



**TOWN OF QUISPAMISIS
PUBLIC NOTICE
PROPOSED BY-LAW No.069
A BY-LAW OF QUISPAMISIS RESPECTING DISTURBANCE BY EXCESSIVE NOISE
and NUISANCE**

Public Notice is hereby given that the Quispamsis Town Council intends to consider enacting By-law No. 069; A By-Law of Quispamsis Respecting Excessive Noise & Nuisance.

The proposed By-law No. 069 received first and second reading at the March 17, 2026 Regular Meeting and third and final reading will be considered by Council at the April 7, 2026 Regular Meeting which begins at 6:00 p.m., and is held in the council chambers of the Quispamsis Town Hall, 12 Landing Court, Quispamsis, New Brunswick.

The proposed by-law may also be inspected by any interested person during regular office hours of the clerk's office, 8:00 a.m. to 4:30 p.m., Monday to Friday inclusive, at the Quispamsis Town Hall, 12 Landing Court, Quispamsis, New Brunswick.

Lisa MacInnis, Clerk
Town of Quispamsis
12 Landing Court
Quispamsis, NB E2E 4R2
clerk@quispamsis.ca

BY-LAW No.069
A BY-LAW OF QUISPAMISIS RESPECTING DISTURBANCE BY
EXCESSIVE NOISE and NUISANCE

Pursuant to the authority of *Section 10(1)(c)* of the *Local Governance Act* of New Brunswick, BE IT ENACTED by the Council of the town of Quispamsis as follows:

PART 1 – TITLE, PURPOSE, AND DEFINITIONS

1. Title

- A) This By-law may be cited as the Quispamsis Excessive Noise & Nuisance By-law.

2. Purpose:

- A) This By-law is enacted to protect, preserve and promote the safety, health, welfare, peace and quiet of the residents of the town of Quispamsis through the reduction, control and prevention of excessive noises and nuisances, which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity.

3. Definitions:

- A) In this By-law:
- i. **“Consumer firework”** means an outdoor, low hazard, recreational firework that is dealt with in Part 16, Section 354 to 359 of the Explosive Regulations, 2013 (SOR/2013-211) of the *Federal Explosives Act*, and includes fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman Candles, volcanoes and sprinklers;
 - ii. **“Council”** means the Council of the town of Quispamsis;
 - iii. **“Display firework”** means an outdoor, high hazard, recreational firework that is dealt with in Part 18, Section s 410 to 449 of the Explosive Regulations, 2013 (SOR/2013-211) of the *Federal Explosives Act*, and includes rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, boquets, bombardos, waterfalls, fountains, batteries, illumination, set pieces and pigeons;
 - iv. **“Excessive”** means more than is necessary, normal, or desirable;
 - v. **“Excessive Noise and/or Nuisance Abatement Fee”** means a fee imposed by the Town where there are three (3) or more noise and / or

nuisance service call responses at the same property within a twelve (12) month period;

- vi. **“Excessive Noise and/or Nuisance Service Call Response”** means the attendance at a property by a person authorized by Council through this bylaw for the purpose of responding to and investigating a noise or nuisance complaint on a property within the municipal boundary that are in contravention with this by-law;
- vii. **“Noise”** means a sound or sounds, especially when it is unwanted, unpleasant or loud;
- viii. **“Nuisance”** means any activity which substantially and unreasonably interferes with a person’s use and enjoyment of property, or with the use and enjoyment of a highway, park or other public place, and which may include matters such as but not limited to:
 - a. Noise vibration, odour, dust, illumination or any other matter that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;
 - b. The emission of smoke, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia that is liable to foul or contaminate the atmosphere;
 - c. Refuse, garbage, or other material that is noxious, offensive, or unwholesome; and
 - d. Any other objectionable situation which constitutes a nuisance at law.
- ix. **“Officer”** means a By-law Enforcement Officer, as appointed by the Council, or a member of the Kennebecasis Regional Police Force, or a member of the Kennebecasis Valley Fire Department;
- x. **“Owner”** means the beneficial owner, and where applicable, means the owner of the fee simple or if such property is held subject to a mortgage, it means the owner of the equity of redemption and if title shall be held in joint tenancy or tenancy in common, it means each of such owners jointly and severally;
- xi. **“Temporary Noise Exemption Permit”** means a permit issued by the Town for a special event that would otherwise not be permitted under this By-law; and
- xii. **“Town”** means the municipality of Quispamsis.

