



# Yellowhead County

## BYLAW NO. 12.16

*BEING A BYLAW TO PROHIBIT CERTAIN ACTIVITIES THAT CREATE NOISE AND TO ABATE THE INCIDENCE OF NOISE AND TO RESTRICT WHEN CERTAIN SOUNDS MAY BE MADE IN THE HAMLETS AND MULTI-LOT SUBDIVISIONS OF YELLOWHEAD COUNTY*

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

**WHEREAS**, Council is concerned about activities within the Hamlets and Multi-lot Residential Subdivisions of Yellowhead County that create noise, which may harm the safety, health and welfare of the residents of the Hamlets and Multi-lot Residential Subdivisions of Yellowhead County and Council wishes to pass a bylaw, which will prohibit, restrict, eliminate or abate such activities;

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

1. This Bylaw may be cited as "The Noise Bylaw". This bylaw applies only to the Hamlets and Multi-lot Residential Subdivisions located within Yellowhead County duly created by bylaw.
2. In this Bylaw including this section,
  - (a) "Community Event" means any celebration, event, activity or thing so designated by resolution of Council, and to which this bylaw shall not apply by reason of said designation;
  - (b) "Construction Equipment" includes a riveting machine, concrete mixer, gravel crusher, steam shovel, dragline, backhoe, air or steam compressor, jack-hammer or pneumatic drill, tractor other than a tractor used in a Farming Operation, bulldozer, front end loader, motor scraper, motor grader or any other tool, device, or machine of a noisy nature;
  - (c) "Construction Noise" means Noise caused by Construction Equipment;
  - (d) "County" shall mean the municipality of Yellowhead County and the area contained within its boundaries as the context requires;
  - (e) "Farm Land" means land used for Farming Operations but does not include land less than one acre in area;



- (f) "Farming Implement" includes any implement, equipment, engine, motor, machine, combine, tractor or attachment used or intended for use in Farming Operations;
- (g) "Farming Operations" means:
  - (i) the planting, growing and sale of trees, shrubs, or sod;
  - (ii) the raising, or production, or protection of crops, livestock, fish, pheasants or poultry; or
  - (iii) fur production or beekeeping
- (h) "Hamlet" shall mean the Hamlets created by bylaw of Yellowhead County.
- (i) "Residential Building" shall mean a building that is constructed as a dwelling for human beings and includes a hotel;
- (j) "Noise" means any sound which in the opinion of a Peace Officer or Bylaw Enforcement Officer having regard for the circumstances, including the time of day and nature of the activity generating the sound, is likely to unreasonably annoy, disturb, injure, endanger, or detract from the comfort, repose, health, peace or safety of others;
- (k) "Multi-lot Residential Subdivision" means a subdivision containing five or more lots, including the remnant parcel;
- (l) "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;
- (m) "Person" includes an individual, partnership, corporation, trustee, executor or administrator.

### GENERAL PROHIBITION

- 3. (a) Except to the extent it is allowed by this Bylaw no Person shall make, continue, cause or allow to be made or continued any Noise within the boundaries of a Hamlet or a Multi-lot Residential Subdivision.
- (b) An owner or any occupant of property or thing from which a Noise prohibited by s. 3(a) 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 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.
- (d) No person shall conduct himself or behave in a manner that unreasonably disturbs other persons in a Hamlet or Multi-lot Residential Subdivision, nor unreasonably interferes with their enjoyment of the Hamlet or Multi-lot Residential Subdivision

#### CONSTRUCTION NOISES

- 4. Persons owning or controlling Construction Equipment, and Persons owning or controlling land on which Construction Equipment is being operated shall be exempt from the provisions of this Bylaw if:
  - (a) the Noise is generated pursuant to work done in the normal manner to that industry;
  - (b) the Noise is generated between the hours of 7:00 a.m. and 10:00 p.m., and
  - (c) all necessary federal, provincial and municipal permits, licenses and approvals have been obtained and the work is not contrary to any federal, provincial or municipal laws or regulations.

