

**Village of Onoway
Bylaw 587-02**

A Bylaw of the Village of Onoway, in the Province of Alberta for the purpose of prohibiting, eliminating or abating noise.

WHEREAS the Municipal Government Act provides that Council may pass a Bylaw respecting nuisances and the safety, health and welfare of people;

AND WHEREAS the Highway Traffic Act R.S.A. 1980, 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;

AND WHEREAS the incidence of noise in the Village of Onoway is such that the Council of the Village of Onoway deems it expedient that a Bylaw be made restricting, mitigating and abating activities which give rise to unnecessary noise in the Village, especially during hours normally used for sleeping;

AND WHEREAS the intent of this Bylaw is that all noise shall be reduced as far as possible to be compatible with the normal activities of urban life and that unnecessary noise be eliminated.

NOW, THEREFORE, the Council of the Village of Onoway in the Province of Alberta duly assembled, enacts as follows:

1. This Bylaw may be cited as "**The Noise Bylaw.**"

DEFINITIONS

2. In this Bylaw:

2.1) "Bylaw Enforcement Officer" means a Bylaw Enforcement Officer appointed by the Village pursuant to the Municipal Government Act, to enforce the Village's Bylaws, and includes a member of the Royal Canadian Mounted Police and, when authorized, a Special Constable;

2.2) "Construction Equipment" shall include but not necessarily be limited to a riveting machine, concrete mixer, gravel crusher, steam shovel, dragline, backhoe, air or steam compressor, jackhammer or pneumatic drill, tractor, bulldozer, front-end loader, motor scraper, motor grader or any other tool, device, or machine of a noisy nature;

2.2) "Land Use Bylaw" means the Land Use Bylaw #520-98 of the Village of Onoway, as amended from time to time or any Bylaw passed in substitution for or in addition to Bylaw 520-98;

2.3) "Motor Vehicle" means Motor Vehicle as defined in the Highway Traffic Act, as amended;

2.4) "Municipal Manager" means the Municipal Manager or the Chief Appointed Official of the Village of Onoway and anyone acting or authorized by the Municipal Manager to act on his or her behalf;

2.5) "Noise" means any sound which is, or is considered to be sharp or piercing; or shrill; or explosive; or unnecessarily loud; or persistent and/or annoying, but shall not include a sound intended to warn persons of danger or emergencies;

2.6) "Off-Highway Vehicle" means an Off-Highway Vehicle as defined in the "Off-Highway Vehicle Act, R.S.A. 1980, as amended;

2.7) "Person" includes an individual, partnership, corporation, trustee, executor or Manager;

- 2.8) "Residential Building" means a building which is constructed as a dwelling for human beings and includes a hotel or motel;
- 2.9) "Signaling Device" means a horn, gong, bell, klaxon or other device producing an audible sound for the purpose of drawing a persons attention to an approaching vehicle, including a bicycle;
- 2.10) "Village" means the Village of Onoway or the area contained within the boundaries of the Village of Onoway;
- 2.11) "Violation Tag" means a ticket or similar document issued by the Village pursuant to the Municipal Government Act, as amended;
- 2.12) "Violation Ticket" means a ticket issued pursuant to the Provincial Offenses Procedures Act, as amended and Regulations thereunder.

VIOLATIONS:

3. (1) Except to the extent allowed under this Bylaw, no person shall cause, or permit any other Person to:
- 3.1.1. cause a Noise within the Village;
 - 3.1.2. operate or permit any other Person to operate within the Village a Motor Vehicle which causes a Noise; or
 - 3.1.3. operate or permit any other Person to operate within the Village, an Off-Highway Vehicle that causes a Noise.
- (2) No Person shall allow property under their ownership or control to be used in such a way that there is Noise originating from the property.
- (3) A Bylaw Enforcement Officer may direct any Person who has caused or made a Noise, or any Person who owns or controls 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.
- (4) Where an activity which is not specifically prohibited by any federal, provincial or municipal laws or regulations, including this Bylaw and which involve reacting or making a sound which:
- 3.4.1. is or may become;
 - 3.4.2. 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.

