

VILLAGE OF SPRING LAKE

BYLAW #318

BEING A BYLAW OF THE VILLAGE OF SPRING LAKE IN THE PROVINCE OF ALBERTA TO REGULATE, PROHIBIT AND ABATE NOISE IN THE VILLAGE OF SPRING LAKE

WHEREAS, pursuant to Section 7, Municipal Government Act, being Chapter M-26, Revised Statutes of Alberta 2000 and amendments thereto, a council may pass a bylaw for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

WHEREAS, the Municipal Government Act gives the Municipalities the power to enact Bylaws and impose fines and penalties for infractions of their Bylaws;

WHEREAS, it is deemed necessary that the Council of Spring Lake provide for the regulation of noise in the Village of Spring Lake, particularly where the type, source or location of such noise may annoy or disturb persons working or living in places affected by such noise; and

NOW THEREFORE, the Council of the Village of Spring Lake in the Province of Alberta, pursuant to authority conferred upon it by the Municipal Government Act 2000 enacts as follows:

- I. This bylaw may be cited as *The Noise Bylaw*.
2. In this bylaw:
 - (a) "Council" means the Council of the Village of Spring Lake
 - (b) "CAO" means the person appointed as the Chief Administrative Officer of the Village of Spring Lake.
 - (c) "Construction" is the temporary process of demolishing or building any structure, or repairing or improving a building that already exists, including landscaping, home repair, property improvement and any work in connection with that process.
 - (d) "Community Wide Special Event" means any event that is operated, coordinated, or sanctioned by the Village and is meant for the unhindered enjoyment and benefit of all residents (eg. Canada Day festivities).
 - (e) "Designated Officer" means a person appointed to a position established under section 210(1) of the Municipal Government Act, Chapter M26 of the Revised Status of Alberta 2000 and amendments thereto.
 - (f) "Electronic device" is any device or mechanism which is operated by the application of electric current, and without restricting the generality of the foregoing, includes any radio receiver, radio transmitter, record, compact disc, or tape player or device which reproduces recorded sound, television set, amplifier or loud speaker system, public address system, alarm or siren.
 - (g) "Holiday" shall mean the following
 - i) New Years Day
 - ii) Alberta Family Day
 - iii) Good Friday
 - iv) Victoria Day
 - v) Canada Day
 - vi) Heritage Day (the first Monday in August)
 - vii) Labour Day

- viii) Thanksgiving Day
 - ix) Remembrance Day
 - x) Christmas Day
 - xi) Any other day designated as a holiday by Council
- (h) "Noise" means any noise that annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace, or safety of any person within the municipal boundaries of the Village of Spring Lake.
- (i) "Park" means
- i) any development specifically designed or reserved for the general public for active or passive recreational use and includes all natural and man-made landscaping, facilities, buildings, playing fields, and other structures consistent with the general purposes of public parkland, whether or not such recreational facilities are publicly operated or operated by other entities pursuant to arrangements with the public authority owing the Park;
 - ii) any land acquired by the Village as a municipal reserve and/or school reserve, public utility lots, or environmental reserve as defined in the Planning Act;
 - iii) any land designated by Council as a Park or recreational area for the purposes of this bylaw;
 - iv) any land developed or designated by the Village as a trail system, including pathways other than sidewalks.
- (j) "Person" is an individual or any business entity including firm, partnership, association, corporation, company or society but does not include the Village.
- (k) "Residential district" is any district designated for residential use in the Land Use Bylaw No. 297 or amendments thereto.
- (l) "Peace Officer" means a person appointed as a peace officer under Section 7 of the Peace Officer Act;
- (m) "Village" means the Village of Spring Lake and, where the context requires, means the area contained within the corporate boundaries of the said municipality.
- (n) "Violation Tag" means a tag or similar document issued by the Municipality pursuant to the Municipal Government Act.
- (o) "Violation Ticket" means a ticket pursuant to Part II of the Provincial Offences Procedure Act, S.A. 1988, c. P-21-5, as amended.
- (p) "Weekday" means any day other than Saturday, Sunday or holiday.
- (q) "Weekend" means Saturday and Sunday

3. General Abatement Provisions

- (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 noise or any noise whatsoever which annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the boundaries of the Village.
- (b) No person shall permit, suffer or allow property, real or personal which he owns, occupies or controls, to be used in any manner that produces any loud, unnecessary or unusual noise or any noise whatsoever which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the municipal boundaries of the Village.

