

**BYLAW NO. 66-99**

**A BYLAW OF STRATHCONA COUNTY IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF PROHIBITING, ELIMINATING OR ABATING NOISE.**

WHEREAS the Municipal Government Act, S.A. 1994, c.M-26.1, as amended, provides the Council of a Municipality with broad powers to pass bylaws for municipal purposes respecting a variety of matters including but not limited to: the safety, health and welfare of people and the protection of people and property; nuisances; and people, activities and things in, on or near a public place or place that is open to the public;

AND WHEREAS THE Highway Traffic Act, R.S.A. 1980, c.H-7, as amended, provides that the Council of a Municipality may make bylaws defining what constitutes objectionable Noise, devising a system or method of determining or measuring that Noise, and prohibiting the operation of Motor Vehicles which in any manner make objectionable Noise;

NOW THEREFORE THE COUNCIL OF STRATHCONA COUNTY, in the Province of Alberta, duly assembled, enacts as follows:

**SECTION 1 - SHORT TITLE**

This Bylaw may be cited as the Strathcona County "Noise Control Bylaw".

**SECTION 2 - DEFINITIONS**

2.1 "Chief Commissioner" means the Chief Commissioner for the County and whatever subsequent title may be conferred on that officer by Council or Statute.

2.2 "Community Event" means any celebration, event, activity or thing so designated by resolution of Council, and to which this bylaw shall not apply by reason of said designation.

2.3 "Community Recreation" means recreational, social or multipurpose uses without fixed seats and with an occupancy capacity of less than 500 persons, primarily intended for local community purposes. Typical uses include community halls, community centres, and community league buildings operated by local community organizations.

2.4 "Construction Equipment" includes a riveting machine, concrete mixer, gravel crusher, steam shovel, dragline, backhoe, air or steam compressor, jackhammer or pneumatic drill, tractor other than a tractor used in a Farming Operation, bulldozer, front end loader, motor scraper, motor grader or any other tool, device, or machine of a noisy nature.

2.5 "Construction Noise" means Noise caused by Construction Equipment.

2.6 "Corporate Secretary" means the Corporate Secretary for the County and whatever subsequent title may be conferred on that position by the Chief Commissioner or Council.

2.7 "Council" means the Council of Strathcona County.

2.8 "County" means Strathcona County.

2.9 "County Bylaw Enforcement Officer" means a Bylaw Enforcement Officer appointed by the County pursuant to the Municipal Government Act, S.A. 1994 c. M-26.1, as amended, to enforce the County Bylaws, and includes a member of the Royal Canadian Mounted Police and, when authorized, a Special Constable.

2.10 "Farm Implement" includes any implement, equipment, engine, motor, machine, combine, tractor or attachment used or intended for use in Farming Operations.

2.11 "Farm Land" means land used for Farming Operations but does not include land less than one acre in area.

2.12 "Farming Operation" means:

- (a) the planting, growing and sale of trees, shrubs, or sod;
- (b) the raising, or production, or protection of crops, livestock, fish, pheasants or poultry; or
- (c) fur production or beekeeping.

2.13 "Holiday" means any day declared as such by Municipal, Provincial or Federal authority and includes Sundays.

2.14 "Lease" means a lease to use property for a period of time in excess of 48 hours.

2.15 "License" means a license to use property for a period of time in excess of 72 hours.

2.16 "Motor Vehicle" means Motor Vehicle as defined in the Highway Traffic Act, R.S.A. 1980, c.H-7, as amended.

2.17 "Noise" means any sound which in the opinion of a County Bylaw Enforcement 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 County.

2.18 "Off Highway Vehicle" means an Off-Highway Vehicle as defined in the Off-Highway Vehicle Act, R.S.A. 1980, c.0-4, as amended.

2.19 "Owner" means

- (a) with respect to property used for Community Recreation, the Person with a Short-term Rental Agreement, Sublicense Agreement, Lease, or License to use the property, and the Person occupying or otherwise controlling the said property, but does not include the Person who is the registered owner of the property.
- (b) with respect to all other property, the Person with a Short-term Rental Agreement, Sublicense Agreement, Lease, or License to use the property, the Person occupying or otherwise controlling the said property, and the Person who is the registered owner of the property.

2.20 "Permit" means a written permit issued by the Corporate Secretary pursuant to Section 4.1 of this Bylaw.

2.21 "Person" includes an individual, partnership, corporation, trustee, executor or administrator.

2.22 "Short-term Rental Agreement" means a right to use property for a period of time of 72 hours or less.

2.23 "Sublicense Agreement" means a right to use property for a period of time of 72 hours or less, which is obtained from the holder of a License to use the said property.

