

# BYLAW NO. 2007/19

## (Noise Control)

A BYLAW OF RED DEER COUNTY, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE ABATEMENT AND CONTROL OF NOISE WITHIN RED DEER COUNTY.

UNDER AND BY VIRTUE OF THE AUTHORITY conferred on it by the Municipal Government Act of the Revised Statutes of Alberta, and amendments thereto, the Council of Red Deer County enacts as follows:

- 1.0 This Bylaw may be cited as the Noise Control Bylaw.
- 2.0 In this Bylaw,
- 2.1 *Council* and *County Council* mean the Council of Red Deer County, Province of Alberta.
- 2.2 *Court* means the Provincial Court of Alberta.
- 2.3 *Day* means the period of time between six (6) o'clock in the forenoon and nine (9) o'clock in the afternoon of the same day.
- 2.4 *Night* means the period of time between nine (9) o'clock in the afternoon and six (6) o'clock in the forenoon of the following day.
- 2.5 *Peace Officer* means a member of the Royal Canadian Mounted Police and a member of the Red Deer County Patrol Department.
- 2.6 *Person* means and includes a corporation and the heirs, executors, administrators or other legal representatives of a person.

### PART I

- 3.0 Except to the extent it is allowed by legislation or regulations of Canada, the Province of Alberta or Red Deer County Bylaw, no person shall make, continue, cause or allow to be made or continued any loud, unnecessary or unusual noise which either annoys, disturbs, injures, endangers, or detracts from the comfort, repose, health, peace or safety of other persons.
- 3.1 Determination of what constitutes the terms "loud noise," "unnecessary noise," "unusual noise," which annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of others is a question of fact to be found by a court which hears a prosecution of an offence against this Bylaw.
- 4.0 When a peace officer has reasonable and probable grounds to believe a violation of this Bylaw exists, he may enter, without a warrant, any dwelling house or other property and therein or thereon seize and confiscate as evidence, any noise-making machines, devices or items, being used or which he believes may have been used to violate the provisions of this Bylaw.

- 4.1 Any noise-making machines, devices, or items seized and confiscated under subsection 4.0 may be held by the confiscating peace officer until the expiry of all judicial process at which time the said devices and items shall be returned to the rightful owner.
- 5.0 Notwithstanding any other provision of this Bylaw, nothing in this Bylaw shall prevent or prohibit;
- (a) the carrying on of an industrial activity or the performance or carrying on thereof during the day or night or any part thereof in any area classed or zoned as an industrial area or industrial district when the activity is one which
    - (i) is a permitted use as defined in the County Land Use Bylaw for the district in which the activity is being carried on; or
    - (ii) is a discretionary use for which the required permission has been granted pursuant to the Land Use Bylaw; or
    - (iii) is a non-conforming use as is defined in the County Land Use Bylaw and approved for the district in which the activity is being carried on.
  - (b) the carrying on of a construction, industrial or farming activity in a location or area where such activity is authorized or approved by the County.
- 5.1 In the operation or carrying on of a construction, industrial or farming activity cited in subsection 5.0, the person operating or carrying on that activity shall take all precautions to make no more noise than is necessary or customary in the normal method or process of performing or carrying on of that activity.


## **PART II - PROCEDURE & PROSECUTION**


- 6.0 For the purposes of procedure and prosecution under this Bylaw, the Council adopts the provisions of Part XXVII of the Criminal Code, respecting summary conviction, the Canada and Alberta Interpretation Act, the Municipal Government Act of the Revised Statutes of Alberta and amendments thereto.
- 7.0 The conviction of a person under the provisions of this Bylaw does not operate as a bar to further prosecution for the continued neglect or failure on the part of the person to comply with the provisions of this Bylaw, or conditions, order, or permits, issued in accordance with this Bylaw.
- 8.0 A certificate or document signed by the County Manager stipulating any particular relative to this Bylaw shall be admitted in evidence as prima facie proof of the facts stated in the certificate or document, without further proof of the signature or authority of the person signing the certificate.
- 9.0 A person who contravenes any provisions of this Bylaw is guilty of an offence punishable on summary conviction.
- 10.0 The Council hereby prescribes the penalty payable in respect of a violation of this Bylaw shall be as stipulated in the General Penalty Bylaw.

- 11.0 Any fine or penalty imposed under this Bylaw shall enure to the benefit of Red Deer County.
- 12.0 Bylaw 2000/13 is hereby repealed with the final passing of this Bylaw.
- 13.0 This Bylaw shall come into full force and effect on the date of the final passing thereof.

**FIRST READING:           APRIL 24, 2007**  
**SECOND READING:       APRIL 24, 2007**  
**THIRD READING:        APRIL 24, 2007**

DONE AND PASSED IN OPEN COUNCIL WITH THE UNANIMOUS CONSENT OF ALL MEMBERS PRESENT.

  
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REEVE  
Date Signed: *April 26, 2007*

  
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COUNTY MANAGER  
Date Signed: *April 26, 2007*