

## **BYLAW NO. 1906**

### **Noise Bylaw**

Bylaw No. 1906 of the Municipal District of Provost No. 52 in the Province of Alberta.

A Bylaw of the Municipal District of Provost No. 52 being a bylaw for the purpose of prohibiting, eliminating or abating noise in all or a designated part or location of the Municipal District of Provost No. 52.

UNDER AND BY VIRTUE OF THE AUTHORITY conferred upon it by the Municipal Government Act, Chapter M-26, Section 160 (1)(g) of the Revised Statutes of Alberta, 1980 and amendments thereto, the Council of the Municipal District of Provost No. 52 enacts as follows:

1. In this bylaw,
  - a. "day" means the period between 7:00 a.m. and 10:00 p.m. of the same day.
  - b. "night" means the period between 10:00 p.m. and 7:00 a.m. of the following day.
  - c. "M.D." means Municipal District of Provost No. 52.
  - d. "Administrator" means Administrator of the Municipal District of Provost No. 52 and whatever subsequent title may be conferred by Council or Statue.
  - e. "peace officer" means a member of the Royal Canadian Mounted Police, member of the enforcement division of Alberta Transportation, a Wildlife Officer appointed under The Wildlife Act or Bylaw Enforcement Officer of the Municipal District of Provost No. 52.
  - f. "public place" includes any place to which the public have access as of right or by invitation, express or implied, and without restricting the foregoing to constitute a public place, it is not necessary that all segments of the public have a right of access thereto.
  - g. "residential area" means and includes all hamlets, any area of the M.D. designated exclusively for residential purposes, or any grouping of cottages or dwellings near or on a lakeshore.
  - h. "person" includes a corporation and the heirs, executors, administrators or other legal representatives of a person.

- i. "noise" means any loud sound which either annoys or disturbs persons or which injures, endangers or detracts from the comfort, repose, health, peace or safety of persons.
2. This bylaw does not apply to a farming operation or any part thereof.
3. This bylaw does not apply to any business operating outside residential areas or public places.
4. This bylaw does not apply to ambulance, police, firefighting or other emergency services.
5. This bylaw does not apply to auctioneering businesses, service groups, sports associations, religious organizations, volunteer organizations for the purpose of holding an event during the day.
6. No person shall operate or permit any other person to operate a motor vehicle, off-highway vehicle, chainsaw, lawnmower, or machine which produces a noise at night.
7. No person shall cause or permit any other person to cause a noise within the M.D.
8. The Administrator may issue a permit to a person for the purpose of allowing such person to cause a noise within the M.D., but such permit shall state the dates and hours during which such noise may occur.
9. Any person who contravenes any provision of this bylaw is guilty of an offence and is liable on summary conviction to a fine in the sum of:
  - a. A minimum of one hundred dollars (\$100.00), for a first offence, exclusive of costs and
  - b. A minimum of five hundred dollars (\$500.00) for a second and subsequent offence, exclusive of costs.
10. A peace officer may issue a violation tag to any person who contravenes any provision of this bylaw by personally serving it upon the alleged offender. Further violation tags may be issued for the same offence of a continuing nature.
11. Where a violation tag is issued pursuant to this bylaw, the person to whom the violation tag is issued may, in lieu of being prosecuted for the offence, pay to the Administrator, the sum specified on the violation tag.
12. If the fine specified on a violation tag is not paid within the prescribed time period, then a peace officer is hereby authorized and empowered to lay a complaint and issue a summons by means of a violation ticket.

13. The violation ticket shall be in the form prescribed by Alberta Regulation 193/82, as amended, being the Violation Ticket Regulation passed pursuant to the Summary Convictions Act, Revised Statutes of Alberta, 1980, Chapter S-26, as amended.

This bylaw rescinds Bylaw No. 1419.

Read a first time this 13th day of January A.D., 1994.

Read a second time this 13th day of January A.D., 1994.

Read a third time and finally passed this 13th day of January A.D., 1994.