

**VILLAGE OF STIRLING
IN THE PROVINCE OF ALBERTA
Bylaw No. 539-23
NOISE CONTROL BYLAW**

A bylaw of the Village of Stirling in the Province of Alberta, for the purpose of prohibiting, eliminating and abating noise.

WHEREAS, the *Municipal Government Act*, RSA 2000, c. M-26, provides that the Council of a municipality may pass a bylaw for the purpose of prohibiting, eliminating and abating noise; in all or a designated part or location of a municipality, and

WHEREAS, the *Traffic Safety Act*, RSA, 2000 c. T-6 provides that the Council of a Municipality may make bylaws defining what constitutes objectionable noise, devising a system or method of determining or measuring noise, and prohibiting the operation of a motor vehicle which in any manner makes objectionable noises;

NOW THEREFORE, the Municipal Council of the Village of Stirling duly assembled, hereby enacts as follows:

1. SHORT TITLE

- a. This Bylaw may be cited as the “Noise Control Bylaw.”

2. DEFINITIONS

- a. “CAO” means the Chief Administrative Officer for the Village of Stirling, or their designate.
- b. “Community Event” means any celebration, event, activity or thing so designated by resolution of Council, or by resolution of the Community Events Committee, and to which this bylaw shall apply by reason of said designations.
- c. “Community Recreation” means recreational, social or multipurpose use in a venue without fixed seats and with an occupancy of less than 500 persons, primarily intended for local community purposes. Typical uses include community halls, community centers, reunion centers, and community buildings operated by local community organizations and includes the Village of Stirling pool.
- d. “Construction Equipment” means equipment and tools used for the purposes of construction, maintenance, and agricultural operations; and includes hand tools and vehicles operated for such purposes.
- e. “Construction Noise” means noise caused by construction equipment.
- f. “Council” means the Municipal Council of the Village of Stirling.
- g. “Excessive Noise” means any sound which in the opinion of the Peace Officer, having regard for all circumstances, including the time of day and the nature of the activity generating the sound, is likely to unreasonably annoy or disturb

persons or to injure, endanger or detract from the comfort, repose, health, peace, or safety of persons within the boundary of the Village of Stirling.

- h. "Holiday" means any day declared as such by municipal, provincial, or federal government and includes Sunday.
- i. "Lease" means a license to use the property for a period of time as prescribed in the lease agreement.
- j. "Motor Vehicle" means motor vehicle as defined in the *Traffic Safety Act*, RSA, 2000, c. T-6.
- k. "Off Highway Vehicle" means an Off Highway Vehicle as defined in the *Traffic Safety Act* as amended.
- l. "Owner" means
 - i. with respect to property used for community recreation, the person with the short term rental agreement, sublicense agreement, lease or license to use the property, and the person occupying or otherwise controlling the said property, but does not include the person who is the registered owner of the property.
 - ii. With respect to all other property, the person with the short term rental agreement, sublicense agreement, lease or license to use the property, the person occupying or otherwise controlling the said property and the person who is the registered owner of the property.
- m. "Peace Officer" means a member of the Police Service of Jurisdiction, a Peace Officer appointed under the Peace Officer Act, or a municipally appointed Bylaw Officer.
- n. "Permit" means a written permit issued by the CAO pursuant to Section 4.a of the Bylaw.
- o. "Person" includes any individual, corporation, firm, partnership, association, society, or registered company.
- p. "Village" means the corporate boundary of the Village of Stirling.
- q. "Violation Ticket" means a ticket issued pursuant to Part II of the *Provincial Offences Procedures Act*, RSA, 2000, c. P-34.

3. Violations

- a. Except to the extent permitted by the bylaw, no person shall:
 - i. cause excessive noise within the Village.
 - ii. operate or permit any other person to operate within the Village a motor vehicle that causes excessive noise; or

- iii. operate or permit any other person to operate within the Village an off-highway vehicle that causes excessive noise.
- b. No owner shall allow property they own to be used in such a way that there is excessive noise originating from the property.
- c. A Peace Officer may direct any person who has caused or made excessive noise, or any person who owns property from which excessive noise has originated, to abate or eliminate the excessive noise. Such direction may be either verbal or written. If the direction is written, the direction shall be in the form set out in Schedule A attached hereto and forming part of this bylaw.
- d. Where an activity which is not specifically prohibited by any federal, provincial or municipal laws or regulations, including this bylaw and which involves creating or making a sound which:
 - i. is or may become; or
 - ii. creates or produces or may create or producenoise, a person engaging in such activity shall do so in such manner as to create as little sound as practicable under the circumstances.
- e. Engine retarder brakes are prohibited within the Village limits.

