

BYLAW NO. 2020-25

A BYLAW OF THE COUNTY OF ST. PAUL NO. 19, IN THE PROVINCE OF ALBERTA, TO CONTROL CERTAIN ACTIVITIES CREATING NOISE AND TO PROHIBIT EXCESSIVE NOISE.

Whereas, the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended, provides that the Council of a municipality may pass Bylaws respecting the safety, health and welfare of people and the protection of people and property, respecting people, activities and things in, or near a public place that is open to the public, and respecting nuisances;

And Whereas the *Traffic Safety Act*, R.S.A. 2000, c. T-6, as amended, provides that that the Council of a municipality may make bylaws defining what constitutes objectionable Noise, devising a system or method of determining or measuring that Noise, and prohibiting the operation of Motor Vehicles that make objectionable Noise.

Now Therefore, the Council of the County of St. Paul No. 19, in the Province of Alberta, duly assembled enacts as follows:

1.0 NAME OF BYLAW

1.1 This Bylaw may be cited as the “Noise Control Bylaw.”

2.0 DEFINITIONS

2.1 These following terms shall be defined as follows:

(a) “Agricultural Operation” means

- i) The planting, growing and sale of trees, shrubs or sod;
- ii) The raising, production or protection of crops, livestock, fish, or poultry; or
- iii) Beekeeping;

(b) “Audible Bird Scare Device” means a stationary instrument that creates an impulse sound from impacts or explosions and can include but is not limited to propane-fuelled exploders or cannons.

(c) “Bylaw Enforcement Officer” means

- i) Any member of the Royal Canadian Mounted Police.

- ii) Any Community Peace Officer.
 - iii) Bylaw Enforcement Officer appointed as per the County's Bylaw Enforcement Officer Bylaw, as amended from time to time.
 - iii) The Chief Administrative Officer of the County of St. Paul No. 19 or any person designated by the Chief Administrative Officer to enter and inspect property in accordance with the provisions of this Bylaw.
- (d) "Construction Equipment" includes any tool, device, or machine of a noisy nature used primarily for construction or manufacturing.
- (e) "Council" means the Council for the County of St. Paul No. 19.
- (f) "County" means the County of St. Paul No. 19.
- (g) "Domestic Equipment" means any implement or equipment used in the normal maintenance of a residential property including lawnmowers, snow blowers, garden tillers, vacuum cleaners, electric tools, or similar implements.
- (h) "Farm Implement" means any implement, equipment, engine, motor, machine, combine, vehicle or attachment used or intended for use in Agricultural Operation.
- (i) "Hamlet" means any area designated as a Hamlet in accordance with the *Municipal Government Act*.
- (j) "Holiday" means any day declared as such by a municipal, provincial, or federal authority.
- (k) "Motor Vehicle" is any means of transportation by which a person or thing is transported or drawn upon land and which is propelled by power other than muscular power.
- (l) "Noise" means any sound that in the opinion of a Bylaw Enforcement Officer, having regard for all circumstances, including the time of day and the nature of the activity generating the sound, is likely to and is reported as such that it annoys or disturbs a person(s), or which injures, endangers, or detracts from the comfort, health, peace and safety of a person within the boundaries of the County.
- (m) "Night" means:

- i) the period of time between ten o'clock in the evening and six o'clock in the morning the following day on a Weekday;
- ii) the period of time between eleven o'clock in the evening and seven o'clock in the morning the following day of a Weekend or Holiday.
- (n) "Violation Tag" means a tag or similar document issued by the County pursuant to the *Municipal Government Act*, R.S.A. 2000, c. M-26 as amended.
- (o) "Violation Ticket" means a ticket issued pursuant to Part 2 or Part 3 of the *Provincial Offences Procedures Act*, R.S.A. 2000, c. P-34, as amended and regulations thereunder.
- (p) "Weekend" means both Saturday and Sunday.

3.0 GENERAL PROHIBITIONS

3.1 Except to the extent it is permitted by this Bylaw, no person shall:

- (a) Cause Noise within the County; or
- (b) Operate or permit any other person to operate a Motor Vehicle which causes Noise.

3.2 No person shall allow property they own to be used in such a way as there is Noise originating from the property.

3.3 Where an activity which is not specifically prohibited or restricted by any legislation of Canada or Alberta or by this Bylaw, but involves making a sound that will or may become a disturbance or annoyance to other people or a danger to the comfort, health, peace or safety of others, the activity shall be carried out in a manner aimed to create as little Noise as practicable.

3.4 Any Bylaw Enforcement Officer may direct any person(s) who has caused or made Noise, or any person who owns or controls property from which the Noise has originated, to abate or eliminate the Noise. Such a direction may be either verbal or written.

3.5 No Audible Bird Scare Devices may be used at Night in the County's Intermunicipal Development Plan Areas with the Town of Elk Point except for in the Referral Lands and the Town of St. Paul.

