

**TOWN OF NANTON
BYLAW NO. 1126/03**

**A BYLAW OF THE TOWN OF NANTON IN THE PROVINCE OF ALBERTA TO
REGULATE NOISE IN THE TOWN OF NANTON.**

1. ENACTMENT:

- 1.1. WHEREAS it is deemed necessary that the Council of the Town of Nanton provide for the regulation of noise in the Town of Nanton, particularly where the type, source or location of such noise may annoy or disturb persons working or living in places affected by such noise.
- 1.2. WHEREAS the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended or replaced from time to time, permits the Council to pass bylaws respecting the welfare of the people of Nanton, the protection of property and nuisances.

NOW THEREFORE, the Council of the Municipality of the Town of Nanton in the Province of Alberta duly assembled enacts as follows:

2. INTERPRETATION:

- 2.1. This Bylaw will be cited as the "Noise Control Bylaw".
- 2.2. "Chief Administrative Officer" is the person appointed by Council in accordance with Section 205 of the Municipal Government Act, and is referred to throughout this bylaw as CAO.
- 2.3. "Construction" is the temporary process of demolishing or building any structure, or repairing or improving a building that already exists, including landscaping, home repair, property improvement and any work in connection with that process.
- 2.4. "Council" is the Council of the Town of Nanton elected pursuant to the provisions of the Municipal Government Act.
- 2.5. "Electronic device" is any device or mechanism which is operated by the application of electric current, and without restricting the generality of the foregoing, includes any radio receiver, radio transmitter, record, compact disc or tape player or device which reproduces recorded sound, television set, amplifier or loud speaker system, public address system, alarm or siren.
- 2.6. "Night" is the hours between 11:00 p.m. in the evening and 6:00 a.m. of the next morning.
- 2.7. "Noise" is any loud, unnecessary, or unusual noise that annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace, or safety of any person within the municipal boundaries of the Town of Nanton.
- 2.8. "Peace Officer" is a member of the Royal Canadian Mounted Police, a Special Constable or a Bylaw Enforcement Officer for the Town of Nanton.
- 2.9. "Person" is an individual or any business entity including a firm, partnership, association, corporation, company or society but does not include The Town.
- 2.10. "Residential district" is any district designated for residential use in the Land Use Bylaw No. 1060/98.
- 2.11. "Special Event" is an event that does not normally occur within the Town and, as such, may require special permits and/or authorizations to lawfully take place pursuant to the provisions of this Bylaw.
- 2.12. "Town" is the municipality of the Town of Nanton in the Province of Alberta.
- 2.13. "Violation ticket" is a ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34, as amended or replaced from time to time.

3. GENERAL PROHIBITION:

- 3.1. No person shall make, continue or 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 municipal boundaries of the Town.
- 3.2. No person shall permit, suffer or allow property, real or personal which he owns, occupies or controls, to be used in any manner that produces 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 municipal boundaries of the Town.
- 3.3. What constitutes a loud noise, an unnecessary noise, an unusual noise or a noise which annoys, disturbs injures or endangers the comfort, repose, health, peace or safety of others is a question of fact for a court which hears a prosecution of an offence against this Bylaw.
- 3.4. Where an activity which is not specifically prohibited or restricted by any provision of 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:
 - 3.4.1. is or may become; or
 - 3.4.2. 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 engaging in such activity shall do so in such a manner as to create as little of such sound as practicable under the circumstances.
- 3.5. No person shall activate or apply engine retarder brakes within the municipal boundaries of the Town.

4. COMMERCIAL OR CONSTRUCTION PROHIBITIONS:

- 4.1. Unless permission from the CAO is first obtained, no person shall carry on construction of any kind that can be heard beyond the boundary of the construction site at night.
- 4.2. No person shall operate any tool, equipment, machinery or mechanical device of a noisy nature at night.
- 4.3. The provisions of this Bylaw do not apply to work being carried out by the Town, or by a contractor carrying out the instructions of the Town.

5. DOMESTIC PROHIBITIONS:

- 5.1. No person shall operate any tool, equipment, machinery or mechanical device of a noisy nature in any residential district at night.
- 5.2. No person shall operate or allow to be operated any electronic device from any residence, business premises or in any park or other public place so as to unduly disturb residents of the Town.

