

**SUMMER VILLAGE OF GULL LAKE
BYLAW NO. 309**

A BY-LAW OF THE SUMMER VILLAGE OF GULL LAKE, IN THE PROVINCE OF ALBERTA, TO PREVENT THE ABATEMENT OF ACTIVITIES CREATING EXCESSIVE NOISE WITHIN THE CORPORATE LIMITS OF THE SUMMER VILLAGE OF GULL LAKE.

WHEREAS, Section 7(c) of the Municipal Government Act, Chapter M-26-1 RSA 1994, provides that a Council may pass by-laws for the purpose of prohibition, nuisances in all or a designated part or location of the municipality; and

WHEREAS, the Council of the Summer Village of Gull Lake deems it expedient and in the public interest to pass such a by-law;

NOW THEREFORE, the Council of the Summer Village of Gull Lake duly assembled, ENACTS AS FOLLOWS:

DEFINITIONS

1. This By-Law may be cited as the "Noise By-Law".
2. (a) "By-Law Enforcement Officer" means a By-Law Enforcement Officer or a Special Constable, Police Constable, or any other person duly authorized by Council to enforce this By-Law.

(b) "Council" means the Municipal Council of the Summer Village of Gull Lake.

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

(d) "Village" means the Summer Village of Gull Lake, 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.

GENERAL PROVISIONS

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 Village.
4. No person carrying on construction shall create a noise which may be heard beyond the construction site after the hour of 11:00 o'clock in the evening and before the hour of 7:00 o'clock in the forenoon on any week day or 9:00 A.M. in the forenoon of any Sunday or statutory Holiday.

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5. No person shall operate an engine retarder brake, commonly known as a "Jake Brake", within the corporate limits of the Village.
6. The provisions of this By-Law shall not apply to the agents, servants or employees of the Village when acting in the performance of their duties on behalf of the Village.
7. An offence ticket in the form and content which is set forth as Schedule "A" annexed hereto and made part of this By-Law, is hereby prescribed and approved as the offence ticket to be issued for an contravention of this By-Law.
8. Where a person is alleged to be in contravention of any provision of this By-Law, a By-Law Enforcement Officer may cause to be served on the alleged offender an offence ticket in the form prescribed.
9. Should a person not pay the penalty provided for contravention of a provision of this By-Law, within 15 days and should he be prosecuted for breach of this By-Law, he shall be liable upon summary conviction to pay the minimum fine specified herein and in default of payment thereof shall be liable to imprisonment for a period not exceeding six months.
10. The penalty for a breach of any of the provisions of this By-Law 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.
11. Nothing in this By-Law shall:
 - (a) prevent any person from defending a charge of committing a breach of this By-Law, or
 - (b) prevent a By-Law Enforcement Officer or other person from laying an Information and Complaint against any other person for a breach of any of the provisions of this By-Law.
12. It is the intention of Council that each separate provision of this By-Law shall be deemed independent of all other provisions, and it is further the intention of Council that if any provision of this By-Law be declared invalid, all other provisions shall remain valid and enforceable.
13. This By-Law shall come into force on the date of its passage.

READ a first time this 28th day of October, A.D. 2000.

READ a second time this 28th day of October A.D. 2000.

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READ a third time and passed this 28th day of October, A.D. 2000.

Schedule "A"

Section 3

First Offence.....	\$150.00
Second Offence	\$250.00
Third Offence and each subsequent offence thereafter	\$500.00

Section 4

First Offence	\$150.00
Second Offence	\$250.00
Third Offence	\$500.00
And each subsequent offence thereafter	

Section 5

All Offences	\$150.00
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