4.0 MOTOR VEHICLE NOISE

4.1 The failure of a person within the County to comply with the following provisions of the *Traffic Safety Act*, R.S.A. 2000, c. T-6, as amended and

Regulations thereof constitutes a violation of this Bylaw in addition to and not in substitution for the offence under the *Traffic Safety Act*, R.S.A. 2000, c. T-6, as amended:

- (a) The prohibition against the use of signaling devices such as a horn or bell on Motor Vehicles so as to make more Noise than is reasonably necessary for the purpose of giving notice or warning other persons on the roadway, as set out in subsection (2) of Section 83 of the *Use of Highway and Rules of the Road Regulation*;
- (b) The restrictions on the type or use of mufflers and similar equipment on Motor Vehicles, as set out in Section 61(1) of the *Vehicle Equipment Regulation*;
- (c) The prohibition against equipping a Motor Vehicle with a siren, as set out in Section 74 of the *Vehicle Equipment Regulation*;

4.2 A person who operates a Motor Vehicle in a Hamlet or at any time in such a way as to cause Noise is guilty of an offence under this Bylaw in addition to and not in substitution for any offence of which the person may be guilty under Section 13(1)(g)(iii) of the *Traffic Safety Act*, R.S.A. 2000, c.T-6, as amended.

5.0 COMMERCIAL AND INDUSTRIAL NOISE

5.1 Persons owning or controlling Construction Equipment and persons owning or controlling land on which the Construction Equipment is being operated shall be exempt from the provisions of this Bylaw if:

- (a) The Noise is generated pursuant to work done in the normal manner of that industry;
- (b) The Noise is not generated at Night; and
- (c) All necessary federal, provincial, and municipal permits, licenses, and approvals have been obtained and the work is not contrary to any federal, provincial, or municipal laws or regulations.

6.0 DOMESTIC NOISE

6.1 A person must not generate objectionable Noise during Night hours when within a Hamlet.

7.0 NON-APPLICATION OF BYLAW

7.1 The County Administration may, upon written request, issue a permit to a person for the purpose of suspending the provisions of this Bylaw, and the permit shall specify the dates and hours during which Noise may occur.

7.2 This Bylaw does not apply:

- (a) to the performance of work by any person(s) for the purpose of carrying out an Agricultural Operation including the operation of a Farm Implement with the exception of the use of an Audible Bird Scare Device which must adhere to the guidelines provided in this Bylaw;
- (b) to work carried out by the County or its agents, contractors, servants, employees, acting within the scope of their responsibilities.
- (c) to the work carried out by persons owning or operating Domestic Equipment permitted that:
 - i. the Noise is temporary or intermittent in nature;
 - ii. the Domestic Equipment is properly maintained and operated in a normal manner for that type of equipment; and
 - iii. the Noise does not occur at Night.

8.0 AUTHORIZATION TO INSPECT

8.1 A Bylaw Enforcement Officer may enter any land, building, or premises to inspect for conditions that may constitute a contravention of this Bylaw in accordance with Section 542 of the *Municipal Government Act*, R.S.A. 2000, c. M-26.

9.0 OFFENCES

9.1 Any person who contravenes any provision of this Bylaw, is guilty of an offence.

9.2 The schedule of penalties to be charged by the County pursuant to this Bylaw shall be set out in the County's Penalties Bylaw.

9.3 Each occurrence of a contravention of this Bylaw, or in the case of continuous contraventions, each day a contravention occurs or continues, constitutes a separate offence, and may be punished separately.

10.0 VIOLATION TAGS AND TICKETS

10.1 A Bylaw Enforcement Officer is authorized and empowered to issue a Violation Tag to any person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

10.2 A Violation Tag may be issued:

- (a) personally, or

- (b) by mailing a copy of the Violation Tag to the person at their last known mailing address.

10.3 The Violation Tag shall state:

- (a) the name of the person; and
- (b) the offence; and
- (c) the appropriate penalty for the offence as set out in the County's Penalties Bylaw, as amended from time to time;
- (d) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;
- (e) any other information as may be required by the Bylaw Enforcement Officer.

10.4 Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the County, the penalty specified on the Violation Tag.

10.5 If the penalty specified on the Violation Tag is not paid within the prescribed time period then a Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 or Part 3 of the *Provincial Offences Procedure Act, S.A. 2000, c. P-34*, as amended from time to time.

10.6 Notwithstanding anything in this Bylaw, a Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part 2 or Part 3 of the *Provincial Offences Procedure Act, S.A. 2000, c. P-34*, as amended from time to time, to any person who the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

11.0 SEVERABILITY

11.1 All sections of this Bylaw are separate and severable. Should any section of part of this Bylaw be deemed invalid or inoperative by any court or administrative body for any reason, the remaining sections shall remain valid and in full force and effect.

12.0 RESCISSION

12.1 Bylaw No. 2017-07 is hereby rescinded.

13.0 EFFECTIVE DATE

13.1 This Bylaw shall come into effect upon third and final reading.

Read a first time in Council this 13th day of October A.D. 2020.

Read a second time in Council this 13th day of October A.D. 2020.

Read a third time in Council this 13th day of October A.D. 2020.

(Original signed by Reeve S. Upham)

(Original signed by CAO S. Kitz)

Reeve

Chief Administrative Officer