2.24 "Violation Tag" means a ticket or similar document issued by the County pursuant to the Municipal Government Act, S.A. 1994, c.M-26.1, as amended.

2.25 "Violation Ticket" means a ticket issued pursuant to Part II of the Provincial Offences Procedure Act, R.S.A. 1988, c.P-21.5, as amended, and Regulations thereunder.

### SECTION 3 - VIOLATIONS

3.1 Except to the extent permitted by this Bylaw, no Person shall:

- (a) cause a Noise within the County;
- (b) operate or permit any other Person to operate within the County, a Motor Vehicle that causes a Noise.
- (c) operate or permit any other Person to operate within the County, an Off-Highway Vehicle that causes a Noise.

3.2 No Owner shall allow property he or she owns to be used in such a way that there is Noise originating from the property.

3.3 A County Bylaw Enforcement Officer may direct any Person who has caused or made a Noise, or any Person who owns property from which Noise has originated, to abate or eliminate the Noise. Such a direction may be either verbal or written. If the direction is written, the direction shall be in the form set out in Schedule "A" attached hereto and forming part of this Bylaw.

3.4 Where an activity which is not specifically prohibited by any federal, provincial or municipal laws or regulations, including this Bylaw and which involves creating or making a sound which:

- (a) is or may become; or
- (b) creates or produces or may create or produce

a Noise, a Person engaging in such an activity shall do so in such a manner as to create as little sound as practicable under the circumstances.

**SECTION 4 - PERMITS AND NON-APPLICATION OF BYLAW**

4.1 The Corporate Secretary may, upon written request, issue a Permit to a Person for the purpose of suspending the provisions of this Bylaw, and the Permit shall specify the dates and hours during which Noise may occur.

4.2 Any such Permit issued shall be produced to a County Bylaw Enforcement Officer upon demand.

4.3 Persons owning or controlling Construction Equipment, and Persons owning or controlling land on which Construction Equipment is being operated shall be exempt from the provisions of this Bylaw if:

- (a) the Noise is generated pursuant to work done in the normal manner to that industry;
- (b) the Noise is generated between the hours as authorized by and set out on Schedule "B" attached to and forming part of this Bylaw; and
- (c) all necessary federal, provincial and municipal permits, licenses and approvals have been obtained and the work is not contrary to any federal, provincial or municipal laws or regulations.

4.4 This Bylaw does not apply:

- (a) to the performance of work by any person on Farm Land for the purpose of carrying on a Farming Operation including the operation of a Farm Implement;
- (b) to work carried on by the County or its agents, contractors, servants or employees, acting within the scope of their agency, contract, or employment, as the case may be;
- (c) to the performance of work by any Person on land zoned as Heavy Industrial District pursuant to the County's Land Use Bylaw 42-89, as amended, if:
  - (i) the Noise is generated pursuant to work done in the normal manner to that end; and
  - (ii) the work is authorized pursuant to the County's Land Use Bylaw 42-89, as amended, and does not otherwise contravene any federal, provincial or municipal laws or regulations.
- (d) to Persons using domestic equipment including, without restricting the generality of the foregoing, lawnmowers, snow blowers, garden tillers and built-in vacuum cleaners which are vented to the outside, and Persons owning or controlling property upon which such equipment is used if:
  - (i) the Noise is of a temporary or intermittent nature;
  - (ii) the equipment is properly maintained and operated in a normal manner for that type of equipment; and
  - (iii) the Noise occurs between the hours of 7:00 a.m. and 10:00 p.m.

(e) to Persons using air conditioning and cooling units in either domestic or commercial use if the units are properly maintained and are operated in a normal manner; or

(f) to Community Events.

#### **SECTION 5 - AUTHORIZATION TO INSPECT**

5.1 A County Bylaw Enforcement Officer may enter any land, building or premises to inspect for conditions that may constitute a contravention of this Bylaw.

#### **SECTION 6 - PENALTIES**

6.1 Any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable to a penalty in the amount of:

(a) a minimum of Two Hundred Dollars (\$200.00) for a first offence; and

(b) a minimum of Five Hundred Dollars (\$500.00), for a second or subsequent offence.

6.2 Under no circumstances shall any Person contravening any provision of this Bylaw be subject to the penalty of imprisonment.

#### **SECTION 7 - VIOLATION TAGS**

7.1 A County Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person who the County Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

7.2 A Violation Tag may be issued to such person:

(a) either personally, or

(b) by mailing a copy to such person at his last known post office address.

