



**A BYLAW OF THE SUMMER VILLAGE OF SILVER BEACH FOR MATTERS
RELATED TO THE CONTROL OF NOISE BY PROHIBITION, ELIMINATION OR
ABATEMENT**

WHEREAS, Section 7 and 8 of the MGA (as defined below) authorizes Council (as defined below) to make bylaws respecting the safety, health and welfare of people and the protection of people and property; to regulate and prohibit nuisances; and provide for the enforcement of bylaws;

AND WHEREAS, Section 13(1)(g) of the *Traffic Safety Act*, R.S.A. 2000, c. T-06 authorizes Council to make bylaws defining what constitutes objectionable noise produced in connection with a vehicle and prohibiting the use or operation of a vehicle where the noise produced in connection with that vehicle is objectionable noise;

AND WHEREAS, the intent of this Bylaw is that all noise produced within the Summer Village shall be compatible with the normal activities of urban life, while recognizing the recreational nature of the Summer Village, and that nuisance and objectionable noise shall be prohibited and eliminated;

NOW, THEREFORE, the Council, duly assembled, enacts as follows:

1. SHORT TITLE

1.1 This Bylaw shall be known as the "Noise Bylaw."

2. DEFINITIONS

2.1 Terms not otherwise defined in this Bylaw, shall have the same meanings as defined in the MGA.

2.2 In this Bylaw:

a) **"Bylaw Enforcement Officer"** means:

(i) an individual who has been appointed by Council to carry out the duties of enforcing the Summer Village's Bylaws,

(ii) an individual who is a community peace officer as defined under the *Peace Officer Act*, R.S.A., c. P-3.5, or

(iii) an individual who is a member of the Royal Canadian Mounted Police;

b) **"Construction Equipment"** means any equipment of any type used in connection with construction activities including, without limitation, a dump truck, riveting machine, concrete mixer, gravel crusher, steam shovel, 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;

- c) **"Council"** means the Council of the Summer Village;
- d) **"Household Equipment"** means any equipment or device of any type used in, on or around any Property including, without limitation, lawnmowers, trimmers, blowers, tillers, chain saws, snow blowers and vacuums;
- e) **"MGA"** means the *Municipal Government Act*, R.S.A. 2000, c. M-26;
- f) **"Municipal Tag"** means a ticket issued by the Summer Village alleging breach of its Bylaws;
- g) **"Musical Equipment"** means any equipment or device of any type used to produce music, including without limitation, televisions, stereos, musical instruments, computers, sound equipment and electronic devices;
- h) **"Noise"** means any sound or noise, including a sound or noise made by Musical Equipment, which disturbs or could reasonably be expected to disturb the peace of another individual in the Summer Village and their use and enjoyment of Property;
- i) **"Occupant"** means a Person, other than an Owner or a User, who
 - (i) is in possession or control of a Property, or
 - (ii) has the right to use and occupy a Property,whether under a lease, tenancy, rental arrangement, easement, license, agency arrangement or otherwise;
- j) **"Owner"** means a Person who is a registered owner of a Property under the *Land Titles Act*, R.S.A. 2000, c. L-4;
- k) **"Person"** means an individual and includes partnership, corporation, trustee, executor, joint venture, proprietorship, association, society and any other legal entity;
- l) **"Property"** means any land, buildings, improvements located in the Summer Village which is
 - (i) privately owned or
 - (ii) owned or controlled by the Summer Village



- m) **"Source"** means any source of any type from which any Noise emits or emanates including, without limitation, any individual, animal, bird, motor vehicle, watercraft, Construction Equipment, Household Equipment, or Musical Equipment;
- n) **"Summer Village"** means the Summer Village of Silver Beach; and
- o) **"User"** means a Person, other than an Owner or an Occupant, who has the right to use or occupy a Property, whether as a guest, relative or otherwise.

3. PROHIBITION

- 3.1 Except as permitted under this Bylaw, no Person shall make, cause or allow any Noise to be made from any Source in the Summer Village.
- 3.2 Notwithstanding Section 3.1 above, the following Noises shall be permitted under this Bylaw:
 - a) Noises which warn or are intended to warn individuals of danger or emergencies; and
 - b) Noises which are made by Household Equipment or Construction Equipment provided that such Noises are made during the time period from 8:00 am to 10:00 pm; and
 - c) Noises which are made by Musical Equipment provided that such Noises are made during the time period from 11:00 am to 10:00 pm.

4. FINES AND ENFORCEMENT

- 4.1 A Person who contravenes any provision of this Bylaw is guilty of an offence.
- 4.2 If the contravention of this Bylaw starts before noon and continues past noon, or starts before midnight and continues past midnight, a person is guilty of two offences, and shall be guilty of a separate offence in respect of each half day thereafter.
- 4.3 A Bylaw Enforcement Officer has the right, in accordance with section 542 of the MGA, to enter onto a Property to inspect and determine if there are conditions that may contravene any provision of this Bylaw.



- 4.4 A Bylaw Enforcement Officer may direct any Person who has made or caused to be made a Noise, which Noise has originated on the Property, to abate or eliminate the Noise. Such a direction may be either verbal or written.
- 4.5 Any Person who is guilty of an offence under this Bylaw is liable for a fine not less than:
 - a) \$100 for a first offence; and
 - b) \$250 for each subsequent offence.
- 4.6 With respect to an offence under this Bylaw, a Bylaw Enforcement Officer may issue a Municipal Tag specifying the amount of the fine established in accordance with section 4.5 of this Bylaw.
- 4.7 When a Municipal Tag is issued, the amount of the fine indicated therein may be paid in accordance with the Municipal Tag in lieu of prosecution.
- 4.8 Nothing in this Bylaw shall preclude a Bylaw Enforcement Officer from laying charges under any alternate governing legislation.

5 REPEAL

- 5.1 This Bylaw shall replace Bylaw No. 08-2020 and Bylaw No. 08-2020 Noise Bylaw is hereby repealed.

6 COMING INTO FORCE

- 6.1 This Bylaw shall come into full force and effect upon final passing.

READ a first time this 8th day of July, 2020.

READ a second time this 8th day of July, 2020.

UNANIMOUS CONSENT to proceed to third reading 8th day of July, 2020.

READ a third and final time this 8th day of July, 2020.

Allan Watt, Mayor
Summer Village of Silver Beach

June Boyda, Chief Administrative Officer
Summer Village of Silver Beach