

BY-LAW NO. 297

A BY-LAW OF THE VILLAGE OF STIRLING
TO PROHIBIT CERTAIN ACTIVITIES
CREATING NOISE AND TO ABATE THE
INCIDENCE OF NOISE AND RESTRICT THE
HOURS WHEN CERTAIN SOUNDS MAY BE
MADE.

WHEREAS clause (g) of subsection (1) of Section 160 of The Municipal Government Act provides that a council may pass by-laws for the purpose of prohibiting, eliminating or abating noise;

AND WHEREAS the incidence of noise in the Village of Stirling is such that the Council of the Village of Stirling deems it expedient that a by-law be made restricting, mitigating and abating activities which give rise to unnecessary noise in the Village, especially during hours normally used for sleeping;

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

NOW WHEREAS THE COUNCIL OF STIRLING DULY ASSEMBLED, ENACTS AS FOLLOWS:

DEFINITIONS

1. This by-law may be cited as "The Noise By-Law".
2. In this by-law:
 - (1) VILLAGE means the Village of Stirling or the area contained within the boundaries of the Village as the context requires;
 - (2) MUNICIPAL ADMINISTRATOR shall mean the Municipal Administrator of the Village of Stirling and anyone acting or authorized by the Municipal Administrator to act on his (her) behalf.
 - (3) HOLIDAY means any statutory holiday as defined in The Interpretation Act.
 - (4) RESIDENTIAL BUILDING means a building which is constructed as a dwelling for human beings;
 - (5) RESIDENTIAL ZONE includes a zone defined as Residential and Mobile Home in Land Use By-Law No. 253 of the Village of Stirling;
 - (6) SIGNALLING DEVICE means a horn, gong, bell, claxon or other device producing an audible sound for the purpose of drawing a person's attention to an approaching vehicle, including a bicycle;
 - (7) WEEKDAY means any day other than a Sunday or a holiday;
 - (8) THE LAND USE BY-LAW means By-Law No. 253, The Land Use By-Law of the Village of Stirling as amended from time to time or any by-law passed in substitution for or in addition to By-Law No. 253.

GENERAL
PROHIBITION

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

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- (2) What constitutes 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 to be determined by the Court which hears the prosecution of an offence against this by-law.
- (3) Where an activity which is not specifically prohibited or restricted by any legislation of Canada or the Province of Alberta or by this by-law involves making a sound, which:
 - (a) is or may be or may 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 engaged in that activity shall do so in a manner creating as little sound as practicable under the circumstances.

LICENSED MOTOR
VEHICLE NOISES

- 4. (1) The failure of a person to comply within the Village with the following provisions of the Highway Traffic Act:
 - (a) The prohibition against the use of signalling devices on motor vehicles, motorcycles, or bicycles so as to make for the purpose of giving notice or warning to other persons on the highway, as set out in subsection (2) of Section 45;
 - (b) the restrictions on the type or use of mufflers and similar equipment on motor vehicles, as set out in Section 46;
 - (c) the prohibition against equipping a vehicle other than those specified with a siren, as set out in Section 59;

constitutes a violation of this by-law in addition to and not in substitution for the offence under The Highway Traffic Act.

- (2) Where a person operates a vehicle of any type on a street in a Residential Zone at any time in such a way as to unduly disturb the residents of that street, he is guilty of an offence under this by-law in addition to and not in substitution for any offence of which he may be guilty under Section 135 of The Highway Traffic Act.
- (3) Subsection (2) does not apply to work on a Village street or on a public utility carried on by:
 - (a) A Village department;
 - (b) Canadian Western Natural Gas Limited, or Alberta Government Telephones, or TransAlta Utilities; or
 - (c) A contractor working for the Village, for Canadian Western Natural Gas Limited or for Alberta Government Telephones or for TransAlta Utilities.
- (4) Where a vehicle is equipped with a siren under Section 59 of the Highway Traffic Act, the driver thereof shall only use the siren;
 - (a) when the vehicle is proceeding in response to an emergency call; or
 - (b) at any other time permitted under The Highway Traffic Act; and

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- (c) only when such use is necessary for the purpose set out in clause (a) and (b)

- (5) Subsection (4) does not apply to the use of a siren on a vehicle operated by a member of the Royal Canadian Mounted Police, an Inspector of the Inspection Service Branch of the Department of the Attorney General or a Special Constable.