PART 2 – EXCESSIVE NOISE

4. General Prohibition:

- A) No person shall make or permit to be made any excessive noise within the town of Quispamsis, likely to cause a public nuisance or otherwise disturb the inhabitants of the town of Quispamsis;
- B) For the purposes of Section 4.(A) evidence that one person is unreasonably disturbed by an excessive noise or nuisance is prima facie evidence that an excessive noise or nuisance is disturbing to all of the inhabitants of the town of Quispamsis;
- C) Without restricting the generality of Section 4.(A), any excessive noise, whether generated on private property or public place, likely to cause a public nuisance or otherwise disturb the inhabitants shall be deemed to be any noise or sounds of such volume or of such nature as to cause annoyance to the residents of the town of Quispamsis.

5. Special Case Exemptions:

- A) Notwithstanding any other provision of this By-law, it shall be lawful to emit or cause to permit the emission of sound or noise in connection with emergency measures taken:
 - i. For the immediate health, safety or welfare of the inhabitants; and
 - ii. For the preservation or restoration of property; unless such noise is clearly of a longer duration or more disturbing than is reasonably necessary for the accomplishment of the emergency response.
- B) Notwithstanding any other provisions of this By-law, Section 4 shall not apply to the reasonable emission of noise from the following activities:
 - i. Employees, contractors, or agents of the town of Quispamsis or the Province of New Brunswick engaged in the normal course of providing municipal services or the undertaking of such work as authorized by the Town;
 - ii. Noise associated with or caused by motor vehicles or equipment being used for emergency response purposes;
 - iii. Noise emitted by machinery or equipment owned by the town of Quispamsis or contractors engaged by the Town in the normal course of providing municipal services;
 - iv. The detonation of display fireworks, or explosive devices not used in construction, when so authorized by the Town;

- v. The detonation of consumer fireworks between dusk and 11:00 p.m. local time, if detonated under the parameters outlined in Section 8 of this By-law;
- vi. Noises in relation to athletic and recreational activities, when taking place on recognized sports fields between the hours of 7:00 a.m. and 11:00 p.m. local time;
- vii. Noises in relation to organized and scheduled traditional and / or festive activities between the hours of 7:00 a.m. and 11:00 p.m. local time;
- viii. Noises in relation to religious services, such as church bells, chimes or calls to prayer between the hours of 7:00 a.m. and 11:00 p.m. local time;
- ix. Noises in relation to organized and scheduled activities and events such as parades, street dances, organized and scheduled traditional events, and other community celebrations, when sponsored by the Town or authorized by the Town by way of a Temporary Noise Exemption Permit, subject to Section 9 of this bylaw;
- x. Pneumatic hammers, construction equipment and machinery, or vehicles of business and trade, between 7:00 a.m. and 9:00 p.m. from Monday to Saturday, inclusive;
- xi. Noise in relation to the operation of a remotely piloted aircraft system (drone) being used in a commercial, industrial, or institutional application or being operated during an emergency by authorized personnel;
- xii. Farming equipment and machinery being used for an agricultural purpose when it is in relation to a bone fide agricultural use permitted under the town of Quispamsis Zoning By-law;
- xiii. Reasonable upkeep or repairs to private property between 7:00 a.m. and 9:00 p.m.;
- xiv. New construction or renovation of buildings or accessory structures, when so authorized by the Town and being between the hours of 7:00 a.m. and 9:00 p.m., Monday to Saturday inclusive, and in accordance with applicable Town By-laws;
- xv. Noise by means of a sawmill or wood harvesting equipment, when in relation to a bone fide forestry use as permitted by the town of Quispamsis Zoning By-law.

PART 3 PUBLIC NUISANCE & PUBLIC DISTURBANCE

6. Public Nuisances:

- A) No person shall:
 - i. Deface, alter or destroy any public or private building, fence, sign or any other structure or any property or any public notice erected or placed under the authority of the Town, Provincial Government or Federal Government;
 - ii. Cause damage or destruction to any public or private property, including the knocking over of objects such as mailboxes or garbage bins;
 - iii. Damage or unnecessarily obstruct any street, road, highway, sidewalk or other public place or thoroughfare in the Town; and
 - iv. Cast, project or throw any stone, snowball, ice or other object or use a bow and arrow, catapult, slingshot, air gun or any other such device on any street, road, highway, sidewalk, or other public place or thoroughfare in the Town.