7.3 The Violation Tag shall be in a form approved by the Chief Commissioner and shall state:

(a) the name of the person;

(b) the offence;

(c) the appropriate penalty for the offence as set out in this Bylaw;

(d) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;

(e) any other information as may be required by the Chief Commissioner.

7.4 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by the County Bylaw Enforcement Officer,

provided that no more than one Violation Tag shall be issued for each day that the contravention continues.

7.5 Where a Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the County the penalty specified on the Violation Tag.

7.6 Nothing in this Bylaw shall prevent a County Bylaw Enforcement Officer from immediately issuing a Violation Ticket for the mandatory Court appearance of any Person who contravenes any provision of this Bylaw.

#### **SECTION 8 - VIOLATION TICKET**

8.1 If the penalty specified on a Violation Tag is not paid within the prescribed time period then a County Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, S.A. 1988, c. P-21.5.

8.2 Notwithstanding Section 7.1 of this Bylaw, a County Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, S.A. 1988, c. P-21.5, as amended, to any person who the County Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

#### **SECTION 9 - ENFORCEMENT**

9.1 The following Sections shall apply when a County Bylaw Enforcement Officer is issuing a Violation Tag or Violation Ticket pursuant to this Bylaw:

(a) Subject to Sections 9.1(b) and 9.1(c), a Violation Tag or Violation Ticket shall be issued to the Person most directly responsible for causing or allowing a Noise within the County. The Person most directly responsible for causing or allowing a Noise is deemed to be the Person directly creating or causing the Noise, or the Person occupying the property in accordance with a Short-term Rental Agreement or a Sublicense Agreement or pursuant to another similar arrangement, or both of these Persons, in the discretion of the County Bylaw Enforcement Officer.

(b) If there is no Person occupying or in control of the property pursuant to a Short-term Rental Agreement or a Sublicense Agreement or pursuant to another similar arrangement, or if in the opinion of a County Bylaw Enforcement Officer it would be ineffective to issue a Violation Tag or Violation Ticket to the Person contemplated or identified in Section 9.1(a), then the County Bylaw Enforcement Officer shall issue a Violation Tag or Violation Ticket to the Person holding a Lease or License for the property.

(c) If there is no Person with a Short-term Rental Agreement, Sublicense Agreement, Lease, or License, or if in the opinion of the County Bylaw Enforcement Officer it would be ineffective to issue a Violation Tag or Ticket to the Person or Persons contemplated or identified in section 9.1(a) or 9.1(b), then the County Bylaw Enforcement Officer may issue a Violation Tag or Violation Ticket to a

Person who is otherwise an Owner of the Property, or is otherwise responsible for causing the Noise.

**SECTION 10 - SEVERABILITY PROVISION**

10.1 Should any provision of this Bylaw be invalid, then such provision shall be severed and the remaining Bylaw shall be maintained.

**SECTION 11 - REPEAL OF BYLAW 58-93**

11.1 Bylaw 58-93 is hereby repealed.

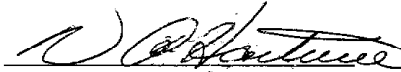
**SECTION 12 - EFFECTIVE DATE**

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

Read a first time this 6 day of July, 1999

Read a second time this 6 day of July, 1999

Read a third time this 6 day of July, 1999

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Corporate Secretary

Date signed: July 7/99

**BYLAW NO. 66-99  
SCHEDULE "A"**

**NOTICE OF ABATEMENT**

To:

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You are hereby notified that on or about the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ at approximately \_\_\_\_\_ a.m./p.m. a County Bylaw Enforcement Officer with the Strathcona County observed a breach of the Strathcona County Noise Control Bylaw No. 66-99 at:

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The particulars of this contravention are:

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Pursuant to the Noise Control Bylaw No. 66-99 you are hereby directed to abate/eliminate this noise by \_\_\_\_\_, 19 \_\_\_\_

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County Bylaw Enforcement Officer

Any inquiries may be directed to:

Strathcona County  
Bylaw Services  
467-8110



**BYLAW NO. 66-99  
SCHEDULE "B"**

**HOURS DURING WHICH CONSTRUCTION EQUIPMENT NOISE  
IS PERMITTED**

	<b>Weekdays</b>	<b>Weekends/Statutory Holidays</b>
<b>July 1 - August 31</b>	7:00 a.m. - 10:00 p.m. Monday - Saturday	10:00 a.m. - 10:00 p.m. Sundays, Statutory Holidays
<b>September 1 - June 30</b>	7:00 a.m. - 9:00 p.m. Monday - Thursday  7:00 a.m. - 10:00 p.m. Friday - Saturday	10:00 a.m. - 9:00 p.m. Sundays, Statutory Holidays