

**Summer Village of Sunset Point
BYLAW NO. 218**

A BY-LAW FOR THE PURPOSE OF REGULATING NOISE IN THE SUMMER VILLAGE OF SUNSET POINT IN THE PROVINCE OF ALBERTA

WHEREAS, the Municipal Government Act of the Province of Alberta provides that a municipal council may pass Bylaw's for the purpose of prohibiting, eliminating or abating noise, and establishing permissible noise levels for all or varying portions of the day, in all or a designated part or location of the municipality,

NOW THEREFORE, THE COUNCIL OF THE SUMMER VILLAGE OF SUNSET POINT DULY ASSEMBLED ENACTS AS FOLLOWS:

1.0 TITLE

4.2 This Bylaw may be cited as "The Noise Control Bylaw"

2.0 DEFINITIONS

4.2 "Land use Bylaw" means Bylaw No. 203 of the Summer Village of Sunset Point as the same is amended from time to time and indicates any Bylaw passed in substitution for or in addition to Bylaw No. 203;

2.2 "Person" includes Her Majesty and public bodies, bodies corporate, Societies, Partnerships, firms, individuals or companies;

2.3 "Property" means real property and includes land, together with all improvements which have been so affixed to the land as to make them in fact and in law a part thereof;

2.4 "Summer Village" means the Summer Village of Sunset Point or the area within the corporate limits of the Summer Village of Sunset Point as the context may require;

2.5 "Voluntary Penalty" means a penalty specified in this Bylaw for a contravention of a provision of this Bylaw which amount shall be paid by a person to whom a municipal tag has been issued.

2.6 "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 of emergency.

2.7 "Peace Officer" shall mean a member of the R.C.M.P. or Bylaw Officer as appointed by the Council of the Summer Village of Sunset Point.

4.2 GENERAL PROHIBITION

3.1 Except to the extent that is allowed by this Bylaw no person shall make, continue, cause or allow to be made or continued any loud unnecessary or unusual noise whatsoever which either annoys, disturbs or injures, endangers or detracts from the comfort, repose, health, peace and safety of other persons within the summer village.

3.2 No person being the owner, tenant or occupant of the property shall allow or permit such property to be used so that noise which occurs thereon or emanates therefrom, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons within the Summer Village.

3.3 No person shall own, keep or harbor any animal or bird which makes, or causes to be made, any noise which disturbs or tends to disturb the quiet, peace rest,

enjoyment, comfort or convenience of any person or persons within the Summer Village.

3.4 A Peace Officer is hereby authorized to enter any lands or buildings or premises, other than a dwelling house and in addition to issuing a warning, or voluntary penalty tag, or laying any information with respect to an alleged breach of this bylaw, order the occupant or other person found thereon to forthwith cease causing such noise and refrain from continuing said noise.

4.2 **PENALTIES**

4.1 Everyone who commits a breach of any of the provisions of this Bylaw shall be liable:

4. For the first offence to a voluntary penalty of One Hundred Dollars (\$100.00) and upon Summary Conviction to a fine no less than Five Hundred Dollars (\$500.00) and in default of payment to a term of imprisonment of six months (6) months or to both.
- b) For a second and subsequent offense to a voluntary penalty of Two Hundred Dollars (\$200.00) and upon Summary Conviction to a fine of no less than Five Hundred Dollars (\$500.00) and in default of payment to a term of imprisonment of six (6) months or to both.

4.2 Voluntary payment in lieu of prosecution must be made within fifteen (15) days of issuance of a summons or offence ticket.

This bylaw shall come into force and take effect upon the date of the third and final reading.

Read a first time this 29th day of APRIL, 1999.

Read a second time this 29th day of APRIL, 1999.

Read a third time and passed this 29th day of APRIL, 1999.

Summer Village of Sunset Point

Diane Gibbs, Deputy Mayor

Hilda R. Marsh, CAO