

A BYLAW OF THE VILLAGE OF HAY LAKES IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF PREVENTING AND COMPELLING THE ABATEMENT OF NOISE.

The Municipal Government Act, R.S.A. 1994, Chapter M-26-1, as amended grants a municipality the ability to pass a Noise Bylaw.

WHEREAS, Section 160 of the Municipal Government Act of the Province of Alberta, provides that a Municipal Council may enact a Bylaw for the purpose of prohibiting, eliminating or abating noise and establishing permissible noise levels in all or a designated part or location of the municipality.

AND WHEREAS it is deemed expedient by the Council of the Village of Hay Lakes to pass a Bylaw to provide for the preventing and compelling the abatement of noise and nuisances within the Village of Hay Lakes

NOW THEREFORE, the Council of the Village of Hay Lakes, in the Province of Alberta duly assembled, hereby enacts as follows:

- 1) This Bylaw may be cited as "The Noise Abatement Bylaw".
- 2) In this Bylaw:
 - a) "Village" means the Village of Hay Lakes.
 - b) "Electronic device" means any device or mechanism which is operated by the application of electric current, and without restricting the generality of the foregoing, includes any radio receiver, radio transmitter; record or tape player or device which reproduces recorded sound, television set, amplifier and loud speaker system, public address system, alarm, siren.
 - c) "Land Use District" means those districts designated pursuant to the Village of Hay Lakes Land Use Bylaw.
 - d) "Lessee" means any person, including his agent or any member of his family, who rents, or occupies property owned by another person or persons.
 - e) "Noise" means any sound which is or is considered to be, sharp or piercing, or shrill or explosive; or un-necessarily loud; or persistent and / or annoying, but shall not include a sound intended to warn persons of danger or of emergency.
 - f) "Nuisance" means any act or deed, or omission, or thing, which is, or could reasonably be expected to be annoying, or troublesome, or destructive, or harmful or inconvenient or injurious to another person and / or his property.
 - g) "Occupant" means any person occupying any property, whether he is the owner or lessee of such property or whether such person resides thereon or conducts a business thereon.
 - h) "Owner" means a person having title to, or legal possession of any property, or who possesses property under a purchase agreement.
 - i) "Peace Officer" means a member of the Royal Canadian Mounted Police, a Bylaw Enforcement Officer or Special Constable as appointed pursuant to the Police Act of Alberta.
 - j) "Property" means anything owned by any person, whether in whole or in part, and also includes real property.
 - k) "Real Property" means any land and / or buildings whether occupied or not.
 - l) "Special Permit" means any notice issued and signed by a Peace Officer or Village Administrator and includes the terms and conditions stated therein.
 - m) "Violation Ticket" means a ticket referred to in the Summary Convictions Act of Alberta, Violation Ticket Regulation.
- 3) REGULATIONS
 - a) No person shall, within the Village:
 - i) Operate any electronic device in such a manner as to be a nuisance between the hours of 11 p.m. of one day and 7:00 a.m. of the next day,
 - ii) Between the hours of 11:00 p.m. of one date and 7:00 a.m. of the next day, operate any engine or motor powered machine or

- iii) Cause or allow to be caused on premises occupied or owned by him, any noise which may be a nuisance.
 - b) No occupant of any property within the Village shall make, or cause to be made, or allow another person within or upon such property to make, or cause to be made, any unreasonable noise which may be a nuisance, and upon complaint by any person of such unreasonable noise, a Peace Officer may in addition to issuing any warning, or voluntary penalty ticket, or laying any information with respect to an alleged breach of this Bylaw, order the occupant and any other person found therein to forthwith cease causing such noise and refrain from continuing said noise.
 - c) Every Peace Officer is hereby authorized to enter any lands or buildings or premises other than a dwelling house to inspect for conditions that may constitute a nuisance, or contravene or fail to comply with the provisions of this Bylaw and such Peace Officer may order the owner or occupant thereof to remedy any condition which is deemed to be in contravention of this Bylaw.
 - d) In any proceedings under this section, the following persons shall be deemed to be the occupants of any property upon which it has been alleged that an offence has been committed;
 - i) Person who,
 - (1) Resides therein, or
 - (2) Claims to reside therein, or
 - (3) Is a lessee with respect to such property, or
 - (4) Has title to such property, or
 - (5) Possesses said property under a purchase agreement
 - ii) Provided, however, that such person was present at the time of the alleged offence, or permitted other persons to use said property.
 - e) The provisions of this Bylaw do not apply to:
 - i) Employees or agents of the Village carrying out work authorized by the Village or,
 - ii) Work carried out pursuant to a special permit or,
 - iii) Persons engaged in the operation of snow removal or sweeping in land use districts designated commercial or industrial.
 - f) An affidavit purporting to be signed by the Landlord of the said property shall be admitted in evidence as prima facie proof of the facts stated therein without proof of the signature or official character of the person signing the affidavit and shall be admissible without prior notice of intent to enter the affidavit as evidence.
- 4) Notwithstanding any other provision in this Bylaw, the Village Administrator or a Peace Officer or anyone appointed to act in his stead may, at their discretion, issue a permit to any person or organization to operate an electronic device within the Village. Such permit shall specify:
- a) The name of the person or organization being granted the permit, and
 - b) The type of electronic device being permitted, and
 - c) The period of time for which the permit is valid, and
 - d) Any other conditions pertinent to the use of such device, having regard to the public order and peace.
- 5) PENALTY
- a) Every person who violates Section 3(1)(a) or 3(1)(b) is guilty of an offence and liable on summary conviction to:
 - i) For a first offence to a specified penalty of one hundred dollars (\$100.00), and in default of payment to imprisonment for a term not exceeding fourteen (14) days, or
 - ii) For a second or subsequent offence to a fine of not less than two hundred dollars (\$200.00) and in default of payment to a term not exceeding thirty (30) days.
 - b) Everyone who violates any provision of this bylaw for which no other provision for penalty has been made is guilty of an offence and is liable on summary conviction to:
 - i) For a first offence, to a fine of not more than \$500.00 or in default of payment of the fine and costs, to imprisonment for six months;
 - ii) For a second or subsequent offence, to a fine of not less than \$300.00 and not more than \$1,000 or in default of payment of the fine and costs, to imprisonment for six months.

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- c) For the purpose of this section no notice of previous conviction or intention to proceed against an accused as a second offender is required.
- 6) A Peace Officer may, in lieu of laying an information in respect to the alleged breach, issue a violation ticket.
- 7) This Bylaw is exempt from the provisions and procedures of payment of voluntary tickets as prescribed by Village of Hay Lakes Bylaw No. 05-90.
- 8) This Bylaw shall come into force and effect when it receives Third Reading and is duly signed.
- 9) REPEAL

Bylaw No. 9-99 and any amendments thereto are hereby repealed by passage of this Bylaw.

READ A FIRST TIME IN COUNCIL THIS 24th DAY OF September, AD 2007.

READ A SECOND TIME IN COUNCIL THIS 24th DAY OF September, AD 2007.

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS 22nd DAY OF October, AD 2007.

MAYOR

Date Signed

MUNICIPAL ADMINISTRATOR