

## **BYLAW NO S-7**

### **A BYLAW TO PREVENT NUISANCES**

BE IT ENACTED by the Council of the Village of Bath as follows:

#### **1. WATERCOURSE**

1.01 No person shall without permission of the Public Works Manager:

- (1) place or cause to be placed in or upon any ditch or watercourse within the Village any manure, nightsoil, dirt, or offensive, toxic, dangerous or petroleum based substance;
- (2) place or cause to be placed in or upon any ditch or watercourse within the Village any glass, stone, wood, metal, rubbish or other material tending to impede the flow of water in such ditch or watercourse.
- (3) The authority of the Public Works Manager does not override the authority of the Minister of Department of Environment.

1.02 The Public Works Manager requires any person who has violated the provisions of Section 1.01 to remove anything placed or caused to be placed as aforesaid. In the case of their neglect or refusal to comply with such order or if the person committing such violation cannot be found, the Public Works Manager may forthwith remove or destroy such thing or sell the same as he deems advisable. Any revenue gained from the sale of such object is to be deposited into the Village revenue. The expense of such removal or destruction shall be paid by such person in addition to any fine herein provided.

#### **2. LOTS**

2.01 No person shall permit a lot owned or occupied by him to become a nuisance.

2.02 Where a lot has become a nuisance, an officer appointed by Council may serve notice on the owner or occupier of the lot requiring him to abate the nuisance within the time specified in the said notice.

2.03 Where the owner or occupier fails to comply with a notice issued pursuant to Section 2, any person authorized by Council may enter upon the lot without writ, warrant, or other legal process and thereupon abate the nuisance as specified in the said notice.

2.04 The cost of abating the nuisance may be recovered by the Village of Bath in an action for debt against the owner or occupier of the said lot.

2.05 Any bylaw 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 bylaw.

### 3. GENERAL

3.01 In this Bylaw, "Public Place" means any highway, parkland, public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not; parking lot, school yard, mall, place of congregation, picnic site, beach, winter road across ice or place when any part thereof is used by the general public for the passage or parking of vehicles, and includes any open space that is owned by the Village of Bath to which the public have or are permitted to have access, whether on payment or otherwise.

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

3.03 No person shall stand in a group or crowd on a street within the Village after having been requested by a police officer to disperse or move along such street.

3.04 No person shall throw a stone, snowball or other missile on, or into any street, or at any building or structure public or private including but not limited to statues and fountains.

3.05 No person shall coast or slide on a sled, toboggan, wagon, skateboard, or other device on a street in the Village.

3.06 No person shall skate, or play any games of ball, hockey or other game on any street in the Village.

3.07 No person shall participate in a fight or other similar physical confrontation in any public place or any place to which the public reasonably has access.

### 4. PENALTIES

4.01 Every person who violates any provision of this bylaw is guilty of an offence.

4.02 Every person charged with an offence, other than an offence pursuant to Section 1, 2 or subsection 3.07 hereof, may, on or before the date a charge pertaining to the offence has been laid in Provincial Court, make a voluntary payment of fifty dollars(\$50.00) to the Village as follows:

- (1) in person at the Cash Payments Counter, Village Hall, 161 School Street, Bath, in cash or by cheque or money order made payable, to the Village of Bath;

or

- (2) by mail to: Village of Bath, 161 School Street, Bath, NB, E7J 1C3, “Attention Cash Payments Counter” by cheque or money order only, payable to the Village of Bath; at which time the ticket or ticket number shall be surrendered to the Village of Bath and such payment shall be deemed payment in full.

4.03 If the voluntary payment set out in section 4.02 has not been received on or before the date a charge pertaining to the offence has been laid in Provincial Court, the person charged with the offence may make a voluntary payment of seventy five dollars (\$75.00) as follows:

- (1) in person at the Cash Payments Counter, Village of Bath, 161 School Street, Bath, in cash or by cheque or money order made payable to the Village of Bath;

or

- (2) by mail to: Village of Bath, 161 School Street, Bath, NB, E7J 1C3, “Attention Cash Payments Counter” by cheque or money order only, payable to the Village of Bath; at which time the ticket or ticket number shall be surrendered to the Village of Bath and such payment shall be deemed payment in full;

4.04 If the voluntary payments set out in Sections 4.02 and 4.03 above have not been received on or before the hearing scheduled for entering of a plea before the Provincial Court, the person charged with the offence is liable on summary conviction to a fine of not less than one hundred (\$100.00) and not more than two hundred (\$200.00).

