

BYLAW NO. 558

NOISE BY LAW

Being a Bylaw for the purpose of prohibiting, eliminating or abating noise in all or a designated areas of the Village of Czar.

WHEREAS: Pursuant to the provisions of the Municipal Government Act, Statutes of Alberta, RSA 1994, Chapter M26.1 as amended, in force thereof; Part 2, Division 1, Section 7 (a), (b)

AND WHEREAS: Council deems it necessary to pass a Bylaw to prohibit, eliminate, or abate noise in all or designated areas of the Village of Czar.

NOW, THEREFORE THE MUNICIPAL COUNCIL OF THE VILLAGE OF CZAR, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. **TITLE**

This Bylaw may be cited as the "Noise Bylaw"

2. **DEFINITIONS**

2.1 In this bylaw, unless the context otherwise requires:

- a) **"Day"** means the period of time between 7:00 AM and 10:00 PM of the same day.
- b) **"Night"** means the period of time between 10:00 PM of one day and 7:00 AM of the following day.
- c) **"Village"** means the Village of Czar
- d) **"CAO"** means the Chief Administrative Officer employed by the Village of Czar
- e) **"Peace Officer"** means a member of the Royal Canadian Mounted Police or a bylaw enforcement officer contracted to the Village of Czar.
- f) **"Public Place"** includes any place to which the public have access by right or invitation, express or implied, and without restricting the foregoing to 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 areas of the Village of Czar designated exclusively for residential purposes or any grouping of residential dwellings within the Village of Czar.
- h) **"Person"** includes a corporation and the heirs, executors, administrators or other legal representatives of a person
- i) **"Noise"** means a loud sound which either annoys or disturbs persons or which injures, endangers or detracts from the comfort, repose, health, peace or safety of persons.

3. This bylaw does not apply to a farming operation or any part thereof.

4. This bylaw does not apply to any business operating outside of residential areas of public places.

5. This bylaw does not apply to ambulance, police, fire fighting, rescue or other emergency services.

6. This bylaw does not apply to service groups, sports associations, religious organizations, or volunteer organizations for the purpose of holding an event during the day.
7. This bylaw does not apply to work being carried out by the Village of Czar or by any contractor carrying out the instructions of the Village of Czar.
8. This bylaw does not apply to the performance of work on land designated an Industrial District pursuant to the Village of Czar Land Use Bylaw 1998.
9. No person shall operate or permit any other person to operate, within the designated area, an off highway vehicle which produces a noise.
10. No person shall operate or permit any other person to operate, within the designated area, any motor vehicle which produces noise.
11. No person shall operate or permit any other person to operate, within the designated area, during the night, a lawn mower or a chain saw.
12. No person shall cause or permit any other person to cause a noise within the designated area during the designated night hours.
13. The CAO may issue a permit to a person for the purpose of allowing that person to cause a noise within the designated area, but such permit shall state dates and times during which such noise may occur.
14. Any person who contravenes any provision of this bylaw is guilty of an offense and is liable on summary conviction to a fine in the sum of:
 - a. A minimum of TWO HUNDRED AND FIFTY DOLLARS (\$250.00) exclusive of costs, for a first offence and
 - b. A minimum of FIVE HUNDRED DOLLARS (\$500.00) exclusive of costs, for a second or subsequent offence.
15. A peace officer may issue a violation tag by personally serving it upon any person who contravenes any provision of this bylaw.
16. Where a contravention of this bylaw is of a continuing nature, further violation tags for the same offence may be issued by a peace officer.
17. Where a violation tag is issued pursuant of this bylaw, the person to whom the violation tag is issued may, in lieu of being prosecuted for the offence, pay to the CAO the amount specified on the violation tag.
18. If the fine is not paid within the specified period of time, then a peace officer is hereby authorized and empowered to lay a complaint and issue a summons by means of a violation ticket.
19. 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 S26 as amended.
- 20. This Bylaw shall come into effect upon third reading and Bylaw 514 of the Village of Czar is hereby repealed upon this Bylaw coming into effect.**

Read a first time this 13th day of August A.D., 2019.

Read a second time this 13th day of August A.D., 2019.

Read a third time and finally passed this 13th day of August A.D., 2019.

MAYOR

ADMINISTRATOR