

**BYLAW 75-00**

**SUMMER VILLAGE OF WHISPERING HILLS**

**A BYLAW OF THE SUMMER VILLAGE OF WHISPERING HILLS, IN THE PROVINCE OF ALBERTA TO CONTROL NOISE WITHIN THE SUMMER VILLAGE BOUNDARIES**

**WHEREAS**, the Municipal Government Act, S.A. 1994, Chapter M-26-1, as amended or replaced, from time to time, Council may pass bylaws respecting the welfare of the citizens.

**AND WHEREAS**, the Council of the Summer Village of Whispering Hills, deems it expedient that regulations be made restricting, mitigating and abating the activities, which can cause unnecessary noise:

**NOW THEREFORE**, the Council of the Summer Village of Whispering Hills, duly assembled, hereby enacts as follows:

**PART 1**

**SHORT TITLE AND SCHEDULES**

- 1.1 This Bylaw shall be known and may be cited as the "Noise Control Bylaw".

**PART 2**

**DEFINITIONS**

- 2.1 "Noise" means any sound, which annoys or disturbs persons or injures, endangers or detracts from the comfort, repose, health, peace or safety of persons.
- 2.2 "Peace Officer", is, as defined in the Provincial Offences Procedures Act, S.A. 1988, Chapter P 21.5, and shall also mean any Bylaw Services or Bylaw Enforcement Officer appointed by the Summer Village.

**PART 3**

**GENERAL PROHIBITION**

- 3.1 a) No person shall make or cause, or permit to be made or caused, any noise in or on a public or private place, which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighborhood or vicinity.
- b) No person being the owner or occupier of real property shall allow or permit real property to be used so that noise or sound, which emanates there from, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighborhood or vicinity.
- c) No person shall play or operate any radio, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound either in or on private premises or in any public place in such a manner as to disturb the quiet, peace, rest enjoyment, comfort or convenience of the neighborhood or of persons in the vicinity.
- 3.2 No person shall operate motorized vehicles, which makes or causes noise that disturbs the quiet, peace, rest, enjoyment, comfort or convenience of individuals of the public.



- 3.3 Persons using domestic equipment including lawnmowers, snow blowers, garden tillers or chainsaws, and persons owning and controlling property upon which such equipment is used shall be exempt from this bylaw if:
- a. The noise is of a temporary or intermittent nature.
  - b. The noise occurs between the hours of 7:00 a.m. and 11:00 p.m.

#### **PART 4**

##### **PENALTIES**

- 4.1 Any person who contravenes the provisions of this bylaw, is guilty of an offense and liable upon summary conviction for the following fines:
- |  |            |
|--|------------|
| a) First offence not less than           | \$ 100.00  |
| b) Second offence not less than          | \$ 250.00  |
| c) Each subsequent offence not less than | \$1,000.00 |
- To a maximum fine of \$5,000.00 for any single offence.
- 4.2 A violation ticket may be issued by a Peace Officer, to a person who is believed to have violated a provision of this bylaw and the said violation ticket may provide for the payment within twenty-one (21) days from the date of issue to the summer village in the amounts specified under penalties herein. If payment is made within the time limit, then such payment shall be accepted in lieu of prosecution of the offence.

#### **PART 5**

##### **SEVERANCE**

- 5.1 Each section of this bylaw shall be read and construed as being separate and severable from the other sections of this bylaw. Furthermore, should any section or part of this bylaw be found to be improperly enacted, for any reason, then such section or part shall be regarded as being severed from the rest of the bylaw remaining after such severance shall be effective and enforceable as such if the section found to be improperly enacted had not been enacted as part of this bylaw.

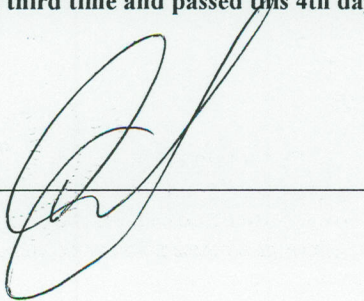
This bylaw shall come into effect on the date of the third and final reading thereof.

**READ a first time this 4th day of December 2000.**

**READ a second time this 4th day of December 2000.**

**READ a third time and passed this 4th day of December 2000.**

\_\_\_\_\_  
Mayor



\_\_\_\_\_  
Chief Administrative Officer