7. Public Disturbances:

- A) No person shall unreasonably disturb the peace and quiet of other persons by:
 - i. Fighting, screaming or using obscene or profane language or gestures;
 - ii. Knocking on doors or ringing doorbells so as to annoy the inhabitants;
 - iii. loiter in any public place or on any commercial property;
 - iv. Spitting, urinating, or defecating in public places;
 - v. Allowing an animal to bark, bay or make other excessive noise for such a period of time or in such a manner as to be a nuisance; or
 - vi. Public drunkenness or intoxication.

PART 4 – FIREWORKS

8. Detonation Of Consumer Fireworks:

- A) When detonating consumer fireworks, all of the following conditions must be followed:
 - i. No parent or guardian of any person under the age of eighteen (18)

years shall allow or permit that person to set off consumer fireworks, except under the direct supervision and control of a natural person eighteen years of age or older, who shall, at all times, remain physically present in the immediate area where the Consumer Fireworks are being set off;

- ii. No person shall set off or hold a display of consumer fireworks on any land that is not owned by him or her, unless written permission for the setting off or the holding of a display of consumer fireworks on a date to be clearly specified in the written permission, has been obtained from the owner, lessee or person in charge of the land;
- iii. No person shall set off consumer fireworks into, in or on any highway, road, street, lane, square, park, or other public place where the public or any member thereof has access to, or may have access to, uses or may use;
- iv. No person shall set off consumer fireworks in a manner or at a location that causes the discharge, smoke, residue, or fallout of the fireworks on the land of another person or to encroach on the property of another person, or that which creates nuisance, or that creates or may create an unsafe condition, danger from fire or risk of accident, injury or damage at or in respect of any place, location or site, or in respect of any person, property or thing;
- v. No person shall set off consumer fireworks when there is a burning ban issued by the Province of New Brunswick for Kings County;

B) Every person who sets off consumer fireworks shall:

- i. Provide and maintain fully operational fire extinguishing equipment ready for immediate use, and present at all times for a reasonable period thereafter, at the location or site of the setting off of the consumer fireworks. This includes having knowledge of the operational procedures associated with said fire extinguisher equipment;
- ii. Follow the manufacturers requirements for the discharge of the fireworks;
- iii. Permit the inspection of any site where consumer fireworks may be stored, set off or displayed, and the consumer fireworks themselves, together with all associated equipment, by anyone authorized to enforce this By-law, forthwith upon demand; and
- iv. Follow requirements identified in By-law No.059, a By-law respecting Fire Prevention and Protection.

PART 5 – TEMPORARY EXEMPTION

9. Requesting a Temporary Exemption From This By-law:

- A) Notwithstanding any other provisions of this By-law, a registered organization or registered charity may submit a maximum of two (2) applications within a twelve (12) month period to the Town requesting a Temporary Noise Exemption Permit. The application for a Temporary Noise Exemption Permit must be received sixty (60) days prior to the proposed event and shall include the following information:
- i. Name and address of the applicant;
 - ii. The name and address of the organization represented by the applicant, if applicable;
 - iii. A contact name and phone number(s) of the person or persons who will be supervising the event;
 - iv. The civic address or addresses for which the permit is being sought;
 - v. State the nature of the event for which the permit is being requested;
 - vi. State the month, day, year, and hours for which the permit is being requested;
 - vii. Where the event is proposed to be held on private property, written authorization from the landowner;
 - viii. Anticipated number of attendees; and
 - ix. Where the number of attendees is expected to reach or exceed fifty (50) people, an Event Safety Plan, approved by the Kennebecasis Valley Fire Department is required.
- B) When an exemption to this By-law is being considered, the Town may give consideration to the following:
- i. The nature of the proposed activity and the potential impact on the overall community;
 - ii. The views of any resident of the Town which may be expressed to Town staff;
 - iii. The proposed duration of the activity; and
 - iv. Any benefit that the Town may realize as a result of the proposed activity.

