

SUMMER VILLAGE OF ROSS HAVEN
BYLAW # 236-11
THE NOISE BYLAW

BYLAW NO. 236-11 OF THE SUMMER VILLAGE OF ROSS HAVEN, IN THE PROVINCE OF ALBERTA, TO PROHIBIT CERTAIN ACTIVITIES CREATING NOISE AND TO ABATE THE INCIDENCE OF NOISE AND TO RESTRICT WHEN CERTAIN SOUNDS MAY BE MADE.

WHEREAS, Section 7(c) of the Municipal Government Act provides that the Council of a municipality may pass Bylaws respecting nuisances, mainly being for the purpose of prohibiting, eliminating or abating noise, and establishing permissible noise levels for all or varying periods of the day, in all or a designated part or location of the municipality.

NOW THEREFORE, the Council of Summer Village of Ross Haven, duly assembled, enacts as follows:

- (1) This Bylaw may be cited as “The Noise Bylaw”.
- (2) In this Bylaw including this section,
 - (a) “Village” means the municipality of the Summer Village of Ross Haven and the area contained within its boundaries as the context requires;
 - (b) “Holiday” means any statutory holiday as defined in The Interpretation Act;
 - (c) “Weekday” means any day other than a Sunday or a holiday;
 - (d) “Residential building” means a building which is constructed as a dwelling for human beings.

GENERAL PROHIBITION

- (3) (a) Except to the extent it is allowed by this Bylaw no person shall make, continue, cause or allow to be made or continued any loud, unnecessary or unusual noise which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the boundaries of the Summer Village of Ross Haven.
- (b) What is a loud noise, any unnecessary noise, or any unusual noise or a noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others is a question of fact for a court which hears a prosecution of an offence against this Bylaw.

- (c) Where an activity which is not specifically prohibited or restricted by any provision of any legislation or regulations of Canada or of the Province of Alberta or by any provision of this Bylaw involves creating or making a sound which

(i) is or may become, or

(ii) creates or produces or may create or produce

a disturbance or annoyance to other people or a danger to the comfort, repose, health, peace or safety of others, a person engaging in such an activity shall do so in such a manner as to create as little of such sound as practicable under the circumstances.

CONSTRUCTION NOISES

- (4) No person shall carry on the construction of any type of structure which involves hammering, sawing or the use of any mechanical tools or equipment capable of creating a sound which may be heard in any residential area beyond the boundaries of the site on which the activity is being carried on after the hour of ten o'clock in the evening and before the hour of seven o'clock in the morning of any day.

PENALTIES

- (5) A person who contravenes any provision of this Bylaw either by doing something which he/she is prohibited from doing or failing to do something he/she is required to do is guilty of an offence and is liable on summary conviction to a fine not in excess of Five Hundred (\$500.00) Dollars, or in default of payment of fine and costs to imprisonment.

This Bylaw shall come into full force and effect upon third reading.

READ A FIRST TIME IN COUNCIL

THIS 8TH DAY OF MARCH 2011

READ A SECOND TIME IN COUNCIL

THIS 12TH DAY OF APRIL 2011

READ A THIRD TIME IN COUNCIL
AND DULY PASSED

THIS 10TH DAY OF MAY 2011

Mayor Kelly Demkiw

Municipal Administrator – Dennis Evans