

COUNTY OF ST. PAUL NO. 19

BY-LAW NO. 1275

A By-Law of the County of St. Paul No. 19 in the Province of Alberta, to prohibit certain activities creating noise and to abate the incidence of noise and to restrict when certain sounds may be made.

WHEREAS Section 7(a) of the Municipal Government Act provides that the Council of a municipality may pass bylaws respecting the safety, health and welfare of people and protection of people and property; and

WHEREAS Section 7(b) of the Municipal Government Act provides that the Council of a municipality may pass bylaws respecting activities in or on public places or places open to the public; and

WHEREAS Section 7(c) of the Municipal Government Act provides that the Council of a municipality may pass bylaws respecting nuisances; and

WHEREAS Council of the County of St. Paul No. 19 finds it desirable to pass a bylaw respecting the prohibiting or abatement of noise; and

WHEREAS under the provisions of Section 42 of the Provincial Offences Procedures Act, being Chapter P-21.5 of the revised statutes of Alberta, 1988 and amendments thereto and under the provisions of Section 7 of the Municipal Government Act, being Chapter M-26.1, Statutes of Alberta, 1994 and amendments thereto, the Council of a municipality may, by bylaw, provide for the payment of violation tickets or summons out of court.

Now therefore, the Council of the County of St. Paul No. 19 hereby enacts as follows:

CITATION

1. This bylaw may be cited as the "Noise Bylaw".

DEFINITIONS

2. In this bylaw, including this section:

- (a) "County" means the municipality of the County of St. Paul No. 19 and the area contained within its boundaries as the context requires.
- (b) "Motor Vehicle" is a device in, upon or by which a person or thing be transported or drawn upon land and which device is propelled by power other than muscular power.
- (c) "Noise" includes any sound, howsoever produced, and includes the sound of human voices, sounds emitted by any motor vehicle or machinery or equipment or radio or television or record or tape player or musical instrument or any other apparatus which produces sound.
- (d) "Loud Noise" or "what is Loud Noise?" is a question of fact for a court which hears a prosecution of any offence against this bylaw and includes any unnecessary noise or an unusual noise or a noise which is a nuisance or annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.
- (e) "Nuisance" includes any activity or thing which arises from unreasonable, unwarranted or unlawful use by a person of his own property or of public property, so as to produce a material annoyance, inconvenience or discomfort to other persons within the boundary of the County.

(f) "Occupant" means any person who is found in any property, whether or not he is the owner or tenant of the property and whether or not he resides on the property.

(g) "Public Property" means that property owned or under the care and control of the County.

(h) "Residential Building" means a building which is constructed as a dwelling for human beings and includes a hotel.

3. Words importing the masculine gender only, include the feminine gender whenever the context so requires.

4. Words importing the singular shall include the plural or vice versa whenever the context so requires.

GENERAL PROHIBITION

5. Except to the extent it is allowed by this bylaw, 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 constitutes a Nuisance or annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the boundaries of the County of St. Paul No. 19.

6. No person or any occupant of property or thing from which the Noise originated shall forthwith cease making or causing or permitting to be made such Noise, and to prevent the continuation or resumption of such Noise.

7. No person, except when authorized by the County, shall, while in or on Public Property, make, continue, cause or allow to be made or continued any loud, unnecessary or unusual Noise or any Noise whatsoever which either constitutes a Nuisance or annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the boundaries of the County of St. Paul No. 19.

8. Where an activity which is not specifically prohibited or restricted by any provision of any legislation or regulation of Canada or the Province of Alberta or by any other provision of this bylaw involves creating or making a sound which:

(a) is or may become, or

(b) 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 manner as to create as little of such sound as practicable under the circumstances.

(c) This section does not apply to a permitted agricultural pursuit.

9. This Bylaw does not apply to the operation of farm equipment.

CONSTRUCTION NOISES

10. No person shall carry on the construction of any type of construction which involves hammering, sawing or the use of any mechanical tools or equipment capable of creating a Loud Noise which may be heard in any residential subdivision beyond the boundaries of the site on which the activity is being carried on after the hour of ten (10:00) o'clock in the evening and before the hour of seven (7:00) o'clock in the morning of any day.

PENALTIES

11. A person who contravenes Sections 5 to 9 of this bylaw either by doing something which he is prohibited from doing or failing to do something he is required to do is guilty of an offence and liable:

- (a) for a first offence to a fine of \$100.00 (specified penalty);
- (b) for a second offence within one year of conviction for a first offence, to a fine of \$200.00 (specified penalty);
- (c) for a third offence within one year of conviction for a second offence, or in the case of a third or subsequent offence upon summary conviction to a fine not less than \$500.00 and not more than \$2,500.00 and in default of payment imprisonment for a term not exceeding six (6) months.

EFFECTIVE DATE

12. This bylaw shall come into force and effect on the final day of passing thereof.

READ a first time this 14th day of MARCH, A.D. 1995

READ a second time this 11th day of APRIL, A.D. 1995

READ a third time and finally passed the 11th day of APRIL, A.D. 1995.

NOTE: Refer to Original for Signatures