

BYLAW 687/10
TOWN OF ELK POINT #043

Replaced
By
701.

A BY-LAW OF THE MUNICIPALITY OF THE TOWN OF ELK POINT IN THE PROVINCE OF ALBERTA, TO PROHIBIT CERTAIN ACTIVITIES CREATING NOISE AND TO ABATE THE INCIDENCE OF NOISE AND TO RESTRICT WHEN CERTAIN SOUNDS MAY BE MADE.

WHEREAS, it is deemed expedient pursuant to the provisions of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000 with amendments thereto, a Council 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 in a designated part of location of the municipality.

NOW THEREFORE, the Council of the Town of Elk Point in the Province of Alberta, duly assembled, hereby enacts as follows:

1. This Bylaw may be cited as the "Noise Bylaw".
2. In this Bylaw, including this section,
 - a. "Town" means the corporation of the Town of Elk Point, or the area contained within its corporate boundaries, as the context require;
 - b. "Holiday" means any statutory holiday as defined in the Interpretation Act;
 - c. "Hospital District" means an area which:
 - i. Is designated as such by signs or other devices or;
 - ii. Any portion of the Town within five hundred feet in any direction from the boundaries of a site on which is situated a hospital as defined in the Alberta Hospitals Act.
 - d. "Residential Building" means a district defined as such in the Land Use Bylaw;
 - e. "Residential District" means a district defined as such in the Land Use Bylaw;
 - f. "Weekday" means any day other than a Sunday or a holiday;
 - g. "Land Use Bylaw" means current Land Use Bylaw, as the same is amended from time to time.

GENERAL PROHIBITION

3. a. Except to the extent it is allowed by this Bylaw, no person shall make, continue to 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 this Town.
- b. A loud noise is defined as an unnecessary noise, an unusual noise or a noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others. As such, this definition will be used in a question of fact for a court which hears a prosecution of an offence against this bylaw.
- c. 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:
 - 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 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.

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- d. Where an area is designated by signs or other means as being a hospital district, no person shall
 - i. carry on any noise-making activity in the area unless it cannot be carried on in some other area, or
 - ii. make or continue any noise or loud sound within the area.

INDUSTRIAL NOISES

4. a. Notwithstanding any other provision of this Bylaw and whether or not the noise resulting therefrom may be heard in an adjoining area which is designated other than as an industrial district, nothing in this bylaw shall prevent the continual operation or carrying on of an industrial activity or the performance or carrying on thereof during some or any of the hours between ten o'clock in the evening and seven o'clock in the next forenoon in any area which is classed as an industrial district in the Land Use Bylaw where the activity is one which
 - i. is permitted use in the zone in which it is carried on or is a conditional use for which the required permission has been given, or
 - ii. is a non-conforming use for the district in which the use is being carried on.
- b. In the operation or carrying on of an industrial activity in a zone in which it would be curtailed or restricted by for subsection (a) 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.

CONSTRUCTION NOISES

5. Unless permission from the Development Officer of the Town for such operation is first obtained, 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 sound which may be heard beyond the boundaries of the site on which the activity is being carried on in any district other than one designated in the Land Use Bylaw as an agricultural district, future residential district or an industrial district after the hour of ten o'clock in the evening and before the hours of seven o'clock in the morning of any day.
6. Unless permission from the Development Officer of the Town is first obtained, no person shall operate or allow to operate
 - a. A riveting machine,
 - b. A concrete mixer,
 - c. A gravel crusher,
 - d. A trenching machine,
 - e. An air or steam compressor, jack-hammer or pneumatic drill,
 - f. A tractor or bull-dozer, or
 - g. Any other tool, device or machine of a noisy natureSo as to create a noise, confusion or disturbance which may be heard in a residential building between the hours of ten o'clock in the evening and seven o'clock in the morning of any day other than a Sunday, or at any time during a Sunday.
7. The use of jake brakes are strictly prohibited within town corporate limits.
8. Notwithstanding anything contained in this Bylaw, this Bylaw does not apply to work carried on by the Town, or by a contractor carrying out the instructions of the Town.

PENALTIES

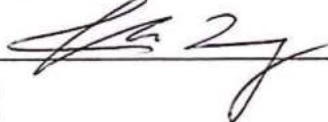
9. A person who contravenes any provision of this Bylaw either by doing something which he is prohibited from doing or failing to do something which he is required to do is guilty of an offence and is liable on a summary conviction, for a first offence, not in excess of two hundred dollars (\$200.00), and for second and subsequent offences, not in excess of five hundred dollars (\$500.00), or in default of payment of the fine and costs to imprisonment.

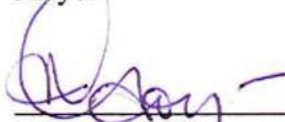


10. Bylaw 632/05 is hereby rescinded.

11. This Bylaw shall take effect on the date of final reading thereof.

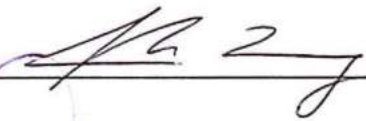
READ a **FIRST** time in Council this 13 day of December, A.D., 2010.

Mayor 

Town Manager 

READ a **SECOND** time in Council this 13 day of December, A.D., 2010.

READ a **THIRD** time in Council and **FINALLY PASSED** this 13 day of December, A.D., 2010.

Mayor 

Town Manager 