

BY-LAW #456

Being a By-law of the Village of Ferintosh in the Province of Alberta to prevent and compel the abatement of activities creating noise in the Village of Ferintosh.

WHEREAS Pursuant to the Municipal Government Act, Revised Statutes of Alberta 1980, Chapter M-26 with amendments thereto, Section 160, council may pass by-laws for the purpose of prohibiting, eliminating or abating noise, and establishing permissible noise levels for all or varying periods of the day, in all or a designated part or location of the Municipality.

AND WHEREAS the Council of the Village of Ferintosh deems it proper and necessary to pass such a by-law.

NOW THEREFORE the Council of the Village of Ferintosh, duly assembled enacts as follows:

1. This by-law may be cited as the “Noise By-law”.
2. GENERAL PROHIBITION
 - (a) 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 disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the limits of the Village of Ferintosh.
 - (b) What is a loud noise, an unnecessary noise, an unusual noise or a noise which annoys, disturbs, injures, or endangers 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.
 - (c) Where an activity which is not specifically prohibited or restricted by any legislation or regulations of Canada or of the Province of Alberta or by any provision of this By-law involves creating or making a sound which
 - (i) is or may become, or
 - (ii) 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 is possible under the circumstances.
3. ABATEMENT OF NOISE
 - (a) No person shall within the corporate limits of the Village of Ferintosh, make or cause to be made any unnecessary or unusual noise likely to disturb the peace and quiet of the Community, unless permission to do so has first been obtained in writing from the Council.
 - (b) No person shall make or cause to be made any unnecessary noise likely to disturb other persons in the neighbourhood.

(c) Where a Peace Officer is of the opinion that a particular noise is such that it is prohibited by this by-law, the Peace Officer is hereby authorized to enter any land, or buildings or premises and such peace officer may order the owner or occupant thereof to remedy any condition which is in the opinion of the peace officer, a contravention of this by-law.

4. CONSTRUCTION PROJECTS

Construction projects likely to disturb the peace and quiet of any residential neighbourhood shall be prohibited from beginning work until 7:00 a.m. and shall conclude their activities for that date not later than 10:00 p.m. with the exception of Sundays, when the hours shall be from 10:00 a.m. to 10:00 p.m.

5. RIGHT TO INSPECT

Any person(s) authorized by the Council may enter any land, buildings or premises to inspect for conditions that may constitute a nuisance or contravene or come within the terms of this by-law.

6. PENALTIES

Any person who contravenes any provision of this by-law either by doing something which he is prohibited from doing or failing to do something which he is required to do, is guilty of an offence and is liable on summary conviction, to a fine not in excess of five hundred dollars (\$500.00) or in default of payment of the fine and costs, to imprisonment.

Read a first time in council this 11th day of December A.D. 1989.

Read a second time in council this 11th day of December A.D.1989.

Read a third time in council and finally passed this 10th day of January A.D. 1990.

Mayor

Municipal Administrator