#### NON APPLICATION OF BYLAW

- 5. Notwithstanding anything elsewhere contained in the Bylaw, whether or not the Noise resulting there from may be heard in an adjoining area nothing in this Bylaw shall prevent the continual operation or carrying on of an industrial activity or the performance or carrying on thereof
  - (a) a permitted use in the Land Use District in which it is carried on or is a conditional use for which the required permission has been given; or
  - (b) a legal non-conforming use as the same is defined in any Yellowhead County Land Use Bylaw for the Land Use District in which the use is being carried on.



6. In the operation or carrying on of an industrial activity in a Land Use District in which it would be curtailed or restricted except for the provision of Section 5, the person operating or carrying on the activity shall not make more noise than is necessary in the normal method of performing or carrying on the activity.
7. This Bylaw does not apply:
  - (a) to the performance of work by any person on Farm Land for the purpose of carrying on a Farming Operation including the operation of a Farm Implement;
  - (b) to Persons using domestic equipment including, without restricting the generality of the foregoing, lawnmowers, snow blowers, garden tillers and built-in vacuum cleaners which are vented to the outside, and Persons owning or controlling property upon which such equipment is used if:
    - (i) the Noise is of a temporary or intermittent nature;
    - (ii) the equipment is properly maintained and operated in a normal manner for that type of equipment; and
    - (iii) the Noise occurs between the hours of 7:00 a.m. and 10:00 p.m.
  - (c) to Persons using air conditioning and cooling units in either domestic or commercial use if the units are properly maintained and are operated in a normal manner; or
  - (d) to Community Events.

#### PENALTIES

8. A notice or form commonly called an Offence Ticket or Traffic Tag having printed wording approved by the Chief Administrative Officer, may be issued by a Peace Officer or a Bylaw Enforcement Officer to any person alleged to have breached any provision of this bylaw, and the said notice shall require the payment to the authorized official in the amount specified in this bylaw.
9. This bylaw does not apply to performance of work by a person on Farmland for the purpose of carrying out Farm Operations, including operation of Farm Implements.
10. An Offence Ticket or Traffic Tag shall be deemed to be sufficiently served:
  - (a) if served personally on the accused; or
  - (b) if mailed to the address of the registered owner of the Vehicle concerned; or to the person concerned;
  - (c) if attached to or left securely and visibly upon the Vehicle in respect of which the offence is alleged to have been committed.



- 11. Any person who contravenes any provision of this Bylaw, either by doing something that is prohibited or failing to do something that is required, is guilty of an offence and is liable to a fine of \$100.00.
- 12. If the penalty specified on an Offence Ticket is not paid within the prescribed time period then a County Bylaw Enforcement Officer or Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, S.A. 1988, c. P-21.5.
- 13. Notwithstanding Section 12 of this Bylaw, a County Bylaw Enforcement Officer or Peace Officer is hereby authorized and empowered to immediately issue a Violation pursuant to Part II of the *Provincial Offences Procedure Act*, S.A. 1988, c. P-21.5, as amended, to any person who the County Bylaw Enforcement Officer or Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 14. This bylaw repeals Bylaw No. 21.01.

EFFECTIVE DATE

- 15. This bylaw comes into force at the beginning of the day that it is passed in accordance with Section 189 of the *Municipal Government Act*, R.S.A., 2000.

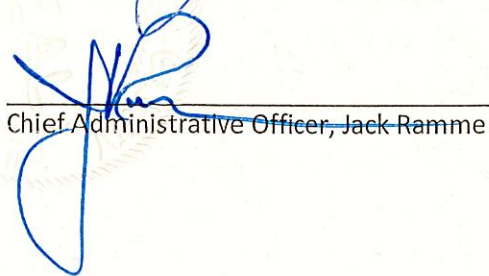
READ a first time this 24 Day of May A.D., 2016

READ a second time this 24 Day of May A.D., 2016

READ a third time this 24 Day of May A.D., 2016



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Mayor, Gerald Soroka



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Chief Administrative Officer, Jack Ramme