DISTRICT OF CARLETON NORTH
A BY-LAW TO PREVENT NOISE
WITHIN THE DISTRICT OF CARLETON NORTH
BY-LAW NO. S-6

A BY-LAW OF THE MUNICIPALITY OF THE DISTRICT OF CARLETON NORTH TO PREVENT NOISE WITHIN THE DISTRICT OF CARLETON NORTH PURSUANT TO SECTION 10, c-18 OF THE LOCAL GOVERNANCE ACT OF NEW BRUNSWICK.

1. ADMINISTRATION

1.1. This By-Law shall be cited as the "District of Carleton North Noise By-Law"

1.2. This By-Law applies to the entire area within the boundaries of the municipality of Carleton North

2. PURPOSE

2.1. This By-Law is enacted to protect, preserve, and promote the safety, health, welfare, peace and quiet of the residents of the District of Carleton North through the reduction, control and prevention of loud and excessive noise, or any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity.

3. DEFINITIONS

In this law:

3.1. "BY-LAW ENFORCEMENT OFFICER" means a person appointed by Council to administer and enforce the By-Laws of the District of Carleton North;

3.2. "CONTRACTOR" means any person or persons whose services are engaged by the Town by means of a written contract to carry out some work or perform some action on behalf of the Town;

3.3. "COUNCIL" means the Mayor and Council of the District of Carleton North;

3.4. "NOISE" means any noise or sound of a volume or nature which causes or is likely to cause annoyance to or disturb any resident or residents, or which causes or is likely to cause a public disturbance, including but not limited to noise caused by shouting, singing, music, motor vehicles including motorcycles, motor bikes, off-road vehicles, air horns, pneumatic hammers, construction equipment and machinery and animal noises;

3.5. "OFF-ROAD VEHICLES" means any motor vehicle designed or adapted for off-road use and without limiting the generality of the foregoing, includes an all-terrain

vehicle, a dirt bike, a dune buggy, a motorized snow vehicle or an amphibious vehicle, but does not include any vehicle exempted from the application of the *Off Road Vehicle Act* by regulation;

3.6. "OWNER" means the person or persons to whom a property is legally registered as evidenced by the documents on title available online through Service New Brunswick's Internet Real Property Registry service (PLANET);

3.7. "PEACE OFFICER" means a member of the Royal Canadian Mounted Police or a police officer as defined in the Police Act;

3.8. "PERSON" includes a corporation, partnership, association, society, club or firm;

3.9. "RESIDENT" means a landowner or tenant of property within the boundary of the Town;

3.10. "TOWN" means the District of Carleton North.

4. QUALIFICATION

4.1. No person shall make or permit to be made any noise within the Town between the hours of twelve midnight (12:00 a.m.) and seven o'clock in the morning (7:00 a.m.).

4.2. For greater certainty, "noise" in Paragraph (4.1) means noise as defined in Paragraph (3.4).

4.3. No person shall make or permit to be made, at any time;

a) The production of loud or unreasonably disturbing noises when ordered by any By-Law Enforcement Office or Peace Officer to cease

b) Make or cause to be made any unnecessary noise by means of a vehicle, including off-road vehicle within the limits of the District of Carleton North;

c) Allow their dog to bark or howl continuously.

4.4. In addition, this by law shall also apply to noise caused by pneumatic hammers, construction equipment and machinery, and vehicles of business or trade between the hours of nine o'clock in the evening (9:00 p.m.) and seven o'clock in the morning (7:00 a.m.).

5. SPECIAL CASE EXCEPTIONS

Without restricting the generality of Sections (3) and (4), this By-Law shall not apply to:

5.1. Contractors and/or employees of the Town while in the reasonable course of their duties;

5.2. Snow removal equipment, authorized emergency vehicles and emergency equipment;

5.3. The detonation of fireworks or explosive devices not used in construction, when so authorized by Council;

5.4. Noises in connection with athletic and recreational or school activities when taking place on recognized sports fields, courts, school grounds, recreational facilities or in Town park areas between the hours of nine o'clock in the evening (9:00 p.m.) and twelve midnight (12:00 a.m.);

5.5. Noises in connection with organized and scheduled traditional, festive, and religious activities;

5.6. Noises in connection with organized and scheduled activities and parades, street dances and other community celebrations, when so authorized by Council.

6. APPLICATION FOR EXEMPTION

6.1. Notwithstanding any provision of this By-Law, any person may apply to Council to be granted an exemption from any provision of this By-Law for which that person might be otherwise prosecuted. Application for Exemption 'Form A" must be submitted to the Town Clerk in writing thirty (30) days prior to date the exemption is being sought.

