

BEING A BY-LAW OF THE TOWN OF WESTLOCK IN THE PROVINCE OF ALBERTA TO PROHIBIT CERTAIN ACTIVITIES CREATING NOISE AND TO ABATE THE INCIDENCE OF NOISE AND RESTRICT THE HOURS WHEN CERTAIN SOUNDS MAY BE MADE

WHEREAS, under the provisions of Section 7 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, RSA 2000, as amended, a Council may pass a By-law for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS, the incidence of noise in the Town of Westlock is such that the Council of the Town of Westlock deems it expedient that a By-law be made constricting, mitigating and abating activities which give rise to unnecessary noise in the Town;

AND WHEREAS, the intent of this By-law is that all noise shall be reduced as far as possible compatible with the normal activities of urban life and that unnecessary noise be eliminated;

NOW THEREFORE, the Municipal Council of the Town of Westlock in the Province of Alberta duly assembled, ENACTS AS FOLLOWS:

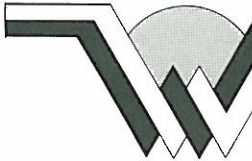
### **SECTION 1      TITLE**

1.01      This By-law may be cited as "The Town of Westlock Noise By-law".

### **SECTION 2      DEFINITIONS**

In this By-law:

- |                             |   |
|-----------------------------|---|
| 2.01 'Highway'              | means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, and includes <ul style="list-style-type: none"> <li>a) a sidewalk (including the boulevard portion of the sidewalk);</li> <li>b) if a ditch lies adjacent to and parallel with the roadway, the ditch;</li> <li>c) if a highway right-of-way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be; and</li> <li>d) any further additional but not depletive definition of the term highway as defined in the Traffic Safety Act, as amended</li> </ul> |
| 2.02 'Holiday'              | means any statutory holiday as defined in The Interpretation Act Chapter I-8 RSA 2000;  |
| 2.03 'Hospital Zone'        | means an area which is designated as such by signs or other devices,  |
| 2.04 'Industrial Zone'      | is as defined in the Town of Westlock Land Use By-law;  |
| 2.05 'Peace Officer'        | means a member of the Royal Canadian Mounted Police or a By-law Enforcement Officer;  |
| 2.06 'Residential Building' | means a building which is constructed as a dwelling for human beings and includes a hotel or motel;   |
| 2.07 'Residential Zone'     | is as defined in the Town of Westlock Land Use By-law;  |
| 2.08 'Roadway'              | means that part of a highway intended for use by vehicular traffic  |
| 2.09 'Signaling Device'     | means a horn, gong, bell, claxon, or other device producing an audible sound for the purpose of drawing people's attention to an approaching vehicle, including a bicycle;  |
| 2.10 'Town'                 | means the municipal corporation of the Town of Westlock in the Province of Alberta;   |

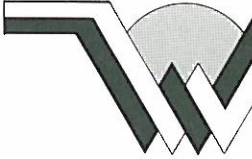


(SECTION 2 DEFINITIONS cont)

- 2.11 'Vehicle' or 'Motor Vehicle' refers to such vehicles as defined in the Traffic Safety Act Chapter T-6 RSA 2000 as amended.
- 2.12 'Weekday' means any other day other than a Sunday or Holiday;