4. PERMITS AND NON-APPLICATION OF THE BYLAW

- a. The CAO may, upon written request; issue a permit to a person for the purpose of suspending the provisions of this bylaw, and the permit shall specify the dates and hours during which noise may occur.
- b. Any such permit issued shall be produced to a Peace Officer upon demand.
- c. Persons owning or controlling construction equipment, and persons owning or controlling land on which construction equipment is being operated shall be exempt from the provisions of this bylaw if:
 - i. the noise is generated pursuant to work done in the normal manner to the industry;
 - ii. the noise is generated between the hours as authorized by and set out in Schedule B attached to and forming part of this bylaw; and
 - iii. all necessary federal, provincial and municipal permits, licenses and approvals have been obtained and the work is not contrary to any federal, provincial or municipal laws or regulations.
- d. This bylaw does not apply:
 - i. to work carried on by the Village or its agents, contractors, servants or employees, acting within the scope of the agency, contract or employment, and the case may be;

- ii. to the performance of work by any person on land zoned Commercial pursuant to the Village Land Use Bylaw, whereby a permit has been issued for the work being performed, if the noise is generated pursuant to the work done in the normal manner to that end;
- iii. to the performance of work by any person who has obtained a valid home occupation development permit to operate a homebased business pursuant to the Village Land Use Bylaw, whereby a permit has been issued for the work being performed, if the noise is generated pursuant to the work done in the normal manner to that end;
- iv. to persons operating domestic equipment including, without restricting the generality of the foregoing, lawn mowers, snow blowers, garden tillers, hedge trimmers, weed trimmers and air blowers, and persons owning or controlling property upon which such equipment is used if the noise is of a temporary or intermittent nature, the equipment is properly maintained and operated in a normal manner for the type of equipment; and the noise occurs between the hours of 7:00 a.m. and 10:00 p.m.; or
- v. to Community Events.

5. AUTHORIZATION TO INSPECT

- a. A Peace Officer may enter any land, building or premise to inspect for conditions that may constitute a contravention of this bylaw.

6. EMERGENCIES

- a. Nothing shall render any person liable to a fine, penalty or punishment for performing work of an emergency nature for the preservation or protection of life, health or property.

7. PENALTIES

- a. Any person who contravenes the provisions of this bylaw is guilty of an offence and liable upon summary conviction;
 - i. to a minimum penalty for a first offence as set out in Schedule C attached hereto and forming part of this bylaw;
 - ii. to a minimum penalty for a second offence as set out in Schedule attached hereto forming part of this bylaw.

8. VIOLATION TICKET

- a. A Peace Officer shall issue a penalty as outlined in Schedule C on a violation ticket pursuant to Part II of the *Provincial Offences Procedures Act*, RSA. 2000 c. P-34, as amended to any person who the Peace Officer has reasonable grounds to believe has contravened any provisions of this bylaw.

9. SEVERABILITY

- a. If at any time, any provision of this bylaw is declared or held to be illegal, invalid, or ultra vires, in whole or in part, then the provision shall not apply and the remainder of this bylaw shall continue in full force and effect and be construed as if it had been enacted without the illegal, invalid or ultra vires provision.

10. EFFECTIVE DATE

- a. This bylaw shall come into force and effect upon being given third and final reading.

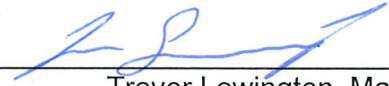
11. REPEALS

- a. Bylaw 297-85 is hereby repealed.

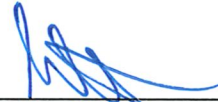
Read a first time this 2 day of August 2023.

Read a second time this 6 day of September 2023.

Read a third time and passed this 6 day of September 2023.



Trevor Lewington, Mayor



Scott Donselaar, CAO

SCHEDULE A – NOTICE OF ABATEMENT

To:

You are hereby notified that on or about the ___ day of _____, 20__ at approximately _____ a.m. / p.m., a Peace Officer within the Village of Stirling observed a breach of the Village of Stirling Noise Control Bylaw No. 539-23 at:

The particulars of the contravention are:

Pursuant to the Noise Control Bylaw No. 539-23, you are hereby directed to abate/eliminate this noise by _____, 20__.

Peace Officer

Any inquiries may be directed to:
Ridge Regional Public Safety Services
(587)813-0791

SCHEDULE B – HOURS DURING WHICH CONSTRUCTION EQUIPMENT NOISE IS PERMITTED

Monday – Saturday
7:00 a.m. – 10:00 p.m.

Sundays, Statutory Holidays
9:00 a.m. – 10:00 p.m.

SCHEDULE C – PENALTIES

First Offence, fine of \$250.00

Second and subsequent offence within
12 months of the first offence, fine of \$500.00