6.2. The Council may refuse to grant an exemption or may grant the exemption applied for or any exemption of lesser effect. An exemption shall be in writing and may include such terms and conditions as the Council deems appropriate. An exemption shall specify the time period, which shall not exceed six (6) months, during which the exemption will be in effect.

6.3. In deciding whether or not to grant an exemption, Council shall give consideration to the social or commercial benefit of the proposed activity, and the impact on residents, the proposed hours of the noise making activity and the proposed duration of the activity.

6.4. In those cases where an exemption is granted, Council may revoke the exemption if it believes that a breach of the terms and conditions of the exemption has occurred,

6.5. Any alleged breach of the terms and conditions of an exemption granted by Council by the applicant shall be investigated by Town staff and reported to Council in writing. If Council determines that a breach has taken place, Council may revoke the exemption and it shall order the activity to cease.

7. OFFENCE

7.1. Any person who violates a provision of this By-Law commits an offence punishable under Part II of the *Provincial Offences Procedure Act* as a category D offence.

7.2. If a person continues to carry on any of the activities set out in Section 4 or 5 after being directed by a By-Law Enforcement Officer or Peace Officer to cease and desist, that person is guilty of a separate offence, and a separate charge or charges may be laid until the activity is stopped.

8. PENALTY

8.1. A person held liable for an offence under this By-Law is liable to a minimum fine of two hundred and fifty dollars ($250.00) and a maximum fine of one thousand and seventy dollars ($1,070.00) plus a twenty per cent surcharge payable under the *Victims Services Act,* and in default of payment thereof to prosecution in accordance with the provisions of the *Provincial Offences Procedure Act.*

8.2. A person held liable for the first offence shall be liable to the minimum fine as prescribed in Section 8.1; for a second offence, a sum equal to twice the minimum fine as prescribed in Section 8.1; and, for a third or subsequent offence, a sum equal to the maximum fine as prescribed in Section 8.1.

9. LIABILITY

9.1. The owner of a property where an offence is committed under this By-Law is liable for the offence, unless the property owner establishes that the offence was committed by a person or persons unknown to them and without their knowledge or consent.

9.2. Where an offence under this By-Law is committed on rented premises, the owner of the property where the offence is committed shall furnish within seven (7) days a copy of the lease on the property, and on failure to do so shall be guilty of an offence. The leaseholder shall then be held liable for the offence, unless he/she establishes that the offence was committed by a person or persons unknown to him/her and without his/her knowledge or consent.

10. NOTICE

10.1. Notice of an offence committed under this By-Law shall be in the form of an Appearance Notice under the *Provincial Offences Procedure Act* (Form 2) and such notice shall be served on the person presumed to be liable for the offence.

10.2. On the recommendation of the Clerk or any officer appointed by Council, and where Council is satisfied that any provisions of this By-Law has been violated, the Clerk shall issue a notice of penalty delivered by regular mail to the person presumed to be liable of the offence.

11. ENFORCEMENT

11.1. This By-Law shall be enforced by a By-Law Enforcement Officer or Peace Officer in accordance with the provisions of the *Provincial Offences Procedure Act*.

11.2. A By-Law Enforcement Officer or Peace Officer may enter upon private property for the purpose of inspection and enforcement of this By-Law, where authorized by law.

11.3. A person held liable for an offence under this By-Law other than failure to comply with a Judge's Order may, on or before the hearing scheduled for entering a plea before the Provincial Court and at the discretion of the Peace Officer, return a Plea of Guilty Form (Form 8) and pay the

11.4. prescribed fine in cash, by certified cheque, bank draft or money order. Upon payment, the person committing the violation shall not be prosecuted or further prosecuted for the offence.

11.5. A fine may be paid:

a) In person, during regular office hours at the Town Office
b) By mail addressed to: District of Carleton North, 19 Station Road, Florenceville-Bristol, NB, E7L 3J8

12. REPEAL

This By-Law repeals all By-Laws and By-Law provisions of the former Village of Bath, Village of Centreville and Town of Florenceville-Bristol that address noise.

13. EFFECTIVE DATE

READ FIRST TIME: **September 22, 2026**

READ SECOND TIME: **November 3, 2026**

READ THIRD TIME AND ENACTED THIS 3rd DAY OF **November 2026.**

MAYOR

CLERK

DISTRICT OF CARLETON NORTH INCORPORATED JANUARY 1 2023