

VILLAGE OF MCADAM

BY-LAW NO. 34

A BY-LAW RELATING TO THE PREVENTION OF NUISANCES

WHEREAS it is deemed expedient by the Council of the Village of McAdam for the peace, order and good government of the Village of McAdam and for promoting the health, safety, and welfare of the inhabitants of the Village of McAdam that this By-Law be enacted.

NOW THEREFORE BE IT ENACTED by the council of the Village of McAdam as follows:

Short Title

1. This By-Law may be cited and referred to as the "Nuisance By-Law".

Definitions

2. In the By-Law:-

(1) "bicycle" means every device propelled by human power upon which any person may ride, having two tandem wheels;

(2) "loiter" means, among other things, any of the following:

- (i) to be dilatory,
- (ii) to be slow in movement,
- (iii) to stand around or move slowly about,
- (iv) to stand idly around,
- (v) to saunter,
- (vi) to linger, and
- (vii) the act of hanging around;

(3) "motorcycle" means every vehicle having a saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground but excluding a tractor;

(4) "motor driven cycle" means a motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels and propelled by a motor not exceeding fifty cubic centimetres in size and includes a motor scooter, tricycle, or bicycle with such motor attached;

(5) "motor vehicle" means every vehicle which is self propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, and not operated upon rails, but does not include a farm tractor;

(6) "motorized snow vehicle" means a self propelled vehicle designed to be driven exclusively on snow or ice but does not include a snowmobile register able under the Motor Vehicle Act of New Brunswick;

(7) "peace officer" means:

- (i) a member of the Royal Canadian Mounted Police;
- (ii) a police officer or police constable appointed by the Village

and includes:

- (iii) any member of the Royal Canadian Mounted Police Auxiliary while on duty;
- (iv) any member of an auxiliary police force of the Village while on duty;
- (v) any member of the Canadian Armed Services while engaged in lawful military police duty of in rendering assistance to a lawfully constituted civilian police force;
- (vi) any person appointed by the Village to enforce any By-Law;

(8) "public place" means any place either a building or in the open to which the public can and do have access, whether or not the place is devoted exclusively to the uses of the public and whether or not such access is with or without invitation or permission including permission obtained by payment of an admission charge, and without limiting the generality of the foregoing, includes;

- (a) any street, square, common park, parking lot, picnic site, playground, playing field, camp ground, church ground or yard, cemetery, school ground or yard, the grounds of any public building, or other open space;
- (b) the approaches to, and yard and grounds, including parking lot, of a place ordinarily used as a place of business;
- (c) any place to which the public habitually has resort;

(9) "snowmobile" means a vehicle that:

- (a) is not equipped with wheels, but in place thereof is equipped with tractor treads along or with tractor treads and skis, or with skis and a propeller, or is a toboggan equipped with tractor treads or a propeller, and
- (b) is designed primarily for operating over snow, and is used exclusively for that purpose;

(10) "stand" when used with reference to a vehicle and when prohibited means any stopping or standing of a vehicle, whether occupied or not except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control sign or signal;

(11) "street" means the entire width between the boundary lines of every street, highway, road, lane, boulevard, alley drive, avenue, park, public square, common, or any other place in the Village when any part thereof is used by the public for the passage of vehicles, and includes any sidewalk, bridge, divider, median, safety island, ditch, drain or culvert therein;

(12) "vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a street; and includes a bicycle, motor driven cycle, motor vehicle, motorized snow vehicle, snowmobile, and animal-drawn vehicle;

Nuisances

3. No person, whether upon foot or upon, in, or with a vehicle, shall loiter, park, assemble, congregate, or stand, either alone or in a group or crowd of two or more about, at, near, in or upon:

(a) any street,

(b) the entrance or approach to any church, cemetery, school, hall, public building, any business premises or any place where business is ordinarily carried on.

(c) any business premises or any place where business is ordinarily carried on, or

(d) any public place, after having been requested by a peace officer to depart, disperse or move along the street or away from such place.

4. No person shall run in a reckless manner on any street nor in any way obstruct travel therein.

5. No person shall throw a stone, snowball or other missile on or into any street, or at any building.

6. No person shall coast or slide on a sled or toboggan on a street.

7. No person shall skate, or play any game of ball, hockey or other game on any street.

8. No person shall unnecessarily shout or sound a horn, whether on a vehicle or otherwise not make any unnecessary noise or disturbance, nor sing any boisterous or indecent song in a public place.

9. No person shall make or cause to be made any unnecessary noise by means of, or with, the tires of a vehicle upon a street.

10. No person shall beat a drum, play a musical instrument or make any unusual sound on any street on in any public place, if requested by a peace officer to desist there from because of the illness of any person residing in a neighbouring building or for any other reason.

11. No person shall knock on a door or ring a door bell of a residence for the purpose of annoying or disturbing any person in such residence.

12. No person shall either directly or indirectly demand or invoke the official services of any peace officer or other officer or official of the Village where no reasonable cause exists for so doing.

13. No person shall pull down, deface, mutilate or cover over any public notice lawfully posted within two weeks after the posting thereof, without the consent of the person causing the same to be posted.

14. (1) No person shall, without the permission of the Mayor or person designated by him, place or cause to be placed in or upon any ditch or watercourse within the Village any manure, night soil, dirt, offal or offensive substance, or any glass, stone, wood, metal or rubbish tending to impede the flow of water in such ditch or watercourse.

(2) A person designated by the Mayor or any peace officer of the Village may require any person who has violated the provisions of subsection (1) hereof to remove anything placed or caused to be placed as aforesaid and in case of his neglect or refusal to comply with such order or if the person committing such violation cannot be found, the person designated by the Mayor may forthwith remove

or destroy such thing or sell the same as he deems advisable and the expense of such removal or destruction shall be paid by such person in addition to any penalty imposed pursuant to this By-Law.

Offences and Penalties

15. Every person who violates any provision of this By-Law is guilty of an offence and on summary conviction is liable to a minimum fine of not less than Twenty-five Dollars (\$25.00) and a Maximum fine of not more than One Hundred and Twenty-five Dollars (\$125.00)

Repeal

16. By-Law No. 15 entitled "A By-Law Relating to the Public Morals and to Prevent Nuisances" enacted on November 14, 1967, is hereby repealed.

This By-Law passed and enacted on the 29th day of June A.D. 1976. IN WITNESS THEREOF the Village of McAdam has caused the corporate seal of the said Village to affixed to this By-Law on the 29th day of June, 1976, and signed by:

Sgd. "Frank M. Carroll"

Mayor, the member of the Council who presided at the meeting at which it was passed; and

[Village Seal]

Sgd "Marjorie O'Keefe

Clerk

READ FIRST TIME: June 28, 1976

READ SECOND TIME: June 28, 1976

READ THIRD TIME AND ENACTED: June 29, 1976