### **SECTION 3 GENERAL PROVISIONS**

- 3.01 No person shall make, cause, continue to cause, or allow to be made any loud, unnecessary or unusual noise which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the corporate boundaries of the Town.
- 3.02 No person shall allow property belonging to him or under his control to be used so that there occurs thereon or emanates from a loud, unnecessary or unusual noise which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the corporate boundaries of the Town.
- 3.03 Where an area is designated by signs or by other means as being a hospital zone no person shall
- a) carry on any noise making activity in the area unless it cannot be carried on in some other area; or
  - b) make or continue any noise or loud sound within the area.
- 3.04 Where an activity which is not specifically prohibited or restricted by any provision of any legislation or regulations of Canada or of the Province of Alberta or by any provision of this By-law involves creating or making a sound which is or may be or becomes, or 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 a manner is to create as little of such sound as practicable under the circumstances.
- 3.05 No person shall operate a power or hand lawn mower in any area designated as a Residential Zone between the hours of
- a) Ten o'clock in the evening and seven o'clock of the next forenoon on weekdays; or
  - b) Ten o'clock in the evening and eight o'clock in the next forenoon of the following day which is a Sunday or holiday.
- 3.06 No person shall operate a snow clearing device powered by an engine of any type during the hours as specified by section 3.05 herein.
- 3.07 No person shall carry on the construction of any type of structure which involves hammering, sawing or the use of any machine or equipment capable of creating a sound which may be heard beyond the boundaries of the site during the hours as specified by section 3.05 herein.
- 3.08 No person shall operate or allow to be operated any tool, device or machine of a noisy nature so as to create noise, confusion or disturbance which may be heard in a residential building during the hours as specified by subsection section 3.05 herein.
- 3.09 If a person operates a vehicle of any type on a roadway in a Residential Zone at any time of the day or night in such a way as to unduly disturb the residents in the Residential Zone in which he is operating the vehicle he shall be guilty of an offence under this By-law.
- 3.10 Where a vehicle is allowed by the provisions of the Traffic Safety Act Chapter T-6 RSA 2000 as amended, to be equipped with a siren, the driver thereof should only use the siren at such times as is allowed and at such times shall only use the siren when it is necessary for the purpose for which the siren is allowed to be used.
- 3.11 Nothing in this By-law shall apply to a work on a roadway or Provincial highway or a public utility carried on by:
- a) a Town department, or a contractor hired by the Town;
  - b) a Provincial representative while performing construction, maintenance or work upon public highways;
  - c) a representative of any provider of a public utility while performing construction, maintenance or work on a public utility, including telephone systems, electric systems, natural gas systems and cablevision and satellite systems.



**SECTION 4 PENALTIES**

- 4.01 Any person who contravenes or disobeys, or refuses or neglects to obey any provision of this By-law by:
  - a) doing any act or thing which he is prohibited from doing herein
  - b) failing to do any act or thing he is required to do herein

is guilty of an offence and is liable on summary conviction to a penalty not exceeding Five Hundred Dollars (\$500.00) and in the event of failure to pay or the inability to pay any penalty levied to imprisonment for a period of not less than seven (7) days and not exceeding sixty (60) days or until such penalty and costs of committal are paid.
- 4.02 Where any section of this By-law or Schedule 'A' attached hereto provides for a minimum penalty to be made for contravention of this By-law, the court entering the conviction of the offence shall not levy a penalty less than set out in the provision, and where a provision of this By-law or Schedule 'A' hereto provides for an increased penalty for a second or subsequent offence the penalty to be levied shall not be less than the amount set for such second or subsequent offence.
- 4.03 Where a Peace Officer believes that a person has contravened any section of this By-law as set out in Schedule 'A', he may serve upon such a person a voluntary payment tag in a form prescribed by the Town allowing payment of the penalty specified in Schedule 'A', attached to and forming part of this By-Law, for such offence to the Town and such payment shall be accepted by the Town in lieu of prosecution for the offence.
- 4.04 If the person upon whom a voluntary payment tag is served fails to pay the required sum within the time specified in the voluntary payment tag, the provisions of this section regarding acceptance of payment in lieu of prosecution do not apply.
- 4.05 Nothing in this section shall:
  - a) prevent a person from exercising his right to defend any charge of committing a breach of any of the sections referred to in Schedule 'A';
  - b) prevent a Peace Officer from laying an information or complaint or violation ticket as prescribed by the Provincial Offences Procedure Act, Chapter P-34, in lieu of serving a voluntary payment tag; or
  - c) prevent any person from exercising any legal rights such person may have to lay an information or complaint against any person (whether such person has made payment under the provisions of this By-law, or not) for a breach of any of the provisions of this By-law.

**SECTION 5 ENACTMENT**

- 5.01 By-Law 81-2A and all amendments thereto are hereby repealed.
- 5.02 This By-Law shall come into full force and effect upon the date of the passing of the third and final reading.

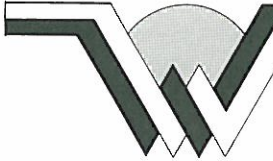
READ A FIRST TIME THIS 27 DAY OF SEPTEMBER, A.D. 20 04

READ A SECOND TIME THIS 27 DAY OF SEPTEMBER, A.D. 20 04

READ A THIRD TIME THIS 27 DAY OF SEPTEMBER, A.D. 20 04

  
MAYOR, SHIRLEY MORIE

  
TOWN MANAGER, DARRELL GARCEAU



## PENALTIES

Voluntary payment which may be accepted in lieu of prosecution for a contravention of any of the sections set below shall be that sum set out opposite the section number.

<u>SECTION SPECIFIED</u>		<u>SUM FOR VOLUNTARY PAYMENT</u>
3.01 to 3.10, all sections included	First Offence	\$100.00
3.01 to 3.10, all sections included	Second Offence	\$250.00