

# SUMMER VILLAGE OF MA-ME-O BEACH

## BYLAW NO. 381, NOISE BYLAW

### A BYLAW OF THE SUMMER VILLAGE OF MA-ME-O BEACH IN THE PROVINCE OF ALBERTA TO PROHIBIT EXCESSIVE NOISE WITHIN THE CORPORATE LIMITS OF THE SUMMER VILLAGE

**WHEREAS** the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, and amendments thereto, provides that a municipality may pass bylaws regarding the safety, health and welfare of the community and the elimination of nuisances;

**NOW THEREFORE**, the Council of the Summer Village of Ma-Me-O Beach in regular meeting, duly assembled, hereby enacts as follows:

1. **SHORT TITLE:** This Bylaw shall be cited as the "Noise Bylaw".

#### 2. **DEFINITIONS**

- a. **"Noise"** means any sound having regard for all circumstances, including the time of day and the nature of the activity generating the sound, that may unreasonably annoy, disturb, injure, or detract from the comfort, repose, peace, health or safety of persons within the community;
- b. **"Occupant"** means a person:
  - i. residing on or to be in apparent possession or control of premises or property or;
  - ii. residing on or in possession of a property pursuant to a written or verbal rental or lease agreement, license or permit;
- c. **"Summer Village"** means the Municipal Corporation of the Summer Village of Ma-Me-O Beach.

#### 3. **GENERAL PROHIBITION**

- a. No person shall cause or permit any noise that annoys or disturbs the peace of any other person.
- b. No person shall permit property that they own or control, or of which they are the legal occupant, to be used so that noise from the property annoys or disturbs the peace of any other person.

- c. In determining what constitutes noise likely to annoy or disturb the peace of other persons, consideration may be given, but is not limited to:
  - i. type, volume and duration of the sound;
  - ii. time of day and day of the week;
  - iii. nature and use of the surrounding area.
- d. No owner or manager or other person in charge of premises where liquor is consumed shall permit any noise to emanate from such premises such that it annoys or disturbs any person outside the boundary of the premises.

#### **4. DOMESTIC OR CONSTRUCTION NOISE**

- a. Without limiting the generality of Section 3:
  - i. the operation of domestic equipment of any kind including, but not limited to, lawnmowers, snow blowers, rototillers, and chainsaws; and
  - ii. the use of construction equipment or carrying out of construction activity that generates noise;

shall be permitted between the hours of 8:00 am and 10:00 pm.

#### **5. EXCEPTIONS**

- a. The provisions of Section 3 and Section 4.a do not apply to work carried out by the Summer Village, or by a contractor carrying out the instructions of the Summer Village.
- b. The provisions of Section 3 and Section 4.a do not apply to contractors or employees carrying out snow removal within the boundaries of the Summer Village.

#### **6. PENALTIES**

- a. Any person who contravenes any provision of this bylaw is guilty of an offence and shall be liable to payment of a penalty of:
  - i. \$ 150.00 for first offence
  - ii. \$ 250.00 for second and subsequent offences within the same calendar year.

**7. REPEAL**

This Bylaw shall replace Bylaw 216 and Bylaw 216 is hereby repealed.

**8. SEVERABILITY**

Should any part of this Bylaw be found to have been improperly enacted, then such section or part shall be regarded as being severable from the rest of this 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.

**9. COMING INTO FORCE**


That this bylaw shall take effect on the date of the third and final reading.

Read a first time this 30<sup>th</sup> day of July 2021.

Read a second time this this 30<sup>th</sup> day of July 2021.

Given unanimous consent to proceed to third reading this this 30<sup>th</sup> day of July 2021.

Read a third time and passed this this 30<sup>th</sup> day of July 2021.

  
\_\_\_\_\_  
Don Fleming, Mayor  
Summer Village of Ma-Me-O Beach

  
\_\_\_\_\_  
Sylvia Roy, Chief Administrative Officer  
Summer Village of Ma-Me-O Beach