

## Chapter 2 - Neighbourhood Nuisance By-law

**Whereas** section 172(1)(d) of the Municipal Government Act empowers Municipalities to make by-laws respecting “nuisances, activities, and things that, in the opinion of Council, may be or may cause nuisances.” and,

**Whereas** it is the wish of Council to use that power to prevent the unreasonable interference with the enjoyment of property;

### 1. Title

This By-Law is entitled the “Neighbourhood Nuisance By-Law”.

### 2. Preamble

Residents of the Municipality of Colchester are encouraged to be good neighbours by exercising courtesy, consideration, and tolerance. Anyone that engages in behavior that does not demonstrate common courtesy or consideration of others and causes a frequent or persistent annoyance to the neighbourhood may be in contravention of this By-law.

### 3. Definitions

- a) “Council” means the Council for the Municipality of the County of Colchester;
- b) “Municipality” means the Municipality of the County of Colchester;
- c) “Appropriate” means as being reasonable in the circumstances taking into account the intensity, frequency, duration, and timing of the activity.

### 4. Prohibitions

No person shall engage in activity that by frequency or intensity unreasonably interferes with the enjoyment of the neighbourhood, including but not limited to any one or more resident.

### 5. Fixed Exemption

This By-Law does not apply to:

- a) Disturbances that may result from a response to an emergency.
- b) Businesses operating lawfully and in a manner that is appropriate to the nature of the business enterprise.
- c) Recreation activity carried out lawfully and in a manner that is appropriate to the nature of the activity.
- d) Community events carried out lawfully and in a manner that is appropriate to the nature of the event.

### Penalty

Any person who violates any of the provisions of this By-law may be guilty of an offence and may, on summary conviction, be liable

- a) for the first offence to a penalty of not less than Three Hundred Dollars (\$300.00) and of not more than ten thousand dollars (\$10,000.00) or imprisonment for a period of not more than one year or both, including the imposition of the minimum fine;
- b) for the second offence to a penalty of not less than Seven Hundred Dollars (\$700.00) and of not more than ten thousand dollars (\$10,000.00) or imprisonment for a period of not more than one year or both, including the imposition of a minimum fine;
- c) for the third offence or any subsequent offence to a penalty of not less than One Thousand Dollars (\$1,000.00) and of not more than ten thousand dollars (\$10,000.00) or imprisonment for a period of not more than one year or both, including the imposition of a minimum fine.

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