

BYLAW No. 1058

BEING a Bylaw of the Town of Carstairs, in the Province of Alberta, the purpose of this Bylaw is to control or prohibit certain activities creating noise and to abate the incidence of noise and to restrict the hours when certain noise may be made.

WHEREAS, section 7.(a) (i) of the Municipal Government Act, Chapter M-26RSA 2011 as amended, a council of a municipality may pass a Bylaw for the purpose of prohibiting, eliminating or abating noise in the Town of Carstairs;

NOW THEREFORE, the Council of the Town of Carstairs in the Province of Alberta duly assembled enacts as follows:

1. This Bylaw shall be named "The Noise Bylaw".
2. In this Bylaw:
 - a. "CAO" means the person appointed as the Chief Administrative Officer;
 - b. "Daytime" means the period commencing at the hour of 7:00 a.m. in the morning and ending at the hour of 9:00 p.m. in the evening of the same day;
 - c. "Holiday" means any statutory holiday as recognized by the Province of Alberta;
 - d. "Land use Bylaw" means any zoning or development control Bylaw in force from time to time within the town;
 - e. "Light motor vehicle" means a motor vehicle which has gross vehicle weight of two and three-quarter (2.75) metric tones, or less, and includes light commercial vehicles, passenger vehicles and motor scooters;
 - f. "Motorcycle" means a motor vehicle mounted on 2 or 3 wheels and
 - i. includes those motor vehicles known in the automotive trade as motor
 - ii. cycles and scooters; but does not include a vehicle known as a moped or
 - iii. a vehicle known as a power bicycle;
 - g. "Night time" means the period commencing at the hour of 9:00 p.m. and ending at the hour of 7:00 a.m. of the following day;
 - h. "Peace Officer" means any Bylaw Officer, Community Peace Officer, or RCMP or of the local policing authority;
 - i. "Residential area" means an area defined as such in the Land Use Bylaw;
 - j. "Residential building" means a building which is constructed as a dwelling for human being's;
 - k. "Signaling device" means a horn, gong, bell, claxo or other device producing audible sound for the purpose of drawing attention to an approaching vehicle, including a bicycle;
 - l. "Town" means the Town of Carstairs or the area contained within the boundaries of the Municipality;
 - m. "Tractor-trailer" means a combination of vehicles comprised of one or more trailers used for carrying merchandise or equipment, and one truck-tractor use solely for the supplying or power for propelling or hauling the trailer or trailers;
 - n. "Truck" means a motor vehicle which:
 - i. has a gross vehicle weight exceeding two and three-quarter (2.75) metric tons, and
 - ii. is not a tractor-trailer;
 - o. "Weekday" means any day other than Saturday and Sunday.

General prohibition

3. No person shall make, continue or cause or allow to be made or continued any loud, unnecessary or unusual noise that annoys, disturbs, injures, endangers, or detracts from the comfort, repose health, peace or safety of other persons within the town;

Domestic noise

4. Where a Peace Officer determines that a violation against any provisions of this Bylaw has been committed in a residential area, he/she may:
 - a. Request that the noise cease and desist, or
 - b. Seize anything used to cause the noise, or
 - c. In the case of a person or persons in violation of any provision of this Bylaw, order the person or persons to leave the location of the violation unless such person is the owner or occupant of the land.
5. Where anything is seized pursuant to section 4 (b) of this Bylaw, the seized items shall be returned to the owner at the conclusion of any proceedings brought against the owner.

Residential Noise

6. No person shall operate any power equipment in any area designated as a residential area between the hours of:
 - a. 9:00 p.m. and 7:00 a.m. on weekdays or 8:00 a.m. on Saturday, Sunday and holidays.

Vehicle Noise

7. No person shall operate a vehicle of any type on a street in a residential area at any time of the day or night in such a manner as unduly to disturb the residents of the streets in the residential area in which he/she is operating the vehicle.

Commercial and Industrial Noise

8. Where an open area is provided for parking, owners with permission from the CAO of the town for such use, will create no more noise than is reasonably necessary in connection regarding, use a machine for cleaning snow or debris from the said open area provided for parking during such hours as is necessary or expedient to keep the area clean of snow and debris in order to allow for parking.

Construction Noise

10. No person shall create or have cause to create a sound from any machine, tools or equipment which may be heard beyond the boundaries of the site on which an activity is being carried on in a residential area between the hours of:
 - b. 9:00 p.m. and 7:00 a.m. on weekdays or 8:00 a.m. on Saturday, Sunday and holidays.
 - a. The provision of subsection 10 do not apply to any worked carried on by the Town or by a contractor carrying out the instructions of the Town.

Delegation of Authority

11. In this Bylaw, where permission is required from the CAO for carrying on of any noise-making activity, the CAO may delegate any other employee of the Town as having authority to approve the noise-making activity.

Enforcement

12. A person who is found in breach of any section of this bylaw is guilty of an offence. If a breach persist, renews or a new breach occurs twice from the same location within one twelve (12) month period a 2nd offence charge will be issued. If a breach persist, renews or a new breach occurs three or more times from the same location within one twelve (12)

month period a 3rd offence charge will be issued. All fines for this breach are outlined in Schedule "N" of the Rates & Fees Bylaw, as well as outlined in Schedule "A" of this bylaw.

Exemption with Permission of CAO

13. The provisions of subsection 10 do not apply on a street or on a public utility carried on by:
- a. A town department;
 - b. Any type of utility company, or
 - c. Any contractor working for those listed in subsection (a) & (b).
 - d. The ringing of bells in churches, religious establishments and schools;
 - e. The moderate use of musical instruments to call attention to an opportunity to contribute to a collection made for a charitable undertaking first approved by council during the Christmas season or some other time approved by council;
 - f. The sounding of a general or particular alarm or warning to announce a fire or other emergency, on-coming trains or a disaster;
 - g. The playing of a band in connection with a parade;
 - h. The playing of a musical instrument appropriate to street service allowed pursuant to any by-law in a moderate manner;
 - i. The sounding of police, fire or ambulance sirens;
 - j. The sounding of horns, or claxons on vehicles allowed on the streets for the purpose of and to the extent necessary to give signals or warnings to persons and vehicles using the streets.
14. This Bylaw is to repeal Bylaw No. 973.

READ A FIRST TIME THIS 8TH DAY OF JANUARY A.D., 2018.

READ A SECOND TIME THIS 8TH DAY OF JANUARY A.D., 2018.

READ A THIRD AND FINAL TIME THIS 8TH DAY OF JANUARY A.D., 2018.

Lance Colby, Mayor

Carl McDonnell, CAO

SCHEDULE 'A'
NOISE BYLAW

SECTION	OFFENCE	1 st Offense	2 nd *	3 rd **
3	General Prohibition	Warning	\$100.00	\$200.00
4	Domestic Noise	Warning	\$100.00	\$200.00
6 (a)	Residential Noise	Warning	\$100.00	\$200.00
7	Vehicle Noise	Warning	\$100.00	\$200.00
8	Commercial and Industrial Noise	Warning	\$100.00	\$200.00
10 (a)	Construction Noise	Warning	\$100.00	\$200.00

**If any discrepancies between Schedule "A" and the current Rates and Fees Bylaw Schedule "N"– the Rates and Fees Bylaw will be deemed correct.