

**VILLAGE OF CHAUVIN
BY-LAW NO. 2020-01
NOISE CONTROL BYLAW**

WHEREAS, the Municipal Council deems it necessary to provide for the protection and enhancement of the well-being of the Community in relation to noise within the Village of Chauvin;

AND WHEREAS, the Municipal Council may by By-law, regulate, prohibit and impose requirements in relation to noise that is liable to disturb the quiet, peace, rest enjoyment, comfort or convenience of individuals or the public;

NOW THEREFORE the Council of the Village of Chauvin, in the Province of Alberta, hereby **ENACTS AS FOLLOWS**:

1. Title

This Bylaw may be cited as “**The Noise By-law.**”

2. Repeal

Noise Control By-law No. 98-04 is hereby repealed in its entirety.

3. Definitions

In this By-law:

3.1 BYLAW ENFORCEMENT OFFICER means a By-law Enforcement Officer appointed by the Village pursuant to the Municipal Government Act, to enforce the Village’s By-laws and includes a member of the Royal Canadian Mounted Police and when authorized, a Special Constable.

3.2 COUNCIL means the Council of the Village of Chauvin.

3.3 VILLAGE means the Village of Chauvin or the area continued within the boundaries of the Village of Chauvin

3.4 LAND USE BY-LAW means the Land Use By-law #98-01 of the Village of Chauvin, as amended from time to time or any By-law passed in substitution for or in addition to By-law 98-01.

3.5 MUNICIPAL ADMINISTRATOR means the Municipal Administrator or the Chief Appointed Official of the Village of Chauvin and anyone acting or authorized by the Municipal Administrator to act on his or her behalf.

3.6 NOISE means any sound which either annoys or disturbs Person, or which injures, endangers or detracts from the comfort, repose, health, peace or safety of a Person within the boundary of the Village.

3.7 OFF-HIGHWAY VEHICLES means an Off-Highway Vehicle as defined in the “Off-Highway Vehicle Act, R.S.A. 1980, as amended.

3.8 PERSON includes an individual, partnership, corporation, trustee, executive or administrator.

3.9 RESIDENTIAL BUILDING means a building which is constructed as a dwelling for human beings and includes a hotel or motel.

3.10 SIGNALING DEVICES means a horn, gong, bell, klaxon or other device producing an audible sound for the purpose of drawing a person’s attention to an approaching vehicle, including a bicycle.

4. Prohibited Noises and Sounds

(1) No person, or owner, tenant or occupier of real property may make or cause, or permit to be made or caused, any noise or sound including amplified music which disturbs the quiet, peace, rest enjoyment, comfort or convenience of the neighborhood or person(s) in the vicinity.

(2) No person may keep any animal or bird which by its calls, cries, barks, or other noises disturbs the quiet, peace, rest, enjoyment, comfort, or convenience of the neighborhood or of person(s) in the vicinity.

5. Objectionable noises and sounds

(1) Any calls, cries, barks or other noises made by an animal which are audible outside the premises or parcel where the animal is kept between the hours of 10:00 p.m. and 6:30 a.m. or the sound made by any animal or bird continually, sporadically or erratically at any time of the day for any period of time in excess of ten minutes; and

(2) Any amplified music or speech which is audible outside the parcel, premises or location where it originates or is reproduced, between the hours of 10:00 p.m. and 6:30 a.m.; and no person may cause or permit such noises or sounds to be made.

3) Where a person has care and control of a motor vehicle of any type on a street in a residential zone at any time operates it in such a way as to unduly disturb the residents of that street, they are guilty of an offence under this By-law in addition to and not in substitution for any offence of which they may be guilty under the Highway Traffic Act.

4) No person shall operate any powered equipment in a residential zone between the hours of:

Weekdays – 6:30 a.m. and 10:00 p.m.

Weekends – 6:30 a.m. and 10:00 p.m.

6. Exemptions

This Bylaw does not apply to:

1) police, fire ambulance or other emergency vehicles proceeding upon an emergency;

2) the excavation, construction, or infrastructure work of any kind, or repairing of bridges, streets, highways or lands by the Village of Chauvin or by the Ministry of Transportation and Highways or agents acting on their behalf;

3) the operation of maintenance, lawn mowing or power gardening equipment by the Village of Chauvin or the Ministry of Transportation and Infrastructure or agent acting on their behalf;

4) snow removal or street cleaning operations by the Village, Ministry of Transportation, or contractors hired by local business or residential properties;

5) the placement, demolition, construction, reconstruction, alteration, repair, of any building, structure or thing between the hours of 6:30 a.m. and 10:00 p.m.;

6) the operation of a public address system required under a building or fire code;

7) the use of bells or chimes for the announcing of public worship services;

8) the sounding of a horn or other signaling device upon any vehicle, boat or train where such sounding is properly and necessarily used as a danger or warning signal;

9) a lawnmower, power gardening equipment, or power tools operated between the hours of 6:30 a.m. and 10:00 p.m.;

10) the use, in a reasonable manner, of any apparatus or mechanism for the amplification of the human voice or of music in a public place in connection with any duly authorized public meeting, public celebration or other public gathering;

11) Persons and their agents, servants, and employees or independent contractors under contract therewith and their agents, servants and employees who are engaged in work of an essential or emergency nature and being done for the primary purpose of ensuring the health, safety or welfare of the residents of the Municipality;

12) Commercial or Industrial business operations undertaking their usual operations in Commercial zones.

7. Offences and Penalties

1) Any person who contravenes any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, commits an offence against this Bylaw and is subject to:

(a) a minimum of One Hundred Dollars (\$100.00) and a maximum of Five Thousand Dollars (\$5000.00).

b) under no circumstances shall any Person contravening any provision of this By-law be subject to the penalty of imprisonment.

8. Severability

If any portion of this Bylaw is held to be invalid by a Court of competent jurisdiction, such invalidity does not affect the remaining portions of the Bylaw.

This by-law becomes effective on January 1, 2020.

Read a first time this _____ day of _____, 2020.

Read a second time this _____ day of _____, 2020.

By unanimous consent of council, read a third time and passed this _____ day of _____, 2020.

Mayor

Acting CAO