

## BYLAW 02-20

### A BYLAW OF THE SUMMER VILLAGE OF MEWATHA BEACH, IN THE PROVINCE OF ALBERTA, FOR MATTERS RELATED TO THE CONTROL OF NOISE BY PROHIBITING, ELIMINATING OR ABATEMENT

**WHEREAS** under the Authority of the *Municipal Government Act RSA 2000 Chapter M-26*, sections 7 and 8 authorizes Council to pass bylaws respecting safety, health, welfare and the protection of people and property;

**AND WHEREAS** the *Traffic Safety Act R.S.A. 2000 T-06*, as amended, Part 1 Division 3 Section 13 provides that the Council of a Municipality may make Bylaws defining what constitutes objectionable noise, devising a system or method of determining or measuring that noise, and prohibiting the operation of Motor Vehicles which in any manner make objectionable noise;

**AND WHEREAS** the intent of this Bylaw is that all noise shall be reduced as far as possible to be compatible with the normal activities of urban life while recognizing the recreational nature of the municipality, and that unnecessary noise be eliminated.

**NOW, THEREFORE**, the Council of the Summer Village of Mewatha Beach in the Province of Alberta duly assembled, enacts as follows:

#### 1.0 TITLE

1.1 This Bylaw may be cited as "**The Noise Bylaw.**"

#### 2.0 DEFINITIONS

In this Bylaw:

2.1 "**Bylaw Enforcement Officer**" means a Bylaw Enforcement Officer appointed by the Summer Village pursuant to the Municipal Government Act, to enforce the Summer Village's Bylaws, and includes a member of the Royal Canadian Mounted Police and, when authorized, a Special Constable;

2.2 "**Chief Administrative Officer**" means the Chief Administrative Officer for the Summer Village of Mewatha Beach;

2.3 "**Construction Equipment**" shall include but not necessarily be limited to a riveting machine, concrete mixer, gravel crusher, earth moving equipment, dragline, backhoe, air or steam compressor, jackhammer or pneumatic drill, tractor, bulldozer, front-end loader, motor scraper, motor grader or any other tool, device, or machine of a noisy nature;

2.4 "**Motor Vehicle**" means Motor Vehicle as defined in the *Traffic Safety Act RSA 2000 T-06* as amended;

- 2.5 **"Noise"** means any sound which is, or is considered to be sharp or piercing; or shrill; or explosive; or unnecessarily loud; or persistent and/or annoying, but shall not include a sound intended to warn persons of danger or emergencies;
- 2.6 **"Off-Highway Vehicle"** means an Off-Highway Vehicle as defined in the *Traffic Safety Act*, R.S.A. 2000 T-06, as amended Part 6;
- 2.7 **"Person"** includes an individual, partnership, corporation, trustee, executor or manager;
- 2.8 **"Signaling Device"** means a horn, gong, bell, klaxon or other device producing an audible sound for the purpose of drawing a person's attention to an approaching vehicle, including a bicycle;
- 2.9 **"Summer Village"** means the Summer Village of Mewatha Beach;
- 2.10 **"Violation Tag"** means a ticket or similar document issued by the Summer Village pursuant to the *Municipal Government Act* RSA 2000 M-26, as amended;
- 2.11 **"Violation Ticket"** means a ticket issued pursuant to the Provincial Offenses Procedures Act, as amended and Regulations thereunder.

### 3.0 VIOLATIONS:

- 3.1 Except to the extent allowed under this Bylaw, no person shall cause or permit any other person to cause a noise within the Summer Village;
- 3.2 No Person shall allow property under their ownership or control to be used in such a way that there is noise originating from the property.
- 3.3 A Bylaw Enforcement Officer may direct any person who has caused or made a noise, or any person who owns or controls property from which noise has originated, to abate or eliminate the noise. Such a direction may be either verbal or written.
- 3.4 Where an activity which is not specifically prohibited by any federal, provincial or municipal laws or regulations, including this Bylaw and which involves creating or making a sound which:
- 3.4.1. is or may become;
- 3.4.2. creates or produces or may create or produce a Noise;

a person engaging in such an activity shall do so in such a manner as to create as little sound as practicable under the circumstances.

