

BYLAW No. 1058 - Amended

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) of the Municipal Government Act, Chapter M-26RSA 2000 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. "Night Time" means any period commencing at 9 p.m. and ending at 7 a.m. of the following 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. "Animal noise" means any noise produced by an animal in the possession of a resident or visitor.
 - f. "Petroleum" shall be defined as gas or diesel or similar hydrocarbon.
 - g. "Vehicle means any:
 - i. Passenger vehicle
 - ii. Petroleum powered scooters & bicycles
 - iii. Motorcycles
 - iv. Light commercial vehicle
 - v. Heavy Commercial vehicle
 - h. "Peace Officer" means any Bylaw Officer, Community Peace Officer, or RCMP or 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, 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. "Weekday" means any day other than Saturday and Sunday.

General Noise Prohibition

3. No person shall make, continue making, cause or allow to be made or continued any loud, unnecessary or unusual noise that annoys, disturbs, injures, endangers, or detracts from the comfort, general health, peace or safety of other persons within the town; This does not apply to accidental occurrences.

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 Petroleum or Electric 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 9 p.m. and 8:00 a.m. on Saturday, Sunday and holidays.
 - b. Animal noise shall be limited to the guidelines set out in the General Noise Prohibition

Vehicle Noise

7. No person shall operate a vehicle of any type on a street in a residential area during Daytime or Nighttime 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 approved for parking, owners will create no more noise than is reasonably necessary to use a machine for cleaning snow or debris from the open area.

Construction Noise

9. 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:
 - a. 9:00 p.m. and 7:00 a.m. on weekdays or 9:00 p.m. and 8:00 a.m. on Saturday, Sunday and holidays.
 - b. The provision of subsection 9 does not apply to any work carried out by the Town or by a contractor carrying out the instructions of the Town.

Delegation of Authority

10. 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

11. 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.

Exemptions

12. 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 other noise making devices 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.
 - k. Any Special Event Permit/Plan approved by the Licensing Officer or CAO.
13. This Bylaw is to amend Bylaw 1058 and repeals Bylaw No. 973.

READ A FIRST TIME THIS 11TH DAY OF JULY A.D., 2022.

READ A SECOND TIME THIS 11TH DAY OF JULY A.D., 2022.

READ A THIRD AND FINAL TIME THIS 11TH DAY OF JULY A.D., 2022.



Lance Colby, Mayor



Rick Blair, CAO