

BY-LAW NO. 40-95

PARKLAND COUNTY

BEING A BY-LAW OF PARKLAND COUNTY, IN THE PROVINCE OF ALBERTA, TO PROMOTE THE SAFETY, HEALTH AND WELFARE OF THE RESIDENTS OF PARKLAND COUNTY BY PROHIBITING CERTAIN ACTIVITIES WHICH CREATE UNDUE NOISE AND TO ABATE THE INCIDENCE OF NOISE AND TO RESTRICT WHEN CERTAIN SOUNDS MAY BE MADE

WHEREAS, pursuant to Section 7(a) of the *Municipal Government Act*, S.A. 1994 c.M-26.1 the Council of Parkland County can pass by-laws for municipal purposes respecting the safety, health, welfare and protection of people;

WHEREAS, Council is concerned about activities within Parkland County which create undue noise which may harm the safety, health and welfare of the residents of Parkland County and Council wishes to pass a by-law which will prohibit, restrict, eliminate or abate such activities;

NOW THEREFORE, the Council of Parkland County, in Council duly assembled, hereby enacts as follows:

1. This By-law may be cited as "The Noise By-law".
2. In this By-law including this section,
 - (a) "County" shall mean the municipality of Parkland County and the area contained within its boundaries as the context requires;
 - (b) "Holiday" shall mean any statutory holiday as defined in *The Interpretation Act (Alberta)*;
 - (c) "Weekday" shall mean any day other than Sunday or a holiday;
 - (d) "Residential Building" shall mean a building which is constructed as a dwelling for human beings and includes a hotel;
 - (e)
 - (i) "Noise" includes any sound, howsoever produced, and includes the sound of human voices, any sound or sounds emitted by animals, sounds emitted by any motor vehicle or machinery or equipment or radio or television or record or tape player or musical instrument or any other apparatus which produces sound;
 - (ii) What is a "loud noise" is a question of fact for a court which hears a prosecution of an offence against this By-law or which is called upon to enforce the provisions of this By-law by order or injunction or judgment and includes any unnecessary noise, or an unusual noise or a noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others;
 - (f) "Motor Vehicle" is a device in, upon or by which a person or thing be transported or drawn upon land and which device is propelled by power other than muscular power;
 - (g) "Occupant" means any person who is found in any property, whether or not he is the owner or tenant of the property and whether or not he resides in the property;

GENERAL PROHIBITION

3. (a) Except to the extent it is allowed by this By-law no person who is the owner or occupant of property shall make, continue, cause or allow to be made or continued any loud noise or any noise whatsoever which annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the boundaries of Parkland County;
- (b) A person or any occupant of property or thing from which the loud noise originated shall forthwith take such steps as may be necessary to cause the making of such noise to stop and to prevent the continuation or resumption of such noise.
- (c) Where an activity which is not specifically prohibited or restricted by any other provision of any legislation or regulations of Canada or the Province of Alberta or by any other provision of this By-law involves creating or making a sound which
 - (i) is or may become, or
 - (ii) creates or produces or may create or producea disturbance or annoyance to other people or a danger to the comfort, repose, health, peace or safety of others, a person engaging in such an activity shall do so in such a manner as to create as little of such sound as practicable under the circumstances.
- (d) This Section does not apply to a permitted agricultural pursuit. For the purposes of this By-law, a dog kennel for boarding, breeding or running of dogs shall not be considered as a permitted agricultural pursuit.
- (e) The provisions contained in this By-law shall apply to all activities and pursuits within the County, notwithstanding that a permit, license or other approval may have been obtained for such activity or pursuit under any other Act, Regulation, By-Law, Order or Decision.

CONSTRUCTION NOISES

4. No person shall carry on the construction of any type of structure which involves hammering, sawing or the use of any mechanical tools or equipment capable of creating a loud noise which may be heard in any residential subdivision beyond the boundaries of the site on which the activity is being carried on after the hour of ten o'clock in the evening and before the hour of seven o'clock in the morning of any day.

PENALTIES

5. A person who contravenes Section 3 or Section 4 of this By-law either by doing something which he is prohibited from doing or failing to do something he is required to do is guilty of an offence and liable
 - (a) for a first offence to a fine of \$100.00 (specified penalty);
 - (b) upon conviction of a second offence, within one (1) year of the date of conviction of the first offence, to a fine of \$200.00 (specified penalty);



- (c) upon conviction of a third or subsequent offence, within one (1) year of the date of conviction of the first offence, upon summary conviction to a fine of not less than \$500.00 and not more than \$2,500.00 and in default of payment imprisonment for a term not exceeding six (6) months.

EFFECTIVE DATE

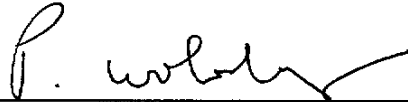
- 6. This By-law shall come into force and effect on the final day of passing thereof.

By-law 9-93 is hereby repealed.

READ A FIRST TIME this 26 day of September, A.D. 1995.

READ A SECOND TIME this 26 day of September, A.D. 1995.

READ A THIRD TIME and finally passed by the unanimous consent of the Councillors present this 26 day of September, A.D. 1995.



Reeve

SEAL



Manager, Administration Services