

**TOWN OF MAGRATH
IN THE PROVINCE OF ALBERTA
BYLAW # 1214**

Consolidated up to Bylaw No. 1319
(Noise Bylaw)

BEING A BYLAW OF THE TOWN OF MAGRATH 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 Town of Magrath duly assembled, enacts as follows:

1. This bylaw may be cited as the "Noise Bylaw".

2. Definitions - in this bylaw
 - a. "Town" means the Municipality of the Town of Magrath or the area contained within the boundaries of the Town 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 Town appointed by Council in accordance with the provisions of the Municipal Government Act, R.S.A. 2000, Chapter M-26;

 - d. "Industrial Zone" includes a zone defined as Industrial in the Land Use Bylaw;

 - e. "Residential Building" means a building which is constructed as a dwelling for human beings and includes a hotel;

 - f. "Residential Zone" includes a zone defined as Residential in the Land Use Bylaw;

 - g. "Institutional Zone" includes a zone defined as Institutional/Recreational in the Land Use Bylaw;

 - h. "Signalling Device" means a horn, gong, bell, or other device producing an audible sound for the purpose of drawing a person's attention to an approaching vehicle, including a bicycle;

- i. "Weekday" means any day other than a Sunday or a holiday;
- j. "Land Use Bylaw" means Bylaw No. 1092, the Land Use Bylaw of the town of Magrath as amended from time to time or any bylaw passed in substitution for or in addition to Bylaw No. 1092.

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, repose, health, peace or safety of other persons within the limits of the Town.
- b. What constitutes a loud noise, an unnecessary noise, an unusual noise or a noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others is a question of fact to be determined by the Court which hears the prosecution of an offense 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, repose, health, peace or safety of others, a person engaged in that activity shall do so in a manner creating as little sound as possible under the circumstances.

4. Motor Vehicle Noises

- a. The failure of a person to comply within the Town with the following provisions of Traffic Safety Act and Regulations;
 - i. The prohibition against the use of signalling devices on motor vehicles, motorcycles, 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 the Traffic Safety Act.
 - c. Subsection (b) does not apply to work on a Town street or on a public utility carried on by
 - 1. A Person acting in the normal course of that Person's employment as a Town Employee (or as an agent under contract by the Town); or
 - 11. 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 part of the Town except by permit from the Town.
6. Without limiting the generality of any other provision of this bylaw, no person shall ring a bell or a similar device to promote or advertise the sale of ice cream in a Residential Zone between the hours of:
- a. Ten o'clock in the evening and eight o'clock in the morning of the next day which is a weekday; or

- b. Ten o'clock in the evening and nine o'clock in the morning of the next day which is a Sunday or holiday.

7. Domestic Noises

- a. No person shall operate
 - i. A motorized or electric construction/lawn/garden tool;
 - ii. A snow clearing device powered by an engine of any type;

In a Residential Zone between the hours of

- i. Ten o'clock in the evening and seven o'clock in the morning of the next day which is a weekday; or
 - ii. Ten o'clock in the evening and eight o'clock in the morning of the next day which is a Sunday or holiday.
- b. A person who owns, keeps, houses, harbours, or allows to stay on his premises an animal which by reason of barking, or howling, disturbs persons in the vicinity of his home is guilty of an offence under this Bylaw.

8. Construction Noises

- a. No person shall carry on construction of any kind that can be heard beyond the boundary of the construction site between the hours and 10 o'clock in the evening and 7 o'clock in the morning in those areas classified as residential and between the hours of 10 o'clock in the evening and 5:45 o'clock in the morning in those areas classified as commercial or industrial.
- b. No person shall operate in those areas classified as residential or institutional between the hours of 10 o'clock in the evening and 7 o'clock in the morning and in those areas classified as commercial or industrial between the hours of 10 o'clock in the evening and 5:45 o'clock in the morning of any of the following equipment, machinery or mechanical devices:
 - 1. A riveting machine;
 - ii. A concrete mixer;
 - iii. A gravel crusher;
 - iv. A trenching machine;
 - v. A Jack hammer or pneumatic drill;
 - v1. A tractor or bulldozer; or

vii. Any other tool, device or machine of a noisy nature;

so as to create a noise, confusion or disturbance which may disturb residents.

- c. In the operation or carrying on of an industrial activity, the person operating or carrying on that activity shall make no more noise than is necessary in the normal method of performing or carrying on that activity.

Section 8 does not apply to the work of an exigent nature being carried on by a Town Department, Utility Company, or outside contractor acting on the Town's behalf.

9. Special Events

- a. Town Celebration - on days of annual Town Celebrations the allowable period of noise related activities will be extended from ten o'clock in the evening until 1:00 a.m.
- b. Other events - Citizens or Businesses may apply to the council of the Town for permission to hold events that may extend past ten o'clock in the evening but may not extend past midnight.

10. Snow Removal

- a. In all zones within the Town snow removal may begin as early as 5:45 a.m. on weekdays, weekends and holidays to accommodate road and parking lot clearing prior to business hours.
- b. For the safety of citizens and to coordinate snow removal at the local churches that must be completed by 7:00 a.m. on Sundays, snow removal from all local church parking lots may be completed on this weekday or the previous evening at any time.

11. A person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine not exceeding \$500.00.

12. Bylaw No. 936 and Bylaw No. 1069 are hereby repealed.

13. This Bylaw shall come into effect upon third and final reading thereof.

Signed copy available at Town Office

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Mayor – Russ Barnett

CAO – Wade Alston