

THE SUMMER VILLAGE OF SEBA BEACH
IN THE
PROVINCE OF ALBERTA

BY-LAW NO. 3-95

BEING A BY-LAW FOR THE PURPOSE OF REGULATING NOISE IN THE SUMMER VILLAGE OF SEBA BEACH IN THE PROVINCE OF ALBERTA and:

WHEREAS the Municipal Council of the Summer Village of Seba Beach desires to pass a by-law for the purpose of prohibiting, eliminating or abating noise, and establishing permissable noise levels for all or varying periods of the day, in all or a designated part or location of the municipality;

NOW THEREFORE the Council of the Summer Village of Seba Beach duly assembled enacts as follows:

1.0 TITLE

1.1 This By-law may be cited as "The noise Control By-law".

2.0 DEFINITIONS

- 2.1 "Land Use By-law" means By-law No. 300 of the Summer Village of Seba Beach as the same is amended from time to time and includes any By-law passed in substitution for or in addition to By-law No. 300;
- 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 "Residential District" means a district defined as such in the Seba Beach Land Use By-Law;
- 2.5 "Summer Village" means the Summer Village of Seba Beach or the area within the corporate limits of the Summer Village of Seba Beach, as the context may require;
- 2.6 "Voluntary Penalty" means a penalty specified in this By-law for a contravention of a provision of the By-law which amount shall be paid by a person to whom a municipal tag has been issued.

3.0 GENERAL PROHIBITION

- 3.1 Except to the extent it is allowed by this By-law no person shall make, continue, cause or allow to be made or continued 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 summer village;
- 3.2 No person being the owner, tenant, or occupier of property shall allow or permit such property to be used so that noise which occurs therein 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 harbour 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 village;
- 3.4 What is a loud noise, or any unnecessary noise, an unusual noise or a noise which either annoys, disturbs, injures, endangers or detracts from 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 By-law;
- 3.5 Where an activity which is not allowed by this By-law involves creating or making a sound which is or may become, or creates or produces or may create or produce a disturbance or annoyance to other people or a danger for the comfort, repose, health, peace, or safety of others, a person engaging in such an activity shall do so in such a manner as to create as little of such sound as practicable under the circumstances.

4.0 CONSTRUCTION NOISES

- 4.1 Unless permission from the Municipal Administrator for such operation is first obtained, no person shall carry on the construction of any type of structure which involves hammering, sawing or the use of any mechanical tools or equipment capable of creating a sound which may be heard beyond the boundaries of the site on which the activity is being carried on in any district designated in the Land Use By-law after the hour of (Twelve) 12:00 Midnight and before the hour of (Seven) 7:00 A.M. in the morning of any day.
- 4.2 Subject to Section 4.1, unless permission from the Municipal Administrator is first obtained no person shall operate or allow to be operated:

- a) a riveting machine
- b) a concrete mixer
- c) a gravel crusher
- d) a steam shovel
- e) a trenching machine
- f) a drag line
- g) an air or steam compressor, jack hammer or pneumatic drill
- h) a tractor or bull dozer
- i) any other tool, device or machine of a noisy nature so as to create a noise, confusion or disturbance which may be heard in a residential building at any time on a Sunday and between the hours of (Twelve) 12:00 Midnight and before the hour of (Seven) 7:00 A.M. in the morning of any day.

5.0 EMERGENCIES

Nothing herein shall render any person liable to a fine, penalty or punishment for performing work of an emergency nature for the preservation or protection of life, health, or property.

6.0 PENALTIES


6.1 Everyone who commits a breach of any of the provisions of this By-law shall be liable:

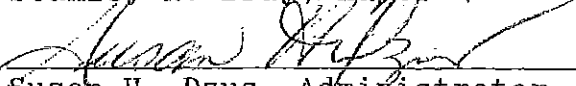
- a) For the first offence to a voluntary penalty of One Hundred Dollars (\$100.00) and upon Summary Conviction to a fine of not less than Five Hundred Dollars (\$500.00) and in default of payment to a term of imprisonment of six (6) months or to both;
- b) For a second and subsequent offence to a voluntary penalty of Two Hundred Dollars (\$200.00) and upon Summary Conviction to a fine of not less than Five Hundred Dollars (\$500.00) and in default of payment to a term of imprisonment of six (6) months or to both.

READ A FIRST TIME THIS 20TH DAY OF JULY A.D., 1995

READ A SECOND TIME THIS 20TH DAY OF JULY A.D., 1995

READ A THIRD TIME AND DULY PASSED THIS 20TH DAY OF JULY A.D., 1995


Stanley R. Bray, Mayor


Susan H. Dzus, Administrator