

NOISE BYLAW

A BYLAW TO PREVENT AND COMPEL THE ABATEMENT OF ACTIVITIES CREATING NOISE IN THE TOWN OF ECKVILLE.

WHEREAS the Municipal Government Act, R.S.A., 1980, Chapter M-26, and amendments thereto, provides that the Council of Municipality may pass bylaws for the purpose of prohibiting, eliminating or abating noise, and establishing permissible noise levels for all or varying periods of the day, in all or a designated part or location of the municipality.

NOW THEREFORE, the Council of the Town of Eckville enacts as follows:

1. This Bylaw may be cited as the NOISE BYLAW.

GENERAL PROHIBITION

2. Except to the extent it is allowed by this Bylaw, no person shall make, continue, cause or allow to be made or continued any loud, unnecessary or unusual noise or any noise whatsoever which either annoys, disturbs, injures, endangers, or detracts from the comfort, repose, health, peace or safety of other persons within the limits of the Town of Eckville.

What is a loud noise, an unnecessary noise, an unusual noise or a noise which annoys, disturbs, injures, endangers the comfort, repose, health, peace, or safety of others is a question of fact for a court which hears prosecution of an offence against this Bylaw.

Where an activity which is not specifically prohibited or restricted by any legislation or regulations of Canada or of the Province of Alberta or by any provision of this Bylaw involves creating or making a sound which

- i) is 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 and safety of others, a person engaging in such activity shall do so in such a manner as to create as little of such sound as practicable under the circumstances.

ABATEMENT OF NOISE

3. No person shall within the corporate limits of the Town of Eckville make, or cause to be made any unnecessary or unusual noise likely to disturb the peace and quiet of the community, unless permission to do so has first been obtained in writing from Council.

No occupant shall make or cause to be made any unnecessary noise likely to disturb other persons in the neighbourhood.

The powers of a police officer, where a police officer has reasonable and probable grounds to believe a violation of this Bylaw exists, the police officer may enter without a warrant, any

dwelling, house and any other property and may seize any noise making articles and items the police officer believes may have been used in the commission of any violation of this Bylaw.

In the case of repeated violations of Section 3, paragraph one of this Bylaw, the police officer is authorized to confiscated such equipment that he deems are the cause of the violation.

CONSTRUCTION PROJECTS

- 4. Construction projects likely to disturb the peace and quiet of any residential neighbourhood shall be prohibited from beginning work until 7:00 a.m. and shall conclude their activities for that date not later than 10:00 p.m., with the exception of Sundays, when the hours shall be from 10:00 a.m. to 10:00 p.m.

RIGHT TO INSPECT

- 5. Any person thereunto authorized by the Council may enter any land, buildings, or premises to inspect for conditions that may constitute a nuisance or contravene or fail to comply with the terms of this Bylaw.

PENALTIES

- 6. A person who contravenes any provision of this Bylaw either by doing something which he is prohibited from doing or failing to do something which he is required to do, is guilty of an offence and is liable on summary conviction to a fine not in excess of five hundred dollars (\$500.00) or in default of payment of the fine and costs to imprisonment.

Read a first time this 12th day of September, 1998.

Read a second time this 12th day of September, 1998.

Read a third time this 26th day of September, 1998.

Mayor

Municipal Administrator