

**THE SUMMER VILLAGE OF GHOST LAKE
BYLAW NUMBER 186**

A BYLAW OF THE SUMMER VILLAGE OF GHOST LAKE IN THE
PROVINCE OF ALBERTA PREVENTING AND COMPELLING THE
ABATEMENT OF UNNECESSARY NOISE AND OTHER NUISANCE
ACTIVITIES AND BEHAVIORS

BACKGROUND

WHEREAS Section 7 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 provides that a Municipal Council may enact bylaws respecting nuisances; the safety, health and welfare of people and the protection of people and property; and respecting people, activities and things in, on or near public places; and

WHEREAS the Council of the Summer Village of Ghost Lake deems it necessary to pass a Bylaw to provide for the prevention and to compel the abatement of unnecessary noise and nuisance activities and behaviors within the Summer Village of Ghost Lake;

NOW THEREFORE, the Council of the Summer Village of Ghost Lake in the Province of Alberta, duly assembled, hereby enacts as follows:

TITLE

1. This Bylaw may be cited as the “The Noise and Nuisance Activity Abatement Bylaw”.

DEFINITIONS

2. In this By-Law, unless the context otherwise requires:
 - (a) “Council” means the Municipal Council of the Summer Village of Ghost Lake;
 - (b) “Court” means the Provincial Court of Alberta;

- (c) "Daytime" means the period:
 - (i) beginning at 7:00 A.M. and ending at 11:00 P.M. of the same day on weekdays and;
 - (ii) beginning at 9:00 A.M. and ending at 11:00 P.M. of the same day on a weekend or statutory holiday;
- (d) "Emergency Vehicle" has the same meaning as in the Traffic Safety Act, R.S.A. 2000, c. T-6;
- (e) "Enforcement Officer" means a member of the Royal Canadian Mounted Police who is authorized to enforce Bylaws of the Summer Village;
- (f) "holiday" has the same meaning as in the Interpretation Act, R.S.A. 2000, c. I-8;
- (g) "including" when introducing a list of items, does not limit the meaning of the words to those items or to items of a similar kind;
- (h) "Motorized Power Tool" means any tool or implement that is powered by an electric or internal combustion motor, or compressed air, including snow-blowers, lawn mowers and motorized garden tools;
- (i) "Municipal Government Act" means the Municipal Government Act, R.S.A. 2000, c. M-26;
- (j) "Night-time" means the period beginning at 10:00 P.M. and ending the following day at:
 - (i) 7:00 A.M. if the following day is a Weekday; or
 - (ii) 9:00 A.M. if the following day is a Weekend;
- (k) "Noise" means any sound that annoys, aggravates, endangers or disturbs humans or animals, or which detracts from the comfort, peace, or repose of humans, including any loud music or outcry, clamour, shouting, howling, or any other sound that is loud, harsh or otherwise undesirable;
- (l) "Nuisance Activity or Behavior" means any activity or behavior that may jeopardize or interfere with:

- (i) the comfort, peace, repose, safety or well-being of others; or
- (ii) the reasonable right of other persons to the peaceful enjoyment of private property and the Public Lands located within the summer village;
- (m) “Person” means an individual or any business entity including a firm, partnership, association, corporation, company, or society;
- (n) “Provincial Offences Procedure Act” means the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34, and the regulations thereof, as amended or replaced from time to time;
- (o) “Public Lands” means:
 - (i) property owned or operated by the Summer Village including, but not limited to all roads and streets road allowances, public parks and reserves;
 - (ii) property owned or operated by a community association or not-for-profit organization; or
 - (iii) property owned or operated by the provincial or federal government, or any agencies or departments thereof, and any associated organizations;
- (p) “Residential Building” means a structure used as a residence containing one or more dwelling units, including a house, multi-family dwelling, apartment building, hospital, lodging, house, hotel, motel, mobile home, tent, trailer, motor home, camper or recreational vehicle of any type”;
- (q) “Residential Development” means any land that is the site of one or more Residential Buildings, excepting farms, ranches, and other land which is used for purely agricultural purposes;
- (r) “Signalling Device” means any device that produces an audible sound used for the purpose of drawing a person’s attention, including a horn, gong, bell or claxon or public address system;

- (s) “Speaker System” means any sound amplification device that converts electrical impulses into sound, whether the device is independent or incorporated into a radio, stereo, television, computer, or public address system, including any such device located in a building, vehicle, or portable self-contained unit;
- (t) “Summer Village” means:
 - (i) the Municipal Corporation of the Summer Village of Ghost Lake, as duly established pursuant to the laws of the Province of Alberta; or
 - (ii) the area within the legal boundaries of the Summer Village of Ghost Lake, as the context of this Bylaw requires;
- (u) “Vehicle” has the same meaning as in the Traffic Safety Act, R.S.A. 2000, c. T-6;
- (v) “Weekday” means Monday through Saturday inclusive, with the exception of any Statutory holidays;
- (w) “Weekend” means Sunday and any other holiday.

