

Village of Cremona

By-Law # 350-01

A By-law of the Village of Cremona in the Province of Alberta, for the purpose of prohibiting, eliminating and abating noise.

WHEREAS, Part 2 of the Municipal Government Act, being Chapter M-26. 1 as amended, provides that the Council of a municipality may pass By-Laws for the purpose of prohibiting, eliminating or abating noise; in all or a designated part of location of a municipality.

NOW THEREFORE; the Council of the Village of Cremona, in the Province of Alberta, duly assembled, enacts the following:

1. This By-Law may be cited as the "Noise By-Law"
2. Definitions:
 - 2.1 "Motor Vehicle" is a device in, upon or by which a person or thing may be transported or drawn upon land and which device is propelled by any power other than muscular power;
 - 2.2 "Noise" is any loud sound which either annoys or disturbs persons or which injures, endangers or detracts from the comfort, repose, health, peace or safety of persons;
 - 2.3 "Peace Officer" is a member of the Royal Canadian Mounted Police, a By-Law Enforcement Officer of the Village of Cremona or a member of the enforcement division, Alberta Solicitor Generals Department;
 - 2.4 "Residence" is a building or structure in which a person resides or is visiting.
 - 2.5 "Residential Noise" is a noise produced in a residence or upon residence grounds;
 - 2.6 "Summons" is a violation ticket as defined in the Provincial Offenses Procedures Act Chapter P-21.5 with amendments;
 - 2.7 "Village" is the Village of Cremona
 - 2.8 "Violation Tag" is a violation ticket as defined in the Provincial Offenses Procedures Act Chapter P-21.5 with amendments.
3. (a) Except to the extent permitted in the By-Law, no person shall make, continue to make, create, cause or allow to be created or caused or continued, any noise which by reason of its intensity, volume, or nature causes or is likely to cause some discomfort, annoyance or disturbance to other persons within the Village of Cremona at any time of the day or night. ✕

3. (b) Where any person is engaged in any recreational or other activity, occupation, project, work, construction or endeavor which is not prohibited or regulated by other provisions of this By-Law or any other By-Law of the Village or by any Provincial or Federal Statute or Regulation, and such recreational or other activity, occupation, project, work, construction or endeavor creates or makes a sound which

1. is or may become, or
2. creates or produces or may create or produce

a disturbance or annoyance to other residents of the Village or to occupants of adjoining properties, a person engaged in such recreational or other activity, occupation, project, work, construction or endeavor shall conduct the same in such a manner as will create as little of such sound as practicable under the circumstances.

4. Construction Noises

Unless permission from the Development officer of the Village of Cremona for such operation is first obtained:

No person shall carry on the construction of any type of structure which involves hammering, sawing or the use of any mechanical tools or equipment capable of creating a sound which may be heard beyond the boundaries of the site on which the activity is being carried on in any district other than one designated in the Land Use By-Law as an industrial district, after the hour of ten o'clock in the evening and before the hour of seven o'clock in the morning of any day.

5. No person shall operate, or permit any other person to operate, within the Village a vehicle which produces a noise.
6. No person shall operate, or permit any other person to operate within the Village, between the hours of 10:00 p.m. and 7:00 a.m. a lawn mower which produces a noise.
7. No person shall operate, or permit any other person to cause, within the Village, between the hours of 10:00 p.m. and 7:00 a.m. a construction noise, except as specifically provided for.
8. No person shall cause, or permit any other person to cause, within the Village, a residential noise.
9. Whether or not a noise has been created, justifying the issuance of the summons under this By-Law is a question of fact for the Court that hears the evidence in the case.

10. Summons

10.1 To issue a summons under this By-Law, a complaint must be received by a Peace Officer.

10.2 Any person who is issued a summons for contravention of this By-law shall immediately discontinue creating a noise to avoid prosecution for a second offense;

10.3 If the noise continues, or is allowed to continue, a second summons may be issued. ✕

11. Notwithstanding anything contained in this By-Law, this By-law does not apply to work carried on by the Village or by a contractor carrying out the instructions of the Village to meet an emergency.
12. The Village may issue a permit to a person for the purpose of allowing such person to cause a noise within the Village, but such permit shall state date and hours for which such noise may occur.
13. Penalties
 - 13.1 Any person who contravenes the provisions of this By-Law is guilty of an offence and liable upon summary conviction to a minimum fine of \$500.00
 - 13.2 A violation tag may be issued by a Peace Officer, By-Law Officer, or Special Constable to a person who is believed to have violated a provision of this By-Law and the said violation tag may provide for payment within thirty days from the date of issue to the Village in the amount of \$250.00 for the first offence and mandatory court for the second offence. If payment is made within the time limit, then such payment shall be accepted in lieu of prosecution for the same offense.
 - 13.3 The violation tag shall be issued by personally serving it upon the alleged offender
 - 13.4 If a violation tag is issued pursuant to (12.2) above, and if the amount that is specified upon the violation tag is not paid within thirty days from the date of issue of the violation tag, then the right of the alleged offender to settle the alleged offence without a court appearance shall no longer apply;
 - 13.5 Where a violation tag is issued to (12.2) above, and where payment is not made within thirty days from the date of issue of the violation tag, then information shall be laid before a Provincial Judge, and prosecution for the alleged offence shall proceed as though no violation tag had ever been issued;
 - 13.6 Any person who is issued a violation tag for contravention of a provision of this By-Law shall immediately cease and desist from continuing the noise for which the violation tag was issued.

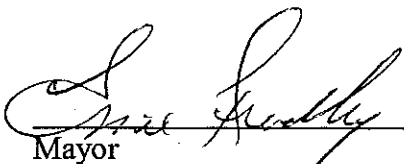
That By-Law 85-229 is hereby repealed.

The By-Law shall come into full force and effect upon final passing.

Read a first time this 24th day of April, 2001.

Read a second time this 22nd day of May, 2001.

Read a third time and finally passed this 22nd day of May 2001. ~~X~~


Mayor


Chief Admin. Officer