6. SPECIAL EVENTS PERMITS:

- 6.1. Organizers of special events occurring within the municipal boundaries of the Town may apply to the Town for a Special Events Permit, which may allow noise otherwise not permitted by the provisions of this bylaw.
- 6.2. All applications for Special Events Permits must be submitted, in writing, a minimum of thirty (30) days prior to the date of the event.
- 6.3. Special Events Permit applications shall be in the form found in Schedule 'B'.
- 6.4. The Town shall provide public notification of any applications made for Special Events Permits through the local media.
- 6.5. Special Events Permits shall be in the form found in Schedule 'C'.

7. Enforcement

- 7.1. Where a Peace Officer believes that any person has contravened any provision of this bylaw, he may serve upon such person a violation ticket.
- 7.2. A violation ticket will be deemed to have been sufficiently served
 - 7.2.1. if served personally on the accused; or
 - 7.2.2. if sent by registered mail; or
 - 7.2.3. if left at the accused's usual place of abode with an inmate thereof who appeared to be at least eighteen (18) years of age or over; or
 - 7.2.4. if sent by regular mail.
- 7.3. All violation tickets issued must contain the section of the bylaw which was contravened, provide for a voluntary payment amount pursuant to the provisions of this bylaw, and/or provide for a date, time and location for an appearance in Court should an accused exercise their to defend any charge(s) pursuant to the provisions of this bylaw.

8. PENALTIES:

- 8.1. Any person who violates any provision of this Bylaw is guilty of an offence and is liable on conviction to a fine of not more than \$2 500.00. In default of payment of the fine, the person is liable to imprisonment for a term not exceeding six months.
- 8.2. Specified penalties for violations pursuant to the provisions of this Bylaw are contained in Schedule 'A' .

9. SEVERABILITY:

- 9.1. Each provision of this Bylaw is independent of all other provisions. If any provision is declared invalid by a Court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

10. EFFECTIVE DATE:

- 10.1. This Bylaw will take effect on the final date of passing thereof.
- 10.2. Read a first time and passed this 27 day of January, A.D. 2003.
- 10.3. Read a second time and passed this 27 day of January, A.D., 2003.
- 10.4. Read a third time and finally passed this 27 day of January, A.D., 2003.

TOWN OF NANTON

CHIEF ELECTED OFFICIAL

CHIEF ADMINISTRATIVE OFFICER

SCHEDULE 'A'**Penalties for Violations**

<u>Section</u>	<u>Violation</u>	<u>1st Offence</u>	<u>2nd Offence</u>	<u>3rd/Subsequent Offence</u>
3.1	Make/continue/cause/ allow loud/unnecessary noise	\$250.00	\$500.00	\$1000.00
3.2	Permit/allow to make loud/unnecessary noise to be made from property	\$250.00	\$500.00	\$1000.00
3.5	Activate/apply engine retarder brakes	\$250.00	\$500.00	\$1000.00
4.2	Construction noise at night	\$250.00	\$500.00	\$1000.00
5.1.	Operate tool/equipment/ machinery/mechanical device of a noisy nature at night	\$250.00	\$500.00	\$1000.00
5.2.	Operate/allow to operate electronic device from residence/business premise or public place that disturbs residents	\$250.00	\$500.00	\$1000.00

SCHEDULE 'B'
TOWN OF NANTON
SPECIAL EVENTS PERMIT APPLICATION

Date: _____

Name of Applicant: _____

Address: _____

Phone #: _____ Fax #: _____

Organization Sponsoring Event: _____

Date of Special Event: _____

Time of Special Event:(Start) _____ (End) _____

Location of Special Event:
Municipal Address: _____

Legal Description: _____

Nature of Special Event: _____

Type of Noise Generated by Special Event: _____

Estimated Number of People in Attendance: _____

PERMIT APPROVED

PERMIT DECLINED

SCHEDULE 'C'

TOWN OF NANTON
NOISE BYLAW #1126/01

SPECIAL EVENTS PERMIT

Date Application Reviewed: _____

Reviewed by: _____

CONDITIONS OF PERMIT:

Date of Event: _____ Time (start) _____ (end) _____

Location of Event:

Municipal Address: _____

Legal Description: _____

Special Conditions: _____

NOTICE: FAILURE TO COMPLY WITH THE TERMS AND CONDITIONS SET OUT ON THE FACE OF THIS PERMIT SHALL RENDER SUCH PERMIT NULL AND VOID.

Signature of Applicant: _____

FORWARD A COPY OF ALL APPROVED PERMITS TO MUNICIPAL ENFORCEMENT

Copy of Permit faxed to RCMP: Yes No