NOISE PROHIBITIONS AND RESTRICTIONS

- 3. No Person shall in either the Daytime or the Night-time:
 - (a) make, continue, cause, or allow to be made or continued, on private property or Public Lands, any excessive, unnecessary, or unusual Noise of any type;

- (b) allow or permit any real or personal property that is owned, occupied or controlled by that Person to be used in a way that allows excessive, unnecessary, or unusual Noise of any type to emanate from such property; or
 - (c) operate, allow or permit the operation of a Speaker System of any type, on private property or Public Lands, at an unnecessarily loud volume, thereby creating excessive Noise.
- 4.
 - (a) Whether or not a particular sound complained of constitutes a Noise, or is an “excessive, unnecessary or unusual Noise” are questions of fact to be determined by a Court hearing a prosecution pursuant to the provisions of this Bylaw.
 - (b) When making the determination as to whether a particular sound constitutes an “excessive, unnecessary or unusual Noise” the Court shall consider any admissible evidence as to:
 - (i) the time of the disturbance complained of and whether it was during the Daytime or the Night-time;
 - (ii) the location of the disturbance and whether or not the disturbance occurred in a Residential Development;
 - (iii) the duration and nature of the disturbance; and
 - (iv) any other circumstances or factors relating to the disturbance which the Court deems are relevant to the said determination.
- 5. No Person shall operate, allow or permit the operation of:
 - (a) a Motorized Power Tool outside of any building or structure;
 - (b) a model aircraft, model vehicle, or similar device that is powered by an internal combustion engine; or
 - (c) a Signalling Device of any kind, including a vehicle horn,
in the Summer Village in the Night-time.
- 6. No Person shall carry on, allow or permit the carrying on of construction outside of any building or structure within the Summer Village in the Night-time.

7. The provisions of this bylaw do not apply to:
 - (a) Emergency Vehicles;
 - (b) construction activities and related Noise during the daytime;
 - (c) work performed in relation to a highway or public utility by the owner or operator of the public utility, or its contractors.

8. The provisions of this Bylaw must not be interpreted to prevent:
 - (a) the use of Signalling Devices on Vehicles in their normal operation for the purpose of giving warnings to other drivers or pedestrians;
 - (b) the sounding of any alarm or warning to announce a fire or other emergency; or
 - (c) the playing of a band or other activities relating to a lawful parade or public demonstration.

NUISANCE ACTIVITIES AND BEHAVIORS

9. No Person shall in either the Daytime or the Night-time:
 - (a) engage in, allow, or permit others to engage in Nuisance Activities or Behaviours, whether on private property or Public Lands; or
 - (b) allow or permit any real or personal property that is owned, occupied or controlled by that Person to be used in any manner that constitutes a Nuisance Activity or Behaviour.

10. Whether or not a particular activity or behaviour constitutes a “Nuisance Activity or Behaviour”, as per the definition provided in this Bylaw, is a question of fact to be determined by a Court hearing a prosecution pursuant to the provisions of this Bylaw.

CONDUCT ON AND USE OF PUBLIC LANDS

11. No Person shall light or have a fire, or set off fireworks on Public Lands unless said Person has been so authorized by the owner or operator of the property in question, and has obtained the required and appropriate permits allowing for such activity.

12. No Person shall camp, tent or otherwise sleep overnight on Public Lands unless said Person has been so authorized by the owner or operator of

the property in question, and has obtained the required and appropriate permits allowing for such activity.

13. No Person shall deface, damage, destroy or wrongfully appropriate any Public Lands or any other property owned or operated by the Summer Village.
14. No Person shall urinate, defecate, or deposit refuse or litter upon any Public Lands.

GENERAL PENALTY PROVISION

15. Any Person that violates any provision of this Bylaw is guilty of an offence and is liable upon conviction to a maximum fine of **\$10,000**, or in default of payment of the fine to imprisonment for a period not exceeding **one year**, or to both fine and imprisonment in such amounts.

MINIMUM AND SPECIFIED PENALTIES

16. The minimum and specified penalty for a violation of any provision of this Bylaw is \$200.
17. Notwithstanding Section 16 of this Bylaw, if a Person violates the same provision of this Bylaw twice within a one-year period, the minimum and specified penalty for the second such violation shall be double the amount set out in Section 16.

ENFORCEMENT

18. Where an Enforcement Officer has reasonable grounds to believe that a Person has violated any provision of this Bylaw, the Enforcement Officer may commence Court proceedings against such Person by:
 - (a) Issuing the Person a Violation Ticket pursuant to the provisions of Part 2 of the Provincial Offences Procedure Act; or
 - (b) Swearing out an Information and Complaint against the Person.
19. Where an Enforcement Officer issues a Person a Violation Ticket in accordance with Section 18 of this Bylaw, the Officer may either:
 - (a) allow the Person to pay the specified penalty as provided for the offence in Sections 16 and 17 of this Bylaw by indicating such specified penalty on the Violation Ticket; or

(b) require a Court appearance of the Person where the Enforcement Officer believes that such appearance is in the public interest, pursuant to the provisions of Part 2 of the Provincial Offences Procedure Act.

SEVERABILITY AND STRICT LIABILITY OFFENCES

- 20. Each provision of this Bylaw is independent of all other provisions. If any such provision is declared invalid by a Court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.
- 21. It is the intention of Council that all offences created by this Bylaw be interpreted to be strict liability offences.

REPEAL

- 22. Upon third and final reading of this by-law, By-Law # 117 is repealed.

EFFECTIVE DATE

- 23. This bylaw is effective upon third and final reading.

READ A FIRST TIME IN COUNCIL THIS 14th day of June, AD 2004

READ A SECOND TIME IN COUNCIL THIS 14th day of June, AD 2004

READ A THIRD AND FINAL TIME IN COUNCIL THIS 14th day of June, AD 2004

“Bob Miller”

“Sharon Plett”

Mayor

Chief Administrative Officer