

**VILLAGE OF WARNER
NOISE BYLAW 622-23**

**BEING A BYLAW OF THE VILLAGE OF WARNER TO REGULATE 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, 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. TITLE

1.1. This Bylaw may be cited as "The Noise Bylaw".

2. DEFINITIONS

2.1. "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;

2.2. "Holiday" means any statutory Holiday as defined in the Interpretation Act (Alberta);

2.3. "Noise" means sound which in the opinion of the Peace Officer, having regard for all circumstances, including the time of day and the nature of the activity generating the sound, is likely to unreasonably annoy or disturb persons or to injure, endanger or detract from the comfort, repose, health, peace, or safety of persons within the boundary of the Village;

2.4. "Peace Officer" a member of the Royal Canadian Mounted Police, a sworn member of a municipal police service or a person appointed under the Peace Officer Act of Alberta;

2.5. "Residential Zone" includes a zone defined as General Residential (R), Residential Mobile/Modular Home (RMH) in the Land Use Bylaw, Transitional/Agricultural (T/A);

2.6. "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;

2.7. "Village" means the Municipal Corporation of the Village of Warner;

2.8. "Weekday" means any day other than a Sunday or a Holiday.

3. GENERAL PROHIBITION

3.1. Except to the extent allowed under this Bylaw, no personal 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.

3.2. 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.

3.3. 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:

3.3.1. Is or may be or may become; or

3.3.2. Creates or produces or may create or produce;

3.3.2.1. 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

4.1. The failure of a person to comply within the Village with the following provision of Traffic Safety Act and Regulations;

4.1.1. 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;

4.1.2. 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;

4.1.3. 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.

4.2. 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, they are guilty of an offence under this Bylaw in addition to and not in substitution for any offence of which they may be guilty under Section 13 of the Traffic Safety Act.

4.3. 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.

4.4. Section 4.4 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. DOMESTIC NOISES

5.1. No person shall:

5.1.1. Operate a motorized or electric construction/lawn/garden tool



- 5.1.2. Operate a snow clearing device powered by an engine of any type; in a Residential Zone between the hours of:
 - 5.1.2.1. Ten o'clock in the evening and seven o'clock in the morning of the next day which is a Weekday; or
 - 5.1.2.2. Ten o'clock in the evening and eight o'clock in the morning of the next day which is a Saturday, Sunday or Holiday.
- 5.1.3. Host a party that inflicts loud music or other loud Noises on their neighbours.
- 5.2. 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.
- 5.3. A person who owns, keeps, houses, harbors, or allows to stay on their premises an animal which by reason of barking, or howling, disturbs persons in the vicinity of their home is guilty of an offence under this Bylaw.
- 5.4. Unless written permission from the Village is first obtained, no person or persons shall operate or allow to be operated;
 - 5.4.1. A riveting machine;
 - 5.4.2. A concrete mixer;
 - 5.4.3. A gravel crusher;
 - 5.4.4. A trenching machine;
 - 5.4.5. Jack hammer or pneumatic drill;
 - 5.4.6. Sander/grinder on motorized vehicles;
 - 5.4.7. A tractor or bulldozer; or
 - 5.4.8. 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.

6. EXEMPTION

- 6.1. Nothing in this Bylaw shall apply to work carried on by the Village, or by a contractor carrying out the instructions of the Village.
- 6.2. Nothing in this Bylaw shall prevent contractors carrying out snow removal from commercial or industrial sites which are not adjacent to Residential Zones.
- 6.3. In the case of snow removal from commercial or industrial sites located adjacent to Residential Zones and where in the reasonable opinion of the Peace Officer it is necessary to ensure the peace and quiet of residents, the Peace Officer may require Noise abatement practices including one or both of the following:
 - 6.3.1. a requirement that snow not be removed between 12:00 a.m. and 6:00 a.m.;
 - 6.3.2. a requirement that snow be removed from a site in a sequence which is least disruptive to the peace and quiet of residents.

7. FINES

- 7.1. A person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine as per the Village of Warner's Rates Bylaw r 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.



7. REPEAL OF BYLAW

7.1. That Bylaw 542-13 is hereby repealed as of January 1, 2024.

8. EFFECTIVE DATE

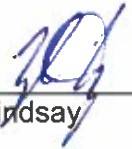
8.1. This Bylaw shall take effect on January 1, 2024.

Read a first time this 20th day of September, 2023.

Read a second time this 20th day of September, 2023.

Unanimous consent given for consideration for third reading this 20th day of September, 2023.

Read a third and final time this 20th day of September, 2023.



Tyler Lindsay
Mayor



Kelly Lloyd
Chief Administrative Officer

SIGNED by the Chief Elected Official and the Chief Administrative Officer this 20th day of September, 2023.

