

**TOWN OF VAUXHALL
NOISE BYLAW
BYLAW NO. 956-19**

A BYLAW OF THE TOWN OF VAUXHALL TO PROVIDE FOR THE PROHIBITION, ELIMINATION AND ABATEMENT OF NOISE.

WHEREAS pursuant to the Municipal Government Act, Chapter 26 RSA 2000, and amendments thereto, the Council may pass bylaws for the purpose of prohibiting, eliminating or abating noise;

NOW THEREFORE, the Municipal Council of the Town of Vauxhall, duly assembled, hereby enacts as follows:

Short Title

This Bylaw shall be called “Noise Bylaw” and shall be taken to apply within the corporate limits of the Town of Vauxhall.

SECTION 1. DEFINITIONS

- a.) **“CAO”** means Chief Administrative Officer, or Town Manager, appointed for the Town of Vauxhall by the Town of Vauxhall Council.
- b.) **“Corporation”** means a body corporate or company where or however incorporated.
- c.) **“Council”** means the Municipal Council of the Town duly assembled and acting as such.
- d.) **“Holiday”** means and includes every Sunday and every other day defined as a holiday in the Interpretation Act (Alberta) and any day or portion of a day proclaimed by the Mayor or by Council of the Town as a civic holiday.
- e.) **“Noise”** means any sound which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of other persons.
- f.) **“Peace Officer”** means Bylaw Enforcement Officer appointed by Alberta Municipal Government Act, a Community Peace Officer appointed through the Government of Alberta Solicitor General and Public Security, and a Member of the Royal Canadian Mounted Police.
- g.) **“Person”** means any individual, trustee, legal representative, proprietorship, corporation, association, society, or partnership.
- h.) **“Town”** means the Town of Vauxhall in the Province of Alberta

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- i.) **“Violation Tag/Ticket”** means a tag or similar document issued by the Town pursuant to the Act; or a ticket issued pursuant to Part II of the *Provincial Offences Procedures Act*, RSA 2000, c P-34, as amended and any Regulations thereto;
- j.) **“Signaling Device”** means a horn, gong, bell, or other device producing an audible sound for the purpose of drawing a persons' attention to an approaching vehicle, including a bicycle;
- k.) **“Weekday”** means any day other than a Sunday or a holiday;

SECTION 2. 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 Municipal Boundaries of the Town.
- b). A Peace Officer may request any person who has made or caused the emission of any noise or any person who controls or owns property from which the noise has originated, to abate or eliminate the noise. Such request may be either written or verbal.
- c). Every person who receives a request from a Peace Officer to abate or eliminate the noise shall comply with the request forthwith or so thereafter as reasonably practicable.
- d) 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 practicable under the circumstances

SECTION 3. MOTOR VEHICLE NOISES

- a.) The failure of a person to comply within the Town with the following provisions of Traffic Safety Act and Regulations;

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- b.) 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;
- c.) 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;
- d.) No person shall use or apply the engine retarder of any such vehicle within the Municipal Boundaries of the Town of Vauxhall
- e.) 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;
- f.) Constitutes a violation of this Bylaw in addition to and not in substitution for the offence under Traffic Safety Act and Regulations.
- g.) 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 Section 13(1) (g) (iii) of the Traffic Safety Act.
- h.) Subsection (b) does not apply to work on a Town street or on a public utility carried on by
- i.) 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
- j.) A Person operating an Emergency Vehicle in the normal course of the Person's employment;
- k.) Where a vehicle is equipped with a siren under Section 77, of the Traffic Safety Act; Vehicle Equipment Regulations, the driver thereof shall only use the siren when the vehicle is proceeding in response to an emergency call
- l.) Subsection (e) 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.
- m.) 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:
- n.) Nine o'clock in the evening and seven o'clock in the morning of the next day which is a weekday; or

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- o.) Nine o'clock in the evening and eight o'clock in the morning of the next day which is a Sunday or holiday.
- p.) 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 4. DOMESTIC NOISES

- a.) No person shall operate in a residential district between the hours of nine o'clock in the evening and seven o'clock in the morning on any day of the week. Unless written permission from the Town is first obtained, to allow the operation of;
 - i.) a riveting machine;
 - ii.) concrete mixer;
 - iii.) a gravel crusher;
 - iv.) a trenching machine;
 - v.) jack hammer or pneumatic drill;
 - vi.) a tractor or bulldozer; or
 - vii.) any other tool, device or machine of a noisy nature; so as to create a noise,
 - viii.) A motorized or electric constructional/lawn/garden tool;
 - ix.) A snow clearing device powered by an engine of any type.

Section 4 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.

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SECTION 5. ENFORCEMENT

- a.) Any person who contravenes any provision of this bylaw is guilty of an offence and liable to a penalty set out in schedule "A" of this bylaw
- b.) Where a Designated Officer had reasonable grounds to believe that a person has violated any provisions of this bylaw, the Designated Officer may commence enforcement against such person by issuing written order to the person a specified time to remedy the violation.
- c.) Where a Designated Officer has reasonable grounds to believe that a person has violated any provision of this bylaw, the Designated Officer may commence enforcement against such person by issuing a Municipal Violation Ticket/Tag in such form as prescribed from time to time by a designated officer of the municipality.
- d.) Where a Designated Officer has reasonable grounds to believe that a person has violated any provision of this bylaw and the Designated Officer has issued a Violation Ticket/Tag pursuant to section 5.(c) and the voluntary penalty has gone unpaid in excess of twenty-one (21) days, or if the Designated Officer feels it is in the best interest of the Town for the person to appear before a Provincial Court Judge, he/she may commence proceedings against such person.
- e.) No provision of this bylaw or any action taken pursuant to any provision of this bylaw shall restrict, limit, prevent or preclude the Town from pursuing any other remedy in relation to a property provided by the *Municipal Government Act*, or any other law in the Province of Alberta.
- f.) For an offence of continuing nature, a second and subsequent offence will be deemed to have been committed for each day the offence goes un-remedied as long as only one violation ticket/tag is issued per twenty-four (24) hour period.
- g.) Any person who contravenes any provision of this bylaw is guilty of an offence and liable upon summary conviction to a penalty of not less than One Hundred Dollars (\$100.00) and not exceeding Ten Thousand Dollars (\$10, 000.00) or in default of payment to imprisonment for a period not exceeding six (6) months.
- h.) No person shall obstruct a Peace Officer in the lawful execution of his duties to enforce the provisions of this bylaw

SECTION 6. GENDER

- a.) In this bylaw, whenever the male or female gender is specified it shall interpreted as meaning all persons as applicable.

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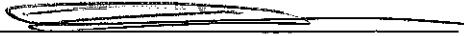
SECTION 7. RESCINDING BYLAW

a.) This bylaw repeals Bylaw No. 838-09


READ a first time in open council this 4th of November, 2019

READ a second time in open council this 18th of November, 2019

READ a third and final time in open council this 18th of November, 2019



MAYOR



CHIEF ADMINISTRATIVE OFFICER

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SCHEDULE "A"**

Penalties:

Section	Offence	Penalty
2(a)	Unnecessary Noise	\$150.00
2(b)	Fail to Eliminate Noise	\$200.00
2(c)	Fail to Comply	\$100.00
2(d)	Prohibited Activity	\$300.00
3(c)	Use of Prohibited Muffler	\$150.00
3(d)	Use of Engine Retarder	\$150.00
3(g)	Operate Vehicle to Disturb Residents	\$250.00
4(a)	Noise During Quiet Time	\$100.00
4(b)	Operate Restricted Equipment	\$150.00
5(h)	Obstruction of a Peace Officer	\$500.00