MOTOR VEHICLE NOISES:

4. (1) Where a person has care and control of a motor vehicle of any type on a street in a residential zone at any time operates it in such a way as to unduly disturb the residents of that street, he is guilty of an offence under the Bylaw in addition to and not in substitution for any offence of which he may be guilty under the Highway Traffic Act.
- (2) Subsection (1) does not apply to work on a Village Street or on a public utility carried on by
- (a) Village of Onoway Public Works Department.
 - (b) Village of Onoway Water and Sewer Utilities Department, Aquila. Utilities, Telus or Persona Cable; or
 - (c) A contractor working for the above utilities.

DOMESTIC NOISES:

5. (1) No person shall operate any powered equipment, including lawnmowers, snow blowers, garden tillers and built-in vacuum cleaners that are vented to the outside in a residential zone between the hours of:
 - (a) ten o'clock in the evening and seven o'clock in the morning of the next day which is a week-day, or
 - (b) eleven o'clock in the evening and eight o'clock in the morning of the next day which is a weekend or holiday
- (2) 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.

CONSTRUCTION NOISES:

6. (1) 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 of 7:00 a.m. and 10:00 p.m. on weekdays or 8:00 a.m. and 11:00 p.m. on weekends;
 - (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.
- (2) This bylaw does not apply to the performance of work by any Person on land zoned as an Industrial District pursuant to the Village's Land Use Bylaw, as amended, if:
 - (a) the Noise is generated pursuant to work done in the normal manner to that end; and
 - (b) the work is authorized pursuant to the Village's land Use Bylaw, as amended, and does not otherwise contravene any federal, provincial or municipal laws or regulations.

PENALTIES

- 7.1 A person who disobeys a direction pursuant to Section 3.3 above is guilty of an offence and is liable to a penalty in the amount stated in Schedule "A" of this bylaw.
- 7.2 Any Person who contravenes any provision of this Bylaw other than disobedience of a direction is guilty of an offence and is liable to a penalty stated in Schedule "A" of this bylaw.
- 7.3 Under no circumstances shall any Person contravening any provision of this Bylaw be subject to the penalty of imprisonment.

VIOLATION TAGS

- 8.1 A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Bylaw Enforcement officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 8.2 A Violation Tag may be issued to such Person either personally, or by mailing a copy to such Person at his or her last know post office address.
- 8.3 The Violation tag shall be in a form approved by the Chief Administrative Office and shall state:
 - 8.3.1 the name of the person;
 - 8.3.2 the offence;
 - 8.3.3 the appropriate penalty for the offence being the minimum penalty prescribed by this Bylaw;
 - 8.3.4 that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;
 - 8.3.5 any other information as may be required by the Chief Manager Officer.

8.4 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by the Bylaw Enforcement Officer, provided that no more than one Violation Tag shall be issued for each day that the contravention continues.

8.5 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 Village the penalty specified in the Violation Tag.

8.6 Nothing in this Bylaw shall prevent a Bylaw Enforcement officer from immediately issuing a Violation Ticket.

VIOLATION TICKET

9.1 If the penalty specified on a Violation Tag is not paid within the prescribed time period, then a Bylaw Enforcement Officers, is hereby authorized and empowered to issue a Violation Ticket pursuant to the Provincial Offenses Procedures Act.

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.

EFFECTIVE DATE

11.1 This Bylaw shall come into effect upon final reading thereof.

11.2 Bylaw 440-92 and any amendments thereto shall be rescinded at the final passing of this bylaw.

READ A FIRST TIME THE 28th day of October, 2002.

READ A SECOND TIME THE 28th Day of October, 2002.

UNANIMOUSLY CONSENTED TO AND READ A THIRD TIME AND FINALLY PASSED THIS 28th day of October, 2002

Signed By George Jendyk
Mayor

Signed By Catherine Dunn
Municipal Manager

Schedule A
Penalties

7.1	First Offence	\$100.00
	Second Offence	\$250.00
	Third and subsequent offences	\$500.00
7.2	First Offence	\$100.00
	Second Offence	\$250.00
	Third and subsequent offences	\$500.00