

VILLAGE OF WARNER

NOISE BYLAW 542-13

BEING A BYLAW OF THE VILLAGE OF WARNER TO PROHIBIT CERTAIN ACTIVITIES CREATING NOISE AND TO ABATE THE INCIDENCE OF NOISE AND RESTRICT THE HOURS WHEN CERTAIN SOUNDS MAY BE MADE.

WHEREAS pursuant to the Municipal Government Act, Chapter 26.1 RSA 2000, and amendments thereto, the Council may pass bylaws for the purpose of prohibiting, eliminating or abating noise;

NOW WHEREAS the Council of the Village of Warner duly assembled, enacts as follows:

- 1) This bylaw may be cited as "The Noise Bylaw"
- 2) **DEFINITIONS** – in this bylaw
 - a. "Village" means the Municipality of the Village of Warner or the area contained within the boundaries of the Village as the context requires
 - b. "Holiday" means any statutory holiday as defined in the Interpretation Act (Alberta):
 - c. "Chief Administrative Officer" or "CAO" means the Chief Administrative Officer of the Village appointed by Council in accordance with the provisions of the Municipal Government Act., R.S.A. 2000, Chapter M-26;
 - d. "Residential Zone" includes a zone defined as General Residential (R), Residential Mobile/Modular Home (RMH) in the Land Use Bylaw, Transitional/Agricultural (T/A);
 - e. "Signaling Device" means a horn, gong, bell or other device producing an audible sound for the purposes of drawing a persons' attention to an approaching vehicle, including a bicycle;
 - f. "Weekday" means any day other than a Sunday or a holiday;
 - g. "Land Use Bylaw" means Bylaw No. 538-13, the Land Use Bylaw of the Village of Warner as amended from time to time or any bylaw passed in substitution for or in addition to Bylaw No. 538-13

3) GENERAL PROHIBITION

- a. Except to the extent allowed under this bylaw, no person shall make, continue to make or cause or allow to be made or continued any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures, endangers or detracts from the comfort, rest, health, peace or safety of other persons within the limits of the Village.
- b. What constitutes a loud noise, an unnecessary noise, an unusual noise or a noise which annoys, disturbs, injures or endangers the comfort, rest, health, peace or safety of others is a question of fact to be determined by the Court which hears the prosecution of an offence against this bylaw.
- c. Where an activity which is not specifically prohibited or restricted by any legislation of Canada or the Province of Alberta or by this bylaw involves making a sound, which
 - i. Is or may be 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, rest, health, peace or safety of others, a person engaged in that activity shall do so in a manner creating as little sound as practicable under the circumstances

4) MOTOR VEHICLE NOISES

- a. The failure of a person to comply within the Village with the following provision of Traffic Safety Act and Regulations;
 - i. The prohibition against the use of signaling devices on motor vehicles, motorcycle, or bicycles so as to make more noise than is reasonably necessary for the purpose of giving notice or warning to other persons on the highway, as set out in subsection (2) of Section 83 of the Traffic Safety Act; Use of Highway and Rules of Road Regulation;
 - ii. The restrictions on the type or use of mufflers and similar equipment on motor vehicles, as set out in 61(1) of the Traffic Safety Act; Vehicle Equipment Regulation;
 - iii. The prohibition against equipping a vehicle other than those specified with a siren, as set out in section 77 of the Traffic Safety Act Vehicle Equipment Regulation;
constitutes a violation of this bylaw in addition to and not in substitution for the offence under Traffic Safety Act and Regulations.
- b. Where a person operates a vehicle of any type on a street in a Residential zone at any time in such a way as to unduly disturb the residents of that street, he is

guilty of an offence under this bylaw in addition to and not in substitution for any offence of which he may be guilty under Section 13(1)(g)(iii) of the Traffic Safety Act

- c. Subsection (b) does not apply to work on a Village street or on a public utility carried on by
 - i. A Person acting in the normal course of that Person's employment as a Village Employee (or as an agent under contract by the Village); or
 - ii. A Person operating an Emergency Vehicle in the normal course of the Person's employment;
 - d. Where a vehicle is equipped with a siren under Section 77, of the Vehicle Safety Act; Vehicle Equipment Regulations, the driver thereof shall only use the siren when the vehicle is proceeding in response to an emergency call
 - e. Subsection (d) does not apply to the use of a siren on a vehicle operated by a member of the Royal Canadian Mounted Police, or a Peace Officer.
- 5) No person shall advertise any event or merchandise by ringing bells, calling loud, playing any type of musical or noise making instrument or by any other audible means in any of the of the Village except by permit from the Village.
- 6) DOMESTIC NOISES
- a. No person shall:
 - i. Operate a motorized or electric construction/lawn/garden tool
 - ii. Operate a snow clearing device powered by an engine of any type; in a residential zone between the hours of:
 - 1. Eleven o'clock in the evening and six o'clock in the morning of the next day which is a weekday; or
 - 2. Eleven o'clock in the evening and eight o'clock in the morning of the next day which is a Saturday, Sunday or holiday
 - iii. Host a party that inflicts loud music or other loud noises on their neighbors
 - b. A person who owns, keeps, houses, harbors, or allows to stay on his premises an animal which by reason of barking, or howling, disturbs persons in the vicinity of his or her home is guilty of an offence under this Bylaw.
- 7) Unless written permission from the Village is first obtained, no person or persons shall operate or allow to be operated;
- a. A riveting machine;
 - b. A concrete mixer;
 - c. A gravel crusher;
 - d. A trenching machine;
 - e. Jack hammer or pneumatic drill;
 - f. Sander/grinder on motorized vehicles;

- g. A tractor or bulldozer; or
- h. Any other tool, device or machine of a noisy nature; so as to create a noise, confusion or disturbance which may be heard in a residential building between the hours of ten o'clock in the evening and seven o'clock in the morning of the next day

Section (1) does not apply to the work of an exigent nature being carried on by a Village Department, Utility Company, or outside contractor acting on the Village's behalf.

- 8) A person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine not exceeding \$500.00 or in default of payment of the fine and costs to imprisonment for a period not exceeding thirty days or until such fine and costs, including costs of committal, is sooner paid.
- 9) Any/all previous Noise Bylaws are hereby repealed by this bylaw
- 10) This bylaw shall come into effect upon third and final reading thereof.

Read a 1st time this 18th day of September 2013

Read a 2nd time this 15th day of January 2014

Read a 3rd time and finally passed this 15th day of January 2014

Mayor Jon Hood

CAO Lisa C. Carroll