

VILLAGE OF HAMPTON  
BY-LAW NO. 21

A BY-LAW RELATING TO THE PREVENTION OF NUISANCES.

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

Short Title

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

Definitions

2. In this by-law:

(1) "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;

(2) "motor driven cycle" means a motorcycle, and includes a motor scooter or a bicycle with motor attached;

(3) "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;

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

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

(6) "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 or in rendering assistance to a lawfully constituted civilian police force;

(vi) any person appointed by the Village to enforce any by-law;

(7) "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, 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;

(8) "snowmobile" means a vehicle that

- (a) is not equipped with wheels, but in place thereof is equipped with tractor treads alone 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.

(9) "stand" when used with reference to a vehicle and when prohibited means any stopping or standing of a vehicle with other traffic or in compliance with directions of a peace officer or traffic control sign or signal;

(10) "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;

(11) "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;

(12) "sidewalk" means that portion of a highway or street between the curb lines or the lateral lines of a roadway, and the adjacent property lines set apart for the use of pedestrians and includes any part of a highway set apart or marked as being for the exclusive use of pedestrians.

Loitering and Congregating

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:
- (a) on any street,
  - (b) about, at, near, in or upon the entrance or approach to any church, school, hall, public building, any business premises or any place where business is ordinarily carried on, or any other public place,
  - (c) upon or in any business premises or any place where business is ordinarily carried on, or
  - (d) any other public place,
- after having been requested by a peace officer to depart, disperse or move along the street or away from such place.

Nuisances

4. No person shall coast or slide on a sled or toboggan on a street.
5. No person shall skate, or play any game of ball, hockey or other game on any street.
6. No person shall make or cause to be made any unnecessary noise by means of a vehicle upon a street.
7. No person shall beat a drum, play any musical instrument or make any unusual sound on any street or in any public place, if requested by a peace officer to desist therefrom because of the illness of any person residing in a neighbouring building or for any other reason.
8. 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.
9. No person shall ride a bicycle upon a sidewalk within the Village.
10. (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, nightsoil, 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.

10. (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

11. 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).

This by-law passed and enacted on the 13th day of DECEMBER 1977.

First Reading: NOVEMBER 22/77

Second Reading: NOVEMBER 27/77

Third Reading: DECEMBER 13/77

.....Alan A. Hecks.....  
Mayor

.....Ernest M. Boudland.....  
Clerk