

NOISE ABATEMENT BY-LAW

A BY-LAW OF THE COUNCIL OF THE TOWN OF FOX CREEK
TO PROHIBIT CERTAIN ACTIVITIES CREATING NOISE AND
TO ABATE THE INCIDENCE OF NOISE AND RESTRICT THE
HOURS WHEN CERTAIN SOUNDS MAY BE MADE.

WHEREAS Section 157 G of the Municipal Government Act provides that the council of a town may pass by-laws among other things for the purpose of prohibiting, eliminating or abating noise;

AND WHEREAS the incidence of noise in the Town of Fox Creek is such that the Council of the Town of Fox Creek deems it expedient that regulations be made restricting, mitigating and abating the activities which can rise to unnecessary noise in the Town of Fox Creek, especially during the hours normally used for sleeping;

AND WHEREAS the intent of this By-law is that all noise shall be reduced as far as possible compatible with the normal activities of urban life and that unnecessary noise be eliminated;

NOW THEREFORE, under the authority and subject to the Municipal Government Act, Section 157 G, the Council of the Town of Fox Creek being duly assembled enacts as follows:

1. This By-law may be cited as "The Noise By-law".
2. In this By-law, including this section,
 - (a) "Town" means the corporation of the Town of Fox Creek or the area contained within the boundaries of the Town as the context requires;
 - (b) "holiday" means any statutory holiday as defined in the Interpretation Act;
 - (c) "residential building" means a building which is constructed as a dwelling for human beings and includes a hotel or motel;
 - (d) "residential district" means a district defined as such in the Zoning By-law;
 - (e) "signalling device" means a horn, gong, bell, claxon, or other device producing audible sound for the purpose of drawing people's attention to an approaching vehicle, including a bicycle;
 - (f) "weekday" means any day other than a Sunday or holiday.

GENERAL PROHIBITION

3. (1) Except to the extent it is allowed by this By-law no person shall make, continue or cause or allow to be made or continued any loud, unnecessary or unusual noise or any noise whatsoever which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the limits of the Town.

(2) What is a loud noise, an unnecessary noise, an unusual noise or a noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others is a question of fact for a court which hears a prosecution of an offence against this By-law.

(3) Where an activity which is not specifically prohibited or restricted by any provision of 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

(a) is or may be or become, or

(b) creates or produces or may create or produce

a disturbance or annoyance to other people or a danger to the comfort, repose, health, peace or safety of others, a person engaging in such an activity shall do so in such a manner to create as little of such sound as practicable under the circumstances.

4. No person shall advertise any event or merchandise by ringing bells, calling loud, playing any type of musical or noise making instruments or by any other audible means which would disturb residents of the Town.

DOMESTIC NOISE

5. (1) No person shall operate a power or hand mower or chainsaw in any area designated as a residential district between the hours of

(a) ten o'clock in the evening and eight o'clock of the next morning on weekdays or

(b) ten o'clock in the evening and nine o'clock of the next morning when the next morning is a Sunday or holiday.

(2) No person shall operate a model aircraft driven by an internal combustion engine of any description during the hours when the use of the lawn mower is prohibited by subsection (1) in any residential district.

(3) No person shall operate a snow clearing device powered by an engine of any type in any area designated as a residential district between the hours of

(a) ten o'clock in the evening and six o'clock of the next morning on weekdays or

(b) ten o'clock in the evening and nine o'clock of the next morning when the next morning is a Sunday or holiday.

CONSTRUCTION NOISES

6. (1) Unless permission from the Development Officer of the Town for such operation is first obtained

no person shall carry on the construction of any type of structure which involves hammering, sawing, or the use of any mechanical tools or equipment capable of creating a sound which may be heard beyond the boundaries of the site on which the activity is being carried on in any district other than one designated in the Zoning By-law as an Agricultural District, Future Residential District or an Industrial District after the hour of ten o'clock in the evening and before the hour of seven o'clock in the morning of any day.

(2) The provisions of this section do not apply to any work of an emergency nature.