- C) Any request for an exemption from this By-law will require public notification to property owners within a 250-metre radius of the civic address of the proposed event, subject to fees as outlined in Schedule “A” of this By-law, and must include the following information:
- i. Name of the organization or charity seeking the exemption;
 - ii. civic address associated with the exemption request;
 - iii. proposed duration of the exemption;
 - iv. the nature of the request;
 - v. anticipated number of attendees; and
 - vi. date and time when staff will give consideration to the request for an exemption to this By-law.
- D) Notwithstanding Section 9.(C) of this By-law, based on the nature of the request for exemption and at the discretion of the Town the issuance of public notifications may exceed 250 metres;
- E) Where concerns from the public are received by the Town regarding the Temporary Excessive Noise Exemption Permit, the received concern(s) will be shared with the applicant and the decision to approve the request will lie with Council;
- F) Any breach of the terms and conditions of any exemption under this bylaw and granted by the Town shall render such exemption null and void and the applicant shall be subject to enforcement of this By-law; and
- G) All fees associated with a Temporary Noise Exemption Permit application are identified in Schedule “A” of this By-law, attached hereto.

PART 6 – ENFORCEMENT & PENALTIES

10. Enforcement:

- A) This By-law may be enforced by:
- i. Quispamsis By-law Enforcement Officer, authorized to take such actions, exercise such powers and perform such duties as may be set out in this By-law or in the *Local Governance Act*, as they may deem to be necessary to enforce any provisions of this By-law;
 - ii. An officer from the Kennebecasis Regional Police Force; or
 - iii. An officer from the Kennebecasis Valley Fire Department.

11. Offences and Penalties

- a) Any person who violates or breaches any provisions of this By-Law is guilty of an offence;
- b) 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;
- c) The Administrative Penalties for all contraventions of this By-Law shall be set out in Schedule “A”;
- d) A person to whom a penalty notice is delivered may pay the Administrative Penalty within 30-days of receipt of the penalty notice at the Town Hall, during regular business hours;
- e) A person who pays the Administrative Penalty shall be deemed to have contravened the provision 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;
- f) If the Administrative Penalty is not paid in accordance with Section 11.(d), the person in contravention of the bylaw may be charged with an offence and is liable on summary conviction, to a fine of not less than one thousand, five hundred dollars (\$1,500.00) and not more than twenty-one thousand dollars (\$2100); and
- g) Payment of an Administrative Penalty or a fine does not alleviate the responsibility for compliance with the By-law.

12. Noise and /or Nuisance Abatement Fee:

- A) Where there are three (3) or more excessive noise and / or nuisance service call responses at the same Property within a twelve (12) month period, the Town may impose upon the owner of the property a Noise and/or Nuisance Abatement Fee, as identified in Schedule “A” of this By-law.

PART 7 – REPEAL & SEVERABILITY

13. By-law Repeal:

- A) Noise By-law No.023, A By-law of the town of Quispamsis Respecting Disturbance by Noise is hereby repealed; and
- B) The repeal of By-law 023, a By-law of the Municipality of Quispamsis Respecting Noise Disturbance, shall not affect any By-law infraction, penalty, forfeiture, or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal.

14. Severability:

- A) If any part of this by-law shall be held to be invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this by-law.

15. Effective Date:

- A) The effective date of the By-law is XXXX, 2026

READ FIRST TIME: March 17, 2026

READ SECOND TIME: March 17, 2026

READ THIRD TIME & ENACTED:

SEAL

X

Elizabeth (Libby) O'Hara
Mayor

X

Lisa MacInnis
Town Clerk

SCHEDULE "A" FEES
ATTACHED TO AND FORMING PART OF BY-LAW 069

Temporary Noise Exemption Permit	Fees
Notification letters issued within 250 m of event	\$300.00
Notification letters issued greater than 250 m	\$500.00
Administrative Penalties	Penalty
1 st response for violation or breach of this Bylaw	No Charge
2 nd response for violation or breach of this Bylaw	\$250.00
3 rd response for violation or breach of this Bylaw	\$500.00
Excessive Noise / Nuisance Abatement	Fee
3 bylaw violations within a consecutive twelve (12) month period	\$1500.00