COMMERCIAL AND INDUSTRIAL NOISES

- 5. Notwithstanding any other provision of this by-law, where an open area is provided for parking of patrons in connection with the operation of a retail store or a group of retail stores, the owner or person in charge of retail stores, the owner or person in charge of the parking area, after having obtained written permission from the Municipal Administrator and making no more noise than is reasonably necessary in connection therewith, may use a machine for clearing snow or debris from that open area during such hours as is necessary or expedient to keep that area clear of snow and debris.

DOMESTIC NOISES

- 6. (1) No person shall operate
 - (a) a power or hand lawn mower;
 - (b) a model aircraft driven by an internal combustion engine of any description;
 - (c) snow clearing device powered by an engine of any type;
 in a Residential Zone between the hours of
 - (a) ten o'clock in the evening and eight o'clock in the forenoon of the next day which is a weekday; or
 - (b) ten o'clock in the evening and nine o'clock in the forenoon of the next day which is a Sunday or holiday.
- (2) A person who owns, keeps, houses, harbors, or allows to stay on his premises an animal which by reason of unreasonable barking, or howling, or braying, disturbs persons in the vicinity of his home is guilty of an offence under this by-law.
- (3) No person shall operate an off-highway vehicle as defined in the Off-Highway Vehicle Act, in a Residential Zone:
 - (a) in a manner which causes the off-highway vehicle to produce loud or unnecessary or unusual noise, or a noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others in that Residential Zone; or
 - (b) between the hours of ten o'clock in the evening and eight o'clock in the forenoon of the next day which is a weekday; or
 - (c) between the hours of ten o'clock in the evening and nine o'clock in the forenoon of the next day which is a Sunday or Holiday.

CONSTRUCTION NOISES

- 7. (1) Unless written permission from the Municipal Administrator is first obtained, no person shall carry on the construction of any type of structure which involves hammering, sawing or the use of any machines, 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 zone other than one designated in The Land Use By-Law of Transitional Agriculture after the hour of ten o'clock in the evening and before the hour of seven o'clock in the forenoon of the next day.

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(2) Subsection (1) does not apply to any work carried on by the Village or by a contractor carrying out the instructions of the Village.

8. (1) Unless written permission from the Municipal Administrator is first obtained, no person shall operate or allow to be operated;

- (a) a riveting machine;
- (b) a concrete mixer;
- (c) a gravel crusher;
- (d) a steam shovel
- (e) a trenching machine;
- (f) a drag line;
- (g) an air or steam compressor, jack hammer pneumatic drill;
- (h) a tractor or bulldozer; or
- (i) any other tool, device or machine of a noisy nature;

so as to create a noise, confusion or disturbance which may be heard in a residential building between the hours of ten o'clock in the evening and seven o'clock in the forenoon of the next day.

(2) Subsection (1) does not apply to the work of an exigent nature being carried on by a Village Department, Alberta Government Telephones, TransAlta Utilities or Canadian Western Natural Gas Company Limited.

PENALTIES

9. A person who contravenes any provision of this By-Law is guilty of an offence and liable on summary conviction to a fine not exceeding \$500.00 or in default of payment of the fine and costs to imprisonment with or without hard labour for a period not exceeding thirty days or until such fine and costs, including costs of committal, are sooner paid.

READ a first time this 12 day of June, A.D. 1985

READ a second time this 24 day of July, A.D. 1985

READ a third time and finally passed this 24, day of July, A.D. 1985.

W. Milson
MAYOR

Arlene M. Sillito
MUNICIPAL ADMINISTRATOR