



## VULCAN COUNTY

Vulcan - Alberta

### **BYLAW 2019-023**

Being a bylaw of Vulcan County in the Province of Alberta to prohibit the incidence of noise that may disrupt the quiet enjoyment of others and restrict the hours when certain sounds may be made within the boundaries of Vulcan County.

**WHEREAS** pursuant to Section 7 of the *Municipal Government Act*, the council of a municipality may pass bylaws for municipal purposes respecting the safety, health, and welfare of people and the protection of people and property; and the enforcement of bylaws made under the *Municipal Government Act* or any other enactment;

**AND WHEREAS** pursuant to Section 8 of the *Municipal Government Act*, the council of a municipality may, in a bylaw, regulate or prohibit; and provide for a system of licenses, permits and approvals;

**AND WHEREAS** the Council of Vulcan County deems it appropriate to adopt measures to control and abate activities which give rise to unnecessary and unreasonable noise;

**AND WHEREAS** it is the intent of this bylaw to control and abate noise that disturbs the comfort and peacefulness of citizens;

**NOW THEREFORE the Council of Vulcan County, in the Province of Alberta, duly assembled enacts as follows:**

1. This bylaw may be called the "Noise Bylaw".

#### **2. Definitions**

In this bylaw, unless the context otherwise requires:

- 2.1. "Chief Administrative Officer" (CAO) means the Chief Administrative Officer of Vulcan County and anyone acting or authorized by the CAO to act on their behalf.
- 2.2. "Council" means the Council of Vulcan County in the Province of Alberta.

- 2.3. "County" means Vulcan County or the area within the boundaries of Vulcan County as the context requires.
- 2.4. "Night Time" means the period beginning at 11:00 p.m. and ending the following day at 7:00 a.m.
- 2.5. "Noise" means any loud, unnecessary, or unusual sound which, at the sole discretion of an Officer, having regard for all circumstances, is likely to unreasonably annoy, disturb, injure, or detract from the comfort, repose, health, peace, or safety of any Person within the limits of the County.
- 2.6. "Occupant" means any Person, including the Owner of the Premises, who is in possession or control of the premises, including but not limited to a lessee, licensee, tenant, contractor, or agent of the Owner.
- 2.7. "Officer" means a Vulcan County Community Peace Officer who is authorized to enforce Bylaws;
- 2.8. "Person" includes an individual, partnership, corporation, trustee, executor, administrator, and other legal entities having charge or control of a Premises.
- 2.9. "Premises" includes the lands, buildings, and other structures located on any property situated in whole or in part within the County.
- 2.10. "Residential District" means any land that is designated by the Vulcan County Land Use Bylaw as one of the following:
  - a) Grouped County Residential;
  - b) Hamlet Residential;
  - c) Hamlet Commercial;
  - d) Rural Recreational; or
  - e) Within a distance that will reasonably affect a land use designation specified above
- 2.11. "Violation Ticket" means a ticket issued pursuant to the *Provincial Offence Procedures Act* and any amendments or regulations thereto.

### **3. General Prohibitions**

- 3.1. No Person or Occupant of a Premises shall make, continue to make, or cause to allow or continue any loud, unnecessary, or unusual Noise in Residential Districts within Vulcan County.
- 3.2. In determining what constitutes a Noise, consideration shall be given but not limited to: the time of day or night, proximity to sleeping locations, the duration and volume, and the nature of the Noise.

### **4. Night Time**

- 4.1. No person shall, during Night Time in a Residential District, make, continue to make, or cause to allow or continue any noise including but not restricted to:

- a) Shouting or fighting;
- b) Electronic or acoustical devices;
- c) Sound amplification devices of any kind;
- d) A lawn mower;
- e) Motorized garden tools;
- f) A power tool outside a building or structure;
- g) Any other motorized device which may cause a Noise.

## **5. Exclusions and Exemptions**

- 5.1. Nothing in this bylaw shall be interpreted to prevent:
  - a) The sounding of any alarm or warning to announce a fire or other emergency;
  - b) Bona fide and permitted commercial activities;
  - c) Bona fide and permitted industrial activities; or
  - d) Bona fide and permitted agricultural activities.
- 5.2. This bylaw does not apply to:
  - a) Emergency Vehicles;
  - b) Construction not occurring during Night Time;
  - c) Any activity within the sole jurisdiction of the Government of Canada or the Province of Alberta;
  - d) Activities or events that are exempted under the Vulcan County Land Use Bylaw;
  - e) Work or activities deemed to be an emergency; or
  - f) Work carried on by the County or its agents, contractors, servants or employees, acting within the scope of their agency, contract, or employment, as the case may be.
- 5.3. Where an activity is exempted as per sections 5.1 and 5.2 of this bylaw, the Person(s) performing or carrying on that activity shall make no more noise than is necessary for the normal method of performing or carrying on that activity.
- 5.4. A Person may, by written request and payment of the fee detailed in Vulcan County's Fees for Services Bylaw, request a permit for the suspension of the provisions of this bylaw by the CAO.
- 5.5. Upon receipt of the request and receipt of the fee, the CAO shall:
  - (a) Notify and request input from any adjacent landowner and any other Person as the CAO deems necessary.
  - (b) Make a decision to either approve or deny the request based on feedback received and any other circumstance deemed relevant.
- 5.6. If the CAO approves the request, they shall issue permission in writing to the Person, specifying the dates and hours during which the Noise may occur, as well as any other conditions deemed appropriate by the CAO.
- 5.7. The CAO's decision as per sections 5.4, 5.5 and 5.6 of this bylaw are not appealable.

## **6. Enforcement**

- 6.1. An Officer is hereby authorized and empowered to issue a Violation Ticket to any Person, whom the Officer has reasonable and probable grounds to believe has contravened this bylaw.
- 6.2. Each Violation Ticket issued by an Officer shall include penalties levied in accordance with Schedule "A" attached to and forming part of this bylaw.
- 6.3. A Violation Ticket shall be served upon an offending Person, personally or by mailing it to such Person by registered mail.
- 6.4. The Violation Ticket shall be in a form normally used by Officers in the issuance of notices of an offence, and shall conform with the *Provincial Offences Procedure Act*, as amended, repealed and replaced from time to time.
- 6.5. Where a contravention of this bylaw is of a continuing nature, further Violation Tickets may be issued by an Officer.
- 6.6. Where a Violation Ticket is issued pursuant to this bylaw, the Person to whom the Violation Ticket is issued may, in lieu of being prosecuted for the offence, plead guilty to the offence by mailing or delivering the relevant sections of the Violation Ticket together with a voluntary payment of the amount indicated on the Violation Ticket to the Provincial Court of Alberta as directed on the Violation Ticket.

## **7. Severability**

- 7.1. Every provision of this bylaw is independent of all other provisions. If any provision of this bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this bylaw shall remain valid and enforceable.

## **8. Effective Date**

- 8.1. This Bylaw shall come into effect on the date of final reading and passing thereof.

Received first reading this 7<sup>th</sup> day of August, 2019

Received second reading this 18<sup>th</sup> day of September, 2019

Received third reading and finally passed this 2<sup>nd</sup> day of October, 2019

[original signed]

---

Jason Schneider, Reeve

[original signed]

---

Nels Petersen, CAO

**Schedule "A"**  
**Specified Penalties**

<b><u>Description</u></b>	<b><u>Penalty</u></b>
First offence	\$200.00
Second offence if the offence occurs within 30 days of the previous offence	\$450.00
Third and subsequent offences if the offence occurs within 30 days of the previous offences	\$750.00