, school grounds, municipal park areas, or community centres, within Daytime hours.
- 3.** Festivals, midways, carnivals or circuses, which are authorized by the Town;
- 4.** Displays of fireworks, which are authorized by the Town;
- 5.** The emission of sound in connection with any organized traditional or public holiday, festive or religious activity, celebrating:
 - a.** Canada Day;
 - b.** New Brunswick Day;
 - c.** New Year's Eve;
 - d.** Labour Day;
 - e.** Religious holidays; or
 - f.** Remembrance Day;
- 6.** Noises in relation to races, parades, processions, street dances and other community activities during Daytime hours authorized by the Town;
- 7.** Cultural, recreational, educational, and political events in parks and other public spaces which are authorized by the Town.
- 8.** Neighbourhood events on municipal highways and other municipal property which are authorized by the Town.
- 9.** The emission of noise in connection with emergency measures undertaken for the health, safety or welfare of the inhabitants of the Town;
- 10.** The operation of emergency response vehicles and/or emergency response equipment;
- 11.** Operation of bells, chimes, carillons, and clocks in churches and public buildings.
- 12.** Noises in relation to religious activities during Daytime hours;
- 13.** Agriculture activities carried on by a farm operation;
- 14.** Noises in relation to construction activities, during Daytime hours, for which a Building Permit has been issued;
- 15.** Noises in relation to property maintenance activities during Daytime hours;
- 16.** Noises in relation to private contracting for snow and garbage removal; and
- 17.** Any persons, association, organization, corporation, activity or event which has obtained approval for an exemption authorized by Council or the Town, so long as that person or party is acting within the terms and conditions of such approval.
- 18.** Any persons, association, organization, corporation, activity or event which has obtained approval for an exemption authorized by the Province of New Brunswick, so long as that person or party is acting within the terms and conditions of such approval.