

BYLAW 69-1999

BEING A BYLAW OF THE SUMMER VILLAGE OF SUNRISE BEACH FOR THE PURPOSE OF REGULATING NOISE IN THE SUMMER VILLAGE OF SUNRISE BEACH.

WHEREAS the Municipal Government Act, R.S.A. 1994, being Chapter M-26.1 and amendments thereto provides that the Council of the Summer Village of Sunrise Beach may pass bylaws for the purposes respecting the safety, health and welfare of people; and

WHEREAS it is considered to be a nuisance when uncontrolled noise for all or varying periods of the day, in all or a designated part of the municipality, affect the enjoyment, health and welfare of residents of the municipality;

NOW THEREFORE the Municipal Council of the Summer Village of Sunrise Beach, duly assembled, enacts as follows:

1.0 TITLE

1.1 This Bylaw shall be cited as "The Noise Control Bylaw".

2.0 DEFINITIONS

In this Bylaw:

- 2.1 "Land Use Bylaw" shall mean Bylaw 114-89 of the Summer Village of Sunrise Beach and any amendments thereto or any Bylaw passed in substitution for or in addition to Bylaw 114-89;
- 2.2 "Municipality" shall mean the Summer Village of Sunrise Beach or the area within the corporate limits of the Summer Village of Sunrise Beach as the context may require;
- 2.3 "Person" shall include Her Majesty and public bodies, bodies corporate, Societies, Partnerships, firms, individuals, or companies;
- 2.4 "Property" shall mean real property and shall include land, together with improvements which have been so affixed to the land as to make them in fact and in law a part thereof;
- 2.5 "Residential District" shall mean a district defined as such in the municipality's Land Use Bylaw;
- 2.6 "Voluntary Penalty" shall mean a penalty specified in this bylaw for a contravention of a provision of this Bylaw which amount shall be paid by a person to whom a municipal tag has been issued.

3.0 GENERAL PROHIBITIONS

- 3.1 Except to the extent that is allowed by this Bylaw, no person shall make, continue, cause or allow to be made or continued any loud, unnecessary or unusual noise whatsoever which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health or peace or safety of other persons within the municipality.
- 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 thereon or emanates therefrom, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons within the municipality.

- 3.3 No person shall own, keep or harbor 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 municipality.
- 3.4 What is a loud noise, or an unnecessary noise, an unusual 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 Bylaw.
- 3.5 Where an activity which is not allowed by this bylaw 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 to 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.
- 3.6 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.
- 3.7 Unless written permission from the Municipal Administrator or the Public Works Foreman is first obtained, no person shall carry on in any manner of a noisy nature so as to create a noise, confusion or disturbance which may be heard in a residential building at any time between the hours of eleven (11) o'clock p.m. and seven (7) o'clock a.m. of the following morning of any day Monday through Saturday.
- 3.8 Unless written permission from the Municipal Administrator or the Public Works Foreman is first obtained, no person shall carry on in any manner of a noisy nature so as to create a noise, confusion or disturbance which may be heard in a residential building at any time between the hours of twelve (12) o'clock midnight Saturday and nine (9) o'clock a.m. of the following Sunday morning.

4.0 PENALTIES

- 4.1 Everyone who commits a breach of any of the provisions of this Bylaw shall be liable to a fine as set out in Schedule "A" which is attached to and forms part of this Bylaw.
- 4.2 Voluntary payment in lieu of prosecution must be made within fifteen (15) days of issuance of a summons or offence ticket.
- 4.3 Any person who is issued a summons or offence ticket shall immediately discontinue creating such noise. If the noise continues or is allowed to continue, a second summons or offence ticket may be issued and so on.

This bylaw shall come into full force and effect upon the date of its final passing.

Read a first time this 1st day of September 1999.

Read a second time this 1st day of September 1999.

Unanimously consented to and read a third time this 1st day of September 1999.

Mayor

Municipal Administrator

BYLAW 69-1999
SCHEDULE "A"

	Voluntary Penalty	Summary Conviction
First offence:	\$100.00	\$500.00 fine or in default of payment 6 month term of imprisonment or both
Second and Subsequent Offences	\$200.00	\$500.00 fine or in default of payment 6 month term of imprisonment or both