

VILLAGE OF CLIVE BY-LAW #433-00

NOISE BY-LAW

BEING a By-law to prevent and compel the abatement of activities creating noise in the Village of Clive, Province of Alberta.

WHEREAS, Section 7 of the Municipal Government Act, being Chapter M-26.1 of the Revised Statutes of Alberta, 1994, and amendments thereto, provides that the Council of a Municipality may pass By-laws for the purpose of prohibiting, eliminating or abating noise and establishing permissible noise levels for all or varying periods of the day, in all or a designated location of the municipality.

NOW THEREFORE, the Council of the Village of Clive enacts as follows:

This By-law will be cited as “**NOISE BY-LAW**”.

1. **DEFINITIONS:**

Wherever in this By-law the following terms are used, they will have the meanings respectively ascribed to them in this section.

- a). **Village of Clive:** means the Village of Clive corporate limits.
- b). **Council:** means the Village of Clive Municipal Council.
- c). **Peace Officer:** means a member of the Royal Canadian Mounted Police (RCMP) or Lacombe County Enforcement Officer.
- d). **Bicycle:** means a cycle propelled by muscular or mechanical power on which a person(s) can ride, regardless as to the number of wheels it has and includes pedals that are continually operable to propel it, weighs not more than 35 kilograms, has no hand or foot operated clutch, not gear box driven by the motor and does not have sufficient power to enable it to attain a speed greater than 35 kilometers per hour on level ground with a distance of 2 kilometers from a standing start.
- e). **Motor Vehicle:** means a vehicle propelled by any power other than muscular, but does not include a bicycle, moped, aircraft, tractor, an implement of agriculture, whether equipped with rubber tires or not.
- f). **Motorcycle:** means a motor vehicle mounted on two (2) or three (3) wheels and includes those motor vehicles known to the trade as motorcycles and scooters but does not include an off-highway vehicle as defined in the *Off-Highway Vehicle Act*.
- g). **Off-Highway Vehicles:** means any motorized vehicle designated for cross-country travel on land, water, snow, ice, marsh or swamp land or on other natural terrain and, without limiting the generality of the foregoing, includes, when designed for such travel,
 - 1). 4-wheel drive or low pressure tire vehicles,
 - 2). motorcycles and related 2-wheel vehicles,
 - 3). amphibious machines,
 - 4). all terrain vehicles,
 - 5). miniature motor vehicles,
 - 6). snow vehicles,
 - 7). minibikes, and
 - 8). any other means of transportation which is propelled by any power other than muscular power or wind,

but does not include

- 9). motor boats, or
- 10). any other vehicle exempted from all of the provisions of the *Off-Highway Vehicle Act* by the regulations.

- h). **Truck:** means a vehicle designed primarily for the transportation of property or equipment but does not include a chassiscab, crawler mounted vehicle, trailer, machinery or equipment used in the construction or maintenance of highways or an off-highway vehicle as defined in the *Off-Highway Vehicles Act*.
- i). **Truck Tractor:** means a truck that is designed primarily for drawing another vehicle and that is not designed to carry any load other than part of the weight of the vehicle drawn, and includes a vehicle that is designed to accommodate a 5th wheel coupling, but does not include a crane equipment breakdown vehicle.
- j). **Vehicle:** means a device in, on or by which a person(s) or thing may be transported or drawn on a highway.

2. GENERAL PROHIBITION:

- a). No person(s) shall make, continue, cause or allow to be made or continue any loud, unnecessary, unusual or any noise whatsoever that either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the corporate limits of the Village of Clive.
- b). A loud, unnecessary or unusual noise that disturbs, injures, annoys or endangers the comfort, repose, health, peace or safety of others will be determined by a court of law which hears a prosecution of an offense against this By-law.
- c). Where an activity which is not specifically prohibited or restricted by any legislation or regulations of Canada or of the Province of Alberta or by any provision of this By-law involves creating or making a sound which;
 - 1). is or may become or
 - 2). creates/produces or may create/produce a disturbance, annoyance to other people or a danger to the comfort, repose, health, peace or safety of others.
- d). No person(s) shall operate a siren within the Village of Clive corporate limits.
- e). The provision in subsection (d) does not apply to emergency vehicles, such as police, ambulance or fire.