- (c) What constitutes a loud noise, an unnecessary noise, an 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.

- (d) Where an activity which is not specifically prohibited or restricted by any provision of any legislation or regulation 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 activity shall do so in such a manner as to create as little of such sound as practicable under the circumstances

- (e) No person shall activate or apply engine retarder brakes within the municipal boundaries of the Village.

4. Operation of Equipment

- (a) No person shall operate hand tools, lawn mowers, snow removal devices, or motorized model toy in a residential district between the hours of 10:00pm in the evening and 7:00am of the next morning on a weekday and between the hours of 11:00pm in the evening and 8:00am of the next morning on a weekend and a holiday. Any such equipment must be properly maintained, operated in a normal manner for that type of equipment, and the noise must be temporary and intermittent in nature.

5. Construction

- (a) No person shall carry on construction of any kind that can be heard beyond the boundary of the construction site or property between the hours of 10:00pm in the evening and 7:00am of the next morning on a weekday and between the hours of 11:00pm in the evening and 8:00am of the next morning on a weekend and a holiday.

6. Sound Amplifying Equipment

- (a) No person shall operate sound amplifying equipment from any premises, park, or other public space so as to unduly disturb residents of the Village.

7. Town Sanctioned Activities

- (a) Activities of employees, servants, and agents of the Town, while acting in the course of their employment and duties, are exempt from the provisions of this bylaw. This provision includes, but is not limited to, activities such as snow removal, street cleaning, and community-wide special events.

8. Emergencies

- (a) Any person performing work of an emergent nature for the preservation or protection of public safety, life, health, or property, may be exempt from this bylaw. The onus will be on the person performing the work to demonstrate that the work was of an emergent nature.

9. Penalties

- (a) Any person who contravenes any section of this bylaw is guilty of an offence is liable to a fine of \$100.00 for first offence and \$200.00 for second and subsequent offences.

- (b) Every Peace Officer or the Designated Officer is hereby granted authority and charged with the duty of enforcing the provisions of this By-Law.
 - (c) Any fine or penalty imposed under this By-Law shall ensure to the benefit of the Village of Spring Lake.
 - (d) A Peace Officer or the Designated Officer is hereby authorized and empowered to issue a Violation Tag to any person, who the Peace Officer or the Designated Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
 - (e) A Violation Tag may be issued to such person:
 - i) personally;
 - ii) by mailing a copy to such person at his last known post office address; or
 - iii) by leaving it for the defendant at his residence with a person on the premises who appears to be at least 18 years of age.
 - (f) The Violation Tag shall be in a form approved by the Village Administrator and shall state:
 - i) the name of the defendant;
 - ii) the offence;
 - iii) the appropriate penalty for the offence as specified by this By-Law;
 - iv) that the penalty shall be paid within 30 days of the issuance of the Violation Tag;
 - v) any other information as may be required by the Village Administrator
 - (g) Where a contravention of this By-Law is of a continuing nature, further Violation Tags may be issued by a Peace Officer or the Designated Officer, provided however, that no more than one Violation Tag shall be issued for each day that the contravention continues.
 - (h) Where a Violation Tag is issued pursuant to this By-Law, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Village Treasurer the penalty specified on the Violation Tag.
 - (i) Nothing in the By-Law shall prevent a Peace Officer from immediately issuing a Violation Ticket.
 - (j) In those cases where a Violation Tag has been issued and if the penalty specified on the Violation Tag has not been paid within the prescribed time, then a Peace Officer is hereby authorized to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this By-Law.
 - (k) Any person to whom a Violation Ticket has been issued may make voluntary payment in respect of the Violation Ticket by delivering the Violation Ticket along with an amount equal to that specified for the offence as set out in this By-Law, to the Provincial Court office specified on the Violation Ticket.
9. Should any section or part of this Bylaw be found to have been improperly enacted, for any reason, then such section or part shall be regarded as being severable from the rest of the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this Bylaw.
10. This bylaw repeals Bylaw #313.

11. This bylaw shall come into force and take effect upon the date of third reading and signing in accordance with Section 7(a), Municipal Government Act, Revised Statutes of Alberta RSA 2000.

Read a first time this 9th day of February, 2010

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Village of Spring Lake



Mayor



Chief Administrative Officer