

BYLAW NO. 21.01
YELLOWHEAD COUNTY

BEING A BYLAW TO PROHIBIT CERTAIN ACTIVITIES THAT CREATE NOISE AND TO ABATE THE INCIDENCE OF NOISE AND TO RESTRICT WHEN CERTAIN SOUNDS MAY BE MADE IN THE HAMLETS OF YELLOWHEAD COUNTY

WHEREAS, pursuant to Section 7(a) of the *Municipal Government Act*, S.A. 1994 c.M-26.1 the Council of Yellowhead County may pass bylaws for municipal purposes respecting the safety, health, welfare and protection of people;

WHEREAS, Council is concerned about activities within the Hamlets of Yellowhead County that create noise, which may harm the safety, health and welfare of the residents of the Hamlets of Yellowhead County and Council wishes to pass a bylaw, which will prohibit, restrict, eliminate or abate such activities;

NOW THEREFORE, the Council of Yellowhead County, in Council duly assembled, hereby enacts as follows:

1. This Bylaw may be cited as “The Noise Bylaw”. This bylaw applies only to the Hamlets located within Yellowhead County duly created by bylaw.
2. In this Bylaw including this section,
 - (a) “County” shall mean the municipality of Yellowhead County and the area contained within its boundaries as the context requires;
 - (b) “Holiday” shall mean any statutory holiday as defined in *The Interpretation Act (Alberta)*;
 - (c) “Hamlet” shall mean the Hamlets created by bylaw of Yellowhead County.
 - (d) “Weekday” shall mean any day other than Sunday or a holiday;
 - (e) “Residential Building” shall mean a building that is constructed as a dwelling for human beings and includes a hotel;
 - (f) What is a “loud noise” is a question of fact for a court which hears a prosecution of an offence against this Bylaw or which is called upon to enforce the provisions of the Bylaw by order or injunction or judgment and includes any unnecessary noise, or an unusual noise or a noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others;
 - (g) “Motor Vehicle” is a device in, upon or by which a person or thing can be transported or drawn upon land and which device is propelled by power other than muscular power;
 - (h) “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 in the property;

GENERAL PROHIBITION

3. (a) Except to the extent it is allowed by this Bylaw no person who is the owner or occupant of property shall make, continue, cause or allow to be made or continue any loud, unnecessary or unusual noise whatsoever which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the boundaries of the Hamlet.
- (b) An owner or any occupant of property or thing from which a noise prohibited by s. 3(a) originated shall forthwith take such steps as may be necessary to cause the making of such noise to stop and to prevent the continuation or resumption of such noise.
- (c) Where an activity which is not specifically prohibited or restricted by any other provision of any legislation or regulations of Canada or the Province of Alberta or by any other provision of this Bylaw involves creating or making a sound which
- (i) is or may become, or
- (ii) 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 a manner as to create as little of such sound as practicable under the circumstances.
- (d) This section does not apply to a bonafide farmer in the process of carrying out farm operations or to any person with a Development Permit that may permit that person to carry out a development so described.
- (e) No person shall conduct himself or behave in a manner that unreasonably disturbs other persons in the Hamlet or unreasonably interferes with their enjoyment of the Hamlet.
- (f) Except to the extent it is allowed by this Bylaw, no person shall permit, suffer or allow property, real or personal, which he owns, occupies or controls to be used in a manner such that a loud noise, an unnecessary noise, and unusual noise, or any noise whatsoever which emanates there from annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the limits of the Hamlet.

CONSTRUCTION NOISES

4. No person shall carry on the construction of any type of structure which involves hammering, sawing or the use of any mechanical tools or equipment capable of creating a sound which may be heard in any residential subdivision or lot beyond the boundaries of the site on which the activity is being carried on after the hour of ten o'clock (10:00) in the evening and before the hour of seven o'clock (7:00) in the morning of any day.
5. Notwithstanding anything elsewhere contained in the Bylaw, whether or not the noise resulting there from may be heard in an adjoining area nothing in this Bylaw shall prevent the continual operation or carrying on of an industrial activity or the performance or carrying on thereof

- (a) a permitted use in the Land Use District in which it is carried on or is a conditional use for which the required permission has been given; or
- (b) a legal non-conforming use as the same is defined in any Yellowhead County Land Use Bylaw for the Land Use District in which the use is being carried on.

In the operation or carrying on of an industrial activity in a Land Use District in which it would be curtailed or restricted except for the provision of Section 5, the person operating or carrying on the activity shall not make more noise than is necessary in the normal method of performing or carrying on the activity.

PENALTIES

- 6. A notice or form commonly called an Offence Ticket or Traffic Tag having printed wording approved by the Chief Administrative Officer, may be issued by a Peace Officer or a Bylaw Enforcement Officer to any person alleged to have breached any provision of this bylaw, and the said notice shall require the payment to the authorized official in the amount specified in this bylaw.
- 7. An Offence Ticket or Traffic Tag shall be deemed to be sufficiently served:
 - (a) if served personally on the accused; or
 - (b) if mailed to the address of the registered owner of the Vehicle concerned; or to the person concerned;
 - (c) if attached to or left securely and visibly upon the Vehicle in respect of which the offence is alleged to have been committed.
- 8. Any person who contravenes any provision of this Bylaw, either by doing something that is prohibited or failing to do something that is required, is guilty of an offence and is liable to a fine of \$100.00.
- 9. This bylaw repeals Bylaw No. 26.00.

EFFECTIVE DATE

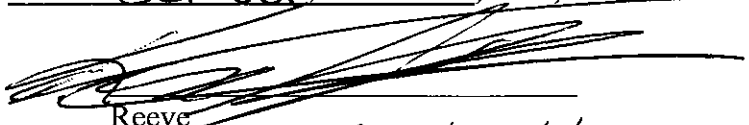
10. This bylaw comes into force at the beginning of the day that it is passed in accordance with Section 189 of the *Municipal Government Act*, S.A., 1994.

READ a first time this 25th day of September, A.D., 2001.

READ a second time this 25th day of September, A.D., 2001.

READ a third time this 9th day of October, A.D., 2001.

SIGNED this 9th day of October, A.D., 2001.



Reeve
Mary Nordvedt
 Director of Legislative Services