#### **4.0 DOMESTIC NOISES:**

- 4.1** No person shall operate any powered equipment, including lawnmowers, snow blowers, and garden tillers in a residential zone between the hours of eleven o'clock in the evening and seven o'clock in the morning of the next day

#### **5.0 CONSTRUCTION NOISES:**

- 5.1** Persons owning or controlling Construction Equipment, and Persons owning or controlling land on which Construction Equipment is being operated shall be exempt from the provisions of this Bylaw if:

5.1.1 the noise is generated pursuant to work done in the normal manner to that industry;

5.1.2 the noise is generated between the hours of 7:00 a.m. and 9:00 p.m.

5.1.3 all necessary federal, provincial and municipal permits, licenses and approvals have been obtained and the work is not contrary to any federal, provincial or municipal laws or regulations.

#### **6.0 PENALTIES**

- 6.1** A person who disobeys a direction pursuant to Section 3.3 above is guilty of an offence and is liable to a penalty in the amount stated in Schedule "A" of this bylaw.

- 6.2** Any person who contravenes any provision of this Bylaw other than disobedience of a direction is guilty of an offence and is liable to a penalty stated in Schedule "A" of this bylaw.

- 6.3** Under no circumstances shall any person contravening any provision of this Bylaw be subject to the penalty of imprisonment.

#### **7.0 VIOLATION TAGS**

- 7.1** A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Bylaw Enforcement officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

- 7.2** A Violation Tag may be issued to such person either personally, or by mailing a copy to such Person at his or her last know post office address.

- 7.3** The Violation tag shall be in a form approved by the Chief Administrative Officer and shall state:

7.3.1 the name of the person;

7.3.2 the offence;

7.3.3 the appropriate penalty for the offence being the minimum penalty prescribed by this Bylaw;

7.3.4 that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;

7.3.5 any other information as may be required by the Chief Administrative Officer.

**7.4** Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by the Bylaw Enforcement Officer, provided that no more than one Violation Tag shall be issued for each day that the contravention continues.

**7.5** Where a Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation Tag is issued, may in lieu of being prosecuted for the offence, pay to the Summer Village the penalty specified in the Violation Tag.

**7.6** Nothing in this Bylaw shall prevent a Bylaw Enforcement officer from immediately issuing a Violation Ticket.

## **8.0 VIOLATION TICKET**

**8.1** If the penalty specified on a Violation Tag is not paid within the prescribed time period, then a Bylaw Enforcement Officer, is hereby authorized and empowered to issue a Violation Ticket pursuant to the Provincial Offenses Procedures Act.

## **9.0 SEVERABILITY PROVISION**

**9.1** If any section or sections of this Bylaw or parts thereof are found in any court or law to be illegal or beyond the power of Council to enact, such Section or Sections or parts thereof shall be deemed to be severable and all other Sections or parts of the Bylaw shall be deemed separate and independent therefrom and to be enacted as such.

## **10.0 RESCINDING**

10.1 The Summer Village does not currently have a bylaw to rescind.

## **11. COMING INTO FORCE**

11.1 This bylaw shall become effective when it has received third and final reading and has been signed by the Mayor and the Chief Administrative Officer.

**READ** a first time this 21st day of August 2020.

**READ** a second time this 21st day of August 2020.

**READ** a third and final time this 19th day of February 2021.

**SIGNED** this 19th day of February 2021.

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Mayor,

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C.A.O.,

**SUMMER VILLAGE OF MEWATHA BEACH  
BY-LAW 02-20**

**SCHEDULE "A"**

**Penalties:**

Any owner of a parcel of land which contravenes this Bylaw is guilty of an offence and liable on conviction:

6.1	First Offence	\$100.00
	Second Offence	\$250.00
	Third and subsequent offences	\$500.00
7.2	First Offence	\$100.00
	Second Offence	\$250.00
	Third and subsequent offences	\$500.00