

BY-LAW NO. 936

A BY-LAW OF THE TOWN OF MAGRATH IN THE PROVINCE OF ALBERTA TO CONTROL NOISE IN THE TOWN.

WHEREAS

Under the provisions of Section 160 (1) (g) of The Municipal Government Act, being Chapter M26 of the Revised Statutes of Alberta, 1980, the council 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 part or location of the municipality;

AND WHEREAS under the provisions of Section 14(1)7 of The Highway Traffic Act, being Chapter 56 of the Revised Statutes of Alberta, 1975, the Council of a municipality may make by-laws defining what constitutes objectionable noise, devising a system or method of determining or measuring such noise, and prohibiting the operation of motor vehicles which in any manner make objectionable noise;

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

NOW THEREFORE

The Municipal Council of the Town of Magrath, in the Province of Alberta, in Council assembled, enacts as follows:

1. SHORT TITLE AND DEFINITIONS

- 1.1 This by-law may be cited as "The Noise Control By-law";
- 1.2 In this by-law, unless the context otherwise requires;
 - 1.2.1 "Development Control By-law" means By-law No. of the Town of Magrath, as amended from time to time, and includes any by-law passed in substitution for or in addition thereto;
 - 1.2.2 "holiday" means a Sunday, a public holiday as defined in the Interpretation Act (Alberta) and a day or portion of a day proclaimed by the Mayor or by the Council of the Town of Magrath as a civic holiday;
 - 1.2.3. "residential district" means any area or district classified as residential by the Development Control By-law of and for the town;
 - 1.2.4. "signalling device" means a horn, gong, bell, claxon or other device producing an audible sound for the purpose of drawing people's attention to an approaching vehicle, including a bicycle;
 - 1.2.5. "Town" means The Corporation of the Town of Magrath or the area contained from time to time within the boundaries of the said Town, in the Province of Alberta, as the context requires;
 - 1.2.6 "vehicle" or "Motor vehicle" refers to such vehicles as defined in Section 1 of the Highway Traffic Act, Chapter 56 of the Revised Statutes of Alberta, 1975, as amended.

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2. General Abatement Provision

- 2.1 No person shall make, continue or cause or allow to be made or continued any loud, unnecessary 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 of Magrath;
- 2.2 No person shall allow property belonging to him or under his control to be used so that there originates from the property any loud, unnecessary or unusual noise which disturbs the comfort or the repose of other persons in the vicinity of such property or generally within the limits of the Town;
- 2.3 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. Vehicle Noise Abatement

- 3.1 within a residential area at any time of the day or night, so as to unduly disturb residents of any such street or any part thereof;
- 3.2 No person shall leave the motor of a truck running in a residential area for a period of time longer than twenty (20) minutes.

4. Unloading of Trucks

- 4.1 No person shall unload a truck in a residential area between the hours of ten o'clock in the evening and seven o'clock of the next morning on weekdays and between the hours of ten o'clock in the evening and eight o'clock of the next morning on Sundays, so as to unduly disturb the residents.

5. Advertising

- 5.1 Except in a business area, no person shall advertise events or merchandise by ringing bells or by use of mechanical instruments.

6. Ice Cream Sales

- 6.1 No person shall ring bells advertising the sale of ice cream in a residential area between the hours of ten o'clock in the evening and seven o'clock of the next morning on weekdays and between the hours of ten o'clock in the evening and eight o'clock of the next morning on Sundays.

7. Operation of Appliances

- 7.1 No person shall operate a hand or power operated lawn mower, snow removal device or motorized model aircraft in a residential area between the hours of ten o'clock in the evening and seven o'clock of the next morning on weekdays, and between the hours of ten o'clock in the evening and eight o'clock of the next morning on Sundays.

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8. Barking Dogs

8.1 Any Person who owns, keeps or harbours a dog that by reason of barking or howling disturbs persons in the vicinity, is guilty of an offence under this By-law.

9. Construction Noises

9.1 No person shall carry on construction of any kind that can be heard beyond the boundary of the construction site between the hours of ten o'clock in the evening and seven o'clock of the next morning;

9.2 Notwithstanding Section 9.1, the By-law Enforcement Officer of the Town of Magrath may allow construction to be carried on subject to such restrictions and conditions as he may impose;

9.3 No person shall operate between the hours of ten o'clock in the evening and seven o'clock of the next morning any of the following equipment, machinery or mechanical devices:

1. rivoting machine
2. concrete mixer
3. gravel crusher
4. steam shovel
5. trenching machine
6. dragline
7. air or steam compressor
8. jackhammer
9. tractor or bulldozer
10. chain saw
11. any other tool or device of a noisy nature that may disturb residents

10. Sound-Amplifying Equipment

10.1 No person shall operate any sound-amplifying equipment from any residence, business premises or in any park or other public place so as to unduly disturb residents of the Town.

11. Prosecutions

11.1 Any person who contravenes any provision of this By-law is guilty of an offence.

11.2 A person who is guilty of an offence under this By-law is liable on Summary Conviction to a fine of not more than \$500.

This by-law to take effect on the day of the final passing thereof.

Read a first time this 28th day of September, 1982;

Read a second time this 28th day of September, 1982;

Read a third time and passed this 28th day of September, 1982.


Mayor


Administrator