

**SUMMER VILLAGE OF ROCHON SANDS
BYLAW NO. 207 10**

A BYLAW OF THE SUMMER VILLAGE OF ROCHON SANDS, IN THE PROVINCE OF ALBERTA, TO PREVENT THE ABATEMENT OF ACTIVITIES CREATING EXCESSIVE NOISE WITHIN THE CORPORATE LIMITS OF THE SUMMER VILLAGE OF ROCHON SANDS.

WHEREAS, Section 7(c) of the Municipal Government Act, Chapter M-26-1 RSA 2000 provides that the Council of a municipality or summer village may pass bylaws for the purpose of prohibiting, eliminating or abating noise, and establishing permissible noise levels for all varying periods of the day, in all or designated part or location of the municipality.

WHEREAS, the Council of the Summer Village of Rochon Sands deems it expedient and in the public interest to pass such a bylaw;

NOW THEREFORE, the Council of the Summer Village of Rochon Sands duly assembled, enacts the following:

1. This Bylaw may be cited as the “Noise Bylaw”.
2. (a) “Bylaw Enforcement Officer” means a Bylaw Enforcement Officer or a “Special Constable, R.C.M.P., or any other person duly authorized by Council to enforce this Bylaw.

(b) “Council” means the Municipal Council of the Summer Village of Rochon Sands.

(c) “Occupant” means the owner, agent, lessee, manager, or tenant of any property or premises within the Summer Village.

(d) “Summer Village”, means the Summer Village of Rochon Sands, a Municipal Corporation of the Province of Alberta, and where the context requires, means the area contained within the corporate boundaries of the said municipality, including the Rochon Sands Provincial Park.

GENERAL PROHIBITION

3. No person or occupant 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 limits of the Summer Village.
4. No person carrying on construction shall create a noise which maybe heard beyond the construction site after the hour of 9:00 o’clock in the evening and before the hour of 8:00 o’clock in the forenoon on any week day or 10:00 am in the forenoon of any Sunday or statutory Holiday.
5. The provisions of this Bylaw shall not apply to the agents, servants or employees of the Village when acting in the performance of their duties on behalf of the Summer Village.
6. An offence ticket in the form and content which is set forth as Schedule “A” annexed hereto and made part of this Bylaw, is hereby prescribed and approved as the offence ticket to be issued for a contravention of this Bylaw.
7. Where a person is alleged to be in contravention of any provision of this Bylaw, a Bylaw Enforcement Officer may cause to be served on the alleged offender an offence ticket in the form prescribed.
8. Should a person not pay the penalty provided for contravention of a provision of

this Bylaw, within 15 days and should the person be prosecuted for breach of this Bylaw, the person shall be liable upon summary of conviction to pay the minimum fine specified herein including all court costs and in default of payment thereof shall be liable to imprisonment for a period not exceeding 6 months.

9. The penalty for a breach of any of the provisions of this Bylaw shall be a fine in the minimum amount of \$150.00 for a first offence and a minimum fine of \$250.00 for a second offence.
10. Nothing in this Bylaw shall:
 - (a) Prevent a person from defending a charge of committing a breach of this Bylaw, or
 - (b) Prevent a Bylaw Enforcement Officer or other person from laying an information and complaint against any other person for a breach of any provision of this Bylaw.
11. It is the intention of Council, that each separate provision of this Bylaw shall be deemed independent of all other provisions, and it is further the intention of Council that if any provision of this Bylaw be declared invalid, all other provisions shall remain valid and enforceable.
12. This Bylaw comes into full force and effect upon receiving third reading. Bylaw #110 is hereby rescinded.

READ a first time this 5th day of June , 2010.

READ a second time this 3rd day of July, 2010.

READ a third time and finally passed this 3rd day of July, 2010.

Mayor

Administrator