4.05 Every person charged with an offence under Section 3.07 of this Bylaw may, on or before the date a charge pertaining to the offence has been laid in Provincial Court, make a voluntary payment of two hundred fifty dollars (\$250.00) to the Village of Bath as follows:

- (1) in person at the Cash Payments Counter, Village of Bath, 161 School Street, Bath, in cash or by cheque or money order made payable to the Village of Bath;

or

- (2) by mail to: Village of Bath, 161 School Street, Bath, NB E7J 1C3, “Attention Cash Payments Counter”, by cheque or money order only, payable to the Village of Bath; at which time the ticket or ticket number shall be surrendered to the Village of Bath and such payment shall be deemed payment in full.

4.06 If the voluntary payment set out in Section 4.05 has not been received on or before the date a charge pertaining to the offence has been laid in Provincial Court, the person charged with the offence may make a voluntary payment of two hundred

seventy five dollars (\$275.00) as follows:

- (1) in person at the Cash Payments Counter, Village of Bath, 161 School Street, Bath, in cash or by cheque or money order made payable to the Village of Bath.

Or

- (2) by mail to: Village of Bath, 161 School Street, Bath, NB, E7J 1C3, "Attention Cash Payments Counter", by cheque or money order only, payable to the Village of Bath; at which time the ticket or ticket number shall be surrendered to the Village of Bath and such payment shall be deemed payment in full.

4.07 If the voluntary payments set out in section 4.05 and 4.06 above have not been received on or before the hearing scheduled for entering of a plea before the Provincial Court, the person charged with the offence is liable on summary conviction to a fine of not less than three hundred dollars (\$300.00) and nor more than five hundred dollars (\$500.00)

4.08 Every person charged with an offence under Section 3.07 of this bylaw may, on or before the date a charge pertaining to the offence has been laid in Provincial Court, make a voluntary payment of four hundred and fifty dollars (\$450.00) to the Village of Bath as follows:

- (1) in person at the Cash Payments Counter, Village of Bath, 161 School Street, Bath, in cash or by cheque or money order made payable to the Village of Bath;

or

- (2) by mail to Village of Bath, 161 School Street, Bath, NB E7J 1C3, "Attention Cash Payments Counter", by cheque or money order only, payable to the Village of Bath; at which time the ticket or ticket number shall be surrendered to the Village of Bath and such payment shall be deemed payment in full.

4.09 If the voluntary payment set out in Section 4.05 has not been received on or before the date a charge pertaining to the offence has been laid in Provincial Court, the person charged with the offence may make a voluntary payment of four hundred and seventy dollars(\$470.00) as follows:

- (1) in person at the Cash Payments Counter, Village of Bath, 161 School Street, Bath, in cash or by cheque or money order made payable to the Village of Bath;

or

- (2) by mail to: Village of Bath, 161 School Street, Bath, NB, E7J 1C3, “Attention Cash Payments Counter”, by cheque or money order only, payable to the Village of Bath, at which time the ticket or ticket number shall be surrendered to the Village of Bath and such payment shall be deemed payment in full.

4.10 If a voluntary payment has not been set out in Section 4.05 and 4.06 above has not been received on or before the hearing scheduled for entering of a plea before the Provincial Court, the person charged with the offence is liable on summary conviction to a fine of not less than five hundred dollars (\$500.00) and not more than One thousand and Seventy dollars(\$1070.00).

**READ FIRST TIME** \_\_\_\_\_ **July 13, 2009**

**READ SECOND TIME** \_\_\_\_\_ **July 13, 2009**

**READ THIRD TIME AND ENACTED** \_\_\_\_\_ **August 10, 2009**

**SIGNED:** \_\_\_\_\_

**Mayor**

\_\_\_\_\_  
**Clerk**