

VILLAGE OF CHAUVIN  
BY-LAW #98-07

A By-law of the Village of Chauvin, in the Province of Alberta for the purpose of prohibiting, eliminating or abating noise.

WHEREAS the Municipal Government Act provides that Council may pass a by-law respecting nuisances and the safety, health and welfare of people;

AND WHEREAS the Highway Traffic Act R.S.A. 1980, as amended, provides that the Council of a Municipality may make By-laws defining what constitutes objectionable noise, devising a system or method of determining or measuring that Noise, and prohibiting the operation of Motor Vehicles which in any manner make objectionable Noise;

AND WHEREAS the incidence of noise in the Village of Chauvin is such that the Council of the Village of Chauvin 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 all noise shall be reduced as far as possible to be compatible with the normal activities of urban life and that unnecessary noise be eliminated.

NOW, THEREFORE, the Council of the Village of Chauvin in the Province of Alberta duly assembled, enacts as follows:

1. This By-law may be cited as "The Noise By-law."

**DEFINITIONS**

2. In this By-law:

- 2.1) "By-law Enforcement Officer" means a By-law Enforcement Officer appointed by the Village pursuant to the Municipal Government Act, to enforce the Village's By-laws, and includes a member of the Royal Canadian Mounted Police and, when authorized, a Special Constable.
- 2.2) "Land Use By-law" means the Land Use By-law #98-01 of the Village of Chauvin, as amended from time to time or any By-law passed in substitution for or in addition to By-law 98-01;
- 2.3) "Motor Vehicle" means Motor Vehicle as defined in the Highway Traffic Act, as amended.
- 2.4) "Municipal Administrator" means the Municipal Administrator or the Chief Appointed Official of the Village of Chauvin and anyone acting or authorized by the Municipal Administrator to act on his or her behalf.
- 2.5) "Noise" means any sound which either annoys or disturbs Person, or which injures, endangers or detracts from the comfort, repose, health, peace or safety of a Person within the boundary of the Village.
- 2.6) "Off-Highway Vehicle" means an Off-Highway Vehicle as defined in the "Off-Highway Vehicle Act, R.S.A. 1980, as amended.
- 2.7) "Person" includes an individual, partnership, corporation, trustee, executor or administrator.
- 2.8) "Residential Building" means a building which is constructed as a dwelling for human beings and includes a hotel or motel;

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- 2.9) "Signaling Device" means a horn, gong, bell, klaxon or other device producing an audible sound for the purpose of drawing a persons attention to an approaching vehicle, including a bicycle.
- 2.10) "Village" means the Village of Chauvin or the area contained within the boundaries of the Village of Chauvin.
- 2.11) "Violation Tag" means a ticket or similar document issued by the Village pursuant to the Municipal Government Act, as amended.
- 2.12) "Violation Ticket" means a ticket issued pursuant to the Provincial Offenses Procedures Act, as amended and Regulations thereunder.

**Violations:**

3. (1) Except to the extent allowed under this By-law, no person shall cause, or permit any other Person to:
- 3.1.1. cause a Noise within the Village
  - 3.1.2 operate or permit any other Person to operate within the Village a Motor Vehicle which causes a Noise.
  - 3.1.3 Operate or permit any other Person to operate within the Village, an Off-Highway Vehicle which causes a Noise.
- (2) No Person shall allow property under their ownership or control to be used in such a way that there is Noise originating from the property.
- (3) A By-law Enforcement Officer may direct any Person who has caused or made a Noise, or any Person who owns or controls property from which Noise has originated, to abate or eliminate the Noise. Such a 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 By-law.
- (4) Where an activity which is not specifically prohibited by any federal, provincial or municipal laws or regulations, including this By-law and which involve reacting or making a sound which:
- 3.4.1. is or may become:
  - 3.4.2 creates or produces or may create or produce a Noise, a Person engaging in such an activity shall do so in such a manner as to create as little sound as practicable under the circumstances.

**Motor Vehicle Noises:**

4. (1) Where a person has care and control of a motor vehicle of any type on a street in a residential zone at any time operates it in such a way as to unduly disturb the residents of that street, he is guilty of an offence under the By-law in addition to and not in substitution for any offence of which he may be guilty under the Highway Traffic Act.
- (2) Subsection (1) does not apply to work on a Village Street or on a public utility carried on by
- (a) Village of Chauvin Transportation and Parks and Recreation Dept.
  - (b) Village of Chauvin Water and Gas Utilities Department, TransAlta. Utilities, Telus or Regional Cable; or
  - (c) A contractor working for the above utilities.

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**Domestic Noises**

5. (1) No person shall operate any powered equipment in a residential zone between the hours of
- (a) ten o'clock in the evening and seven o'clock in the morning of the next day which is a week-day, or
  - (b) ten o'clock in the evening and eight o'clock in the morning of the next day which is a weekend or holiday
- (2) A person who owns, keeps, houses, harbours or allows to stay on his premises an animal which by reason of barking or howling, disturbs persons in the vicinity of his home is guilty of an offence under this By-law.

**Penalties**

- 6.1 A person who disobeys a direction pursuant to Section 3.3 above is guilty of an offence and is liable to a penalty in the amount of:
- 6.1.1 a minimum of Five Hundred Dollars (\$500.00) or not more than Five Thousand Dollars (\$5,000.00);
- 6.2 Any Person who contravenes any provision of this By-Law other than disobedience of a direction is guilty of an offence and is liable to a penalty in the amount of:
- 6.2.1 a minimum of One Hundred Dollars (\$100.00) and a maximum of Five Thousand Dollars (\$5,000.00).
- 6.3 Under no circumstances shall any Person contravening any provision of this By-law be subject to the penalty of imprisonment.

**VIOLATION TAGS**

- 7.1 A By-law Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person who the By-Law Enforcement officer has reasonable and probable grounds to believe has contravened any provision of this By-law.
- 7.2 A Violation Tag may be issued to such Person:
- 6.2.1 either personally; or
  - 6.2.2 by mailing a copy to such Person at his or her last know post office address.
- 7.3 The Violation tag shall be in a form approved by the Chief Administrative Office and shall state:
- 7.3.1 the name of the person;
  - 7.3.2 the offence;
  - 7.3.3 the appropriate penalty for the offence being the minimum penalty prescribed by this By-Law;
  - 7.3.4 that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;
  - 7.3.5 any other information as may be required by the Chief Administrator Officer.
- 7.4 Where a contravention of this By-Law is of a continuing nature, further Violation Tags may be issued by the By-Law Enforcement Officer, provided that no more than one Violation Tag shall be issued for each day that the contravention continues.
- 7.5 Where a Violation Tag is issued pursuant to this By-Law, the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Village the penalty specified in the Violation Tag.

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7.6 Nothing in this By-Law shall prevent a By-Law Enforcement officer from immediately issuing a Violation Ticket.

**VIOLATION TICKET**

8.1 If the penalty specified on a Violation Tag is not paid within the prescribed time period, then a By-Law Enforcement Officers, is hereby authorized and empowered to issue a Violation Ticket pursuant to the Provincial Offenses Procedures Act.

**SEVERABILITY PROVISION**

9.1 Should any provision of this By-Law be invalid, then such provision shall be severed and the remaining By-Law shall be maintained.

**EFFECTIVE DATE**

10.1 This By-Law shall come into effect upon final reading thereof.

READ A FIRST TIME THE 28 day of Sept., 1998  
READ A SECOND TIME THE 28 Day of Sept., 1998  
READ A THIRD TIME AND FINALLY PASSED THIS 11 day of

January, 1999.

  
Mayor

  
Administrator