

BY-LAW NO. 409/80

A By-law to Prevent and Compel the Abatement of Activities Creating Noise in the Village of Bentley.

WHEREAS Section 157(1)(g) of the Municipal Government Act provides that the Council of the municipality or summer village 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.

NOW THEREFORE the Council of the Village of Bentley in the Province of Alberta hereby 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 annoys, disturbs, injures, endangers, or detracts from the comfort, repose, health, peace or safety of other persons within the limits of the Village of Bentley.
 - 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 practicable under the circumstance.
3. Abatement of Noise
 - a) No person shall within the corporate limits of the Village of Bentley 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 occupant shall make or cause to be made any unnecessary noise likely to disturb other persons in the neighborhood.
 - c) The powers of a police officer: where a police officer has reasonable and probably grounds to believe a violation of this By-law exists, he may enter without a warrant any dwelling house and any other property and may seize any noise making article and items he believes may have been used in the commission of any violation of this By-law.

d) In the case of repeated violations of Section 3(a) of this By-law, the police officer is authorized to confiscate such equipment that he deems are the cause of the violation.

4. Construction Projects

a) Construction projects likely to disturb the peace and quiet of any residential neighborhood 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

a) Any person thereunto authorized by the Council may enter any land, buildings or premises to inspect for conditions that may constitute a nuisance or contravene or fail to comply with the terms of this By-law.

6. Penalties

a) 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 (\$500.00) dollars or in default of payment of the fine and costs to imprisonment.

READ a first time this 7 day of July 1980.

READ a second time this 7 day of July 1980.

READ a third time this 7 day of July 1980 and finally passed.

Original Signed by Mayor A.A. Lewis

Original Signed by Municipal Administrator,
Lorraine Stevenson