PENALTIES

7. A person who contravenes any provision of this By-law either by doing something which he is prohibited from doing or failing to do something which he is required to do is guilty of an offence and is liable on summary conviction to a minimum fine of one hundred dollars and a maximum of two thousand dollars or in default of payment of the fine and costs to imprisonment for a period not exceeding thirty days or until such fine and costs including the costs of committal shall have been sooner paid.

READ a FIRST time this 24th day of January, 1984, A.D.

READ a SECOND time this 24th day of January, 1984, A.D.

READ a THIRD time by unanimous consent this 24th day of January, 1984, A.D. and finally passed.


MAYOR


SECRETARY-MANAGER



BY-LAW NO. 438-93

**BEING A BY-LAW OF THE
TOWN OF FOX CREEK, IN THE
PROVINCE OF ALBERTA TO
AMEND NOISE ABATEMENT
BY-LAW NO. 292-84 TO
ESTABLISH REVISED
PENALTIES**

WHEREAS the Town of Fox Creek, in the Province of Alberta, under the authority of the Municipal Government Act being Chapter M - 26 of the Revised Statutes of Alberta, Section 109 (1), deems it necessary to amend by-law 292-84;

NOW THEREFORE, THE COUNCIL OF THE TOWN OF FOX CREEK, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. That Section 7 be deleted in its entirety and amended to read:

PENALTIES

7. A person who contravenes any provision of this by-law either by doing something which he is prohibited from doing or failing to do something which he is required to do is guilty of an offence and is liable on summary conviction to a fine as is hereby set out:

First Offence \$200.00
(Two Hundred Dollars)

Second Offence \$350.00
(Three Hundred and Fifty Dollars)

Third Offence \$500.00
(Five Hundred Dollars)

Subsequent Offences following the Third \$2,000.00
(Two Thousand Dollars)

In default of payment of the stipulated fine and costs, such person shall be liable to imprisonment for a period of thirty (30) days or until such fine and costs including costs of committal shall have been sooner paid.

READ A FIRST TIME this 7th day of September
A.D. 1993.

MAYOR

SECRETARY-TREASURER

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BY-LAW NO. 438-93

READ A SECOND TIME this 7th day of September
A.D., 1993.

MAYOR

SECRETARY-TREASURER

READ A THIRD TIME AND FINALLY PASSED THIS 7th DAY _____
OF September, A.D. 1993.

MAYOR

SECRETARY-TREASURER

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BYLAW 522-97

BEING A BYLAW OF THE TOWN OF FOX CREEK,
IN THE PROVINCE OF ALBERTA, TO AMEND
BYLAW 292-84, A BYLAW TO PROHIBIT CERTAIN
ACTIVITIES CREATING NOISE AND TO ABATE
THE INCIDENCE OF NOISE AND RESTRICT THE
HOURS WHEN CERTAIN SOUNDS MAY BE MADE,
AND AMENDMENTS THERETO.

WHEREAS, the Council for the Town of Fox Creek, under the authority of the Municipal Government Act, Chapter M-26.1 of the Statutes of Alberta, and amendments thereto, has deemed it necessary to establish an amendment to Bylaw No. 292-84, the noise abatement bylaw;

AND WHEREAS, the intent of this amendment is to regulate excessive noise relative to normal residential noise at all times;

NOW THEREFORE, the Council of the Town of Fox Creek, duly assembled, enacts as follows:

1. That section 5. (4) be added as follows:

5. (4) Any amplified noise, including the playing of music on a stereo, radio, cassette player, compact disc player, or other such device, that is deemed excessive relative to the normal noise that occurs in a residential neighborhood, is prohibited at all times.

2. This bylaw comes into force on the final passing thereof.

READ A FIRST TIME this 3rd day of November, A.D., 1997.

READ A SECOND TIME this 3rd day of NOVEMBER, A.D., 1997.


MAYOR


SECRETARY TREASURER

READ A THIRD TIME AND FINALLY PASSED THIS 3rd
day of NOVEMBER, A.D., 1997.


MAYOR


SECRETARY TREASURER