3. ABATEMENT OF NOISE:

- a). No person(s) shall within the corporate limits of the Village of Clive make or cause to be made any unnecessary/unusual noise likely to disturb the peace and quiet of the community, unless permission to do so has first been obtained in writing from Council for the Village of Clive.
- b). No person(s) shall make or cause any unnecessary/unusual noise likely to disturb other persons in the neighborhood.
- c). Where a peace officer has reasonable and probable grounds to believe a violation of this By-law exists, they may enter without a warrant into any dwelling and/or property and may seize any noise making articles, items, equipment that they believe may have been used in the commission of any

violation of this By-law. This also includes guns and fireworks.

- d). In the case of repeated violations of Section 3 (a) or (b) of this By-law, the peace officer is authorized to confiscate such equipment that they deem is the cause of the violation.

4. MOTOR VEHICLE NOISES:

- a). The failure of a person(s) to comply with the following provisions of *The Highway Traffic Act*:

- 1). The restrictions on the type or use of mufflers and similar equipment on motor vehicles, motorcycles or off-highway vehicles and other internal combustion engines as set out in Section 46; and
- 2). The prohibition against equipping a vehicle other than those specified with a siren as set out in Section 45 and Section 59;

shall constitute a violation of this By-law in addition to and not in substitution for the offense created by *The Highway Traffic Act*.

- b). If a person(s) operated a vehicle of any type on a street in a Residential District at any time of the day or night in such a way as to unduly disturb the residents of the street in the Residential District in which they are operating the vehicle, they shall be guilty of an offense under this By-law in addition to and not in substitution for any offense of which he may be guilty against the provisions of Section 135 of *The Highway Traffic Act*.

- c). No person(s) shall allow the motor (diesel or other type) on a vehicle, truck, truck tractor, motorcycle, off-highway vehicle or motor vehicle to remain running for longer than twenty (20) minutes while the vehicle, truck, truck tractor, motorcycle, off-highway vehicle or motor vehicle is not in motion in any Residential District or in any other location within one hundred fifty (150) meters of a Residential District.

- d). The provisions of subsection (b) or (c) do not apply to work on a Village street or on a public utility carried on by:

- 1). a Village department
- 2). Atco Gas, Telus or Transalta Utilities or a cable television company authorized to supply cable television in the Village, or
- 3). a contractor working for the Village or any of the above utility companies.

5. CONSTRUCTION PROJECTS:

Construction projects likely to disturb the peace and quiet within the Village corporate limits shall be prohibited from beginning work until 7:00 a.m. and shall conclude their activities no later than 10:00 p.m., with the exception of Sundays, when the hours shall be from 10:00 a.m. until 10:00 p.m.

6. CAMPING USAGE AND ALL OTHER ACTIVITIES:

- a). No camping is permitted on Village owned property with the exception to Centennial Park, at designated area only. The person(s) or group(s) receiving permission shall be responsible for the control and running of such event, as well as any damages and destruction caused by such event. In the case of damages and destruction, the party receiving permission will be billed for repairs and labor.

- b). Quiet time shall be observed from 12:00 Midnight to 7:00 a.m. Violators will be evicted.
- c). A damage deposit of Two hundred fifty dollars (\$250.00) will be charged and the deposit may be refunded after inspection of the grounds, concession and washrooms/showers is completed and found to be in satisfactory condition at the discretion of Village personnel.

7. PENALTIES:

Any person(s) or group(s) who contravenes any provision of this By-law, either by doing something which is prohibited from or failing to do something which is required to be done, is guilty of an offense punishable upon summary conviction and is liable.

- a). A first offense, to a fine of not less than three hundred dollars (\$300.00) or not more than One thousand five hundred dollars (\$1,500.00), plus all court costs, and in default of payment thereof imposed by the court, is liable to imprisonment of not more than six (6) months.
- b). A second offense, to a fine of not less than Six hundred dollars (\$600.00) and not more than three thousand dollars (\$3,000.00), plus all court costs, and in default of payment thereof imposed by the court, is liable to imprisonment of not more than one (1) year.

Failure to adhere or comply with any portion of this By-law may result in loss of use of Village properties and/or facilities.

READ a first time this 27th day of March, 2000.

READ a second time this 27th day of March, 2000.

READ a third time and finally passed this 27th day of March, 2000.

